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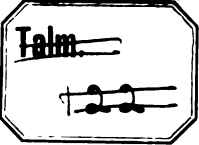
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Talmud. English.

NEW EDITION

OF THE

BABYLONIAN TALMUD

**Original Text Edited, Corrected, Formulated, and
Translated into English**

BY

MICHAEL L. RODKINSON

First Edition Revised and Corrected

BY

THE REV. DR. ISAAC M. WISE

President Hebrew Union College, Cincinnati, O.

Volume I.

TRACT SABBATH

SECOND EDITION, RE-EDITED, REVISED AND ENLARGED

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EXPLANATORY REMARKS.

In our translation we adopted these principles:

1. *Tenan* of the original—We have learned in a Mishna; *Tania*—We have learned in a Boraitha; *Itemar*—It was taught.
2. Questions are indicated by the interrogation point, and are immediately followed by the answers, without being so marked.
3. When in the original there occur two statements separated by the phrase, *Lishna achrona* or *Waibayith Aema* or *Ikha d'amri* (literally, "otherwise interpreted"), we translate only the second.
4. As the pages of the original are indicated in our new Hebrew edition, it is not deemed necessary to mark them in the English edition, this being only a translation from the latter.
5. Words or passages enclosed in round parentheses () denote the explanation rendered by Rashi to the foregoing sentence or word. Square parentheses [] contain commentaries by authorities of the last period of construction of the Gemara.

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MICHAEL L. RODKINSON.

TO
EDWIN R. A. SELIGMAN, PH.D.
PROFESSOR OF POLITICAL SCIENCE AT COLUMBIA UNIVERSITY

IN RECOGNITION OF
HIS WARM INTEREST AND VALUABLE SERVICES IN PROMOTING THE
STUDY OF LITERATURE, AND HIS GREAT INSTRUMENTALITY IN ASSISTING
YOUNG MEN AND WOMEN TO BROADEN THEIR MINDS, AND REACH A
HIGHER SOCIAL PLANE, AND FOR HIS MANY WORKS FOR THE COMMUNAL
WELFARE, ESPECIALLY THOSE IN BEHALF OF THE

EDUCATIONAL ALLIANCE

THIS VOLUME IS MOST RESPECTFULLY DEDICATED BY THE
EDITOR AND TRANSLATOR

MICHAEL L. RODKINSON.

June 15, 1901.
New York City.

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PREFACE TO THE SECOND EDITION.

THE translator of the Talmud, who has now reached the thirteenth volume of his task, covering twenty-one tracts of this great work, certainly cannot point with any great pride to the fact that this is the second edition of his translation which first appeared in 1896, for he believes that the opening and bringing to light of a book so long withheld from the gaze of the curious, and even the learned, should have attracted more attention and deserved greater consideration than it has received. However, he is glad to see that thousands of readers have at last taken advantage of the opportunity of looking into the "sealed book," and to such an extent that second editions have become necessary, both of this volume and of the Tract Rosh Hashana of the fourth volume, which he has reëdited and enlarged upon, adding many historical facts and legends, so that they now appear as practically new works.

This is certainly an encouragement to him to continue his work, with the hope that in time it will gain the proper recognition and proper attention which he thinks this great work of the sixth century should receive at the hands of all scholars and even laymen.

In revising this volume the translator had in mind the many criticisms which have been passed upon his effort and which have appeared in various papers throughout different countries, but he gave his attention to those only which were not prompted by animosity and jealousy. He begs to call the attention of all critics to the dictum of the Talmud, "Kal Hat'haloth Kashoth" (all beginnings are difficult); for, bearing this in mind, they would no doubt have been more moderate.

The translator will be very grateful to critics who will call his attention to any mistakes made in the translation of the original text. However, he will positively ignore criticisms of the kind described above.

The translator further hopes that this and the succeeding volumes will meet with the favor and approval of the public, which will be sufficient reward to repay him for his efforts.

M. L. R.

NEW YORK, June, 1901.

EDITOR'S PREFACE.

[To the first edition.]

THE Hebrew edition of Rosh Hashana contains an elaborate introduction in three chapters, the translation of which does not appear as yet. Its contents include many important rules which we have followed in the entire work, but we do not feel called upon at this time to engross the time of the English reader by reciting them. We, however, deem it a duty to say a few words, so that the reader may understand our position and the reason why we have undertaken a work which will probably be productive of much adverse criticism in certain quarters.

The fate of the Talmud has been the fate of the Jews. As soon as the Hebrew was born* he was surrounded by enemies. His whole history has been one of struggle against persecution and attack. Defamation and deformation have been his lot. So, too, has it been with the Talmud. At the beginning of its formative period, viz., the development of the Mishna, it was beset by such enemies as the Sadducees, the Boëthusians, and other sects, not to mention the Roman Government.† When its canon was fixed, the Karaites tried to destroy or belittle its influence, and since that time it has been subjected to an experience of unvarying difficulty. Yet, with remarkable truth, the words of Isaiah [xliii. 2] may be applied to both: "When thou passest through the waters, I will be with thee; and through the rivers, they shall not overflow thee; when thou walkest through the fire, thou shalt not be burned; neither shall the flame kindle upon thee." There is, however, one point concerning which this simile is not true. The Jew has advanced; the Talmud has remained stationary.

Since the time of Moses Mendelssohn the Jew has made vast strides forward. There is to-day no branch of human activity in

* *Vide* Genesis, xliii. 32.

† In our forthcoming "History of the Talmud" the reader will find all details of the persecution, until the present time, in twenty chapters.

which his influence is not felt. Interesting himself in the affairs of the world, he has been enabled to bring a degree of intelligence and industry to bear upon modern life that has challenged the admiration of the world. But with the Talmud it is not so. That vast encyclopædia of Jewish lore remains as it was. No improvement has been possible; no progress has been made with it. Issue after issue has appeared, but it has always been called the Talmud Babli, as chaotic as it was when its canon was originally appointed.* Commentary upon commentary has appeared; every issue of the Talmud contains new glosses from prominent scholars, proposing textual changes, yet the text of the Talmud has not received that heroic treatment that will alone enable us to say that the Talmud has been improved. Few books have ever received more attention than this vast storehouse of Jewish knowledge. Friends and enemies it has had, Attack after attack has been made upon it, and defence after defence made for it; yet whether its enemies or its defenders have done it more harm it would be hard to tell. Not, forsooth, that we do not willingly recognize that there have been many learned and earnest spirits who have labored faithfully in its behalf; but for the most part, if the Talmud could speak, it would say, "God save me from my friends!" For the friends have, generally, defended without due knowledge of that stupendous monument of rabbinical lore; and the enemies have usually attacked it by using single phrases or epigrams disconnected from their context, by which method anything could be proven. In both cases ignorance has been fatal. For, how many have read the whole Talmud through and are thus competent to judge of its merits? Is it right to attack or defend without sufficient information? Is it not a proof of ignorance and unfairness to find fault with that of which we are not able to give proper testimony?

Let us take the case of those persons in particular who attacked the Talmud and made it the object of their venomous vituperation. Is it possible that they could have believed it a work capable of teaching the monstrous doctrines so frequently attributed to it, when that work says, among other things, "When one asks for food, no questions shall be asked as to who he is, but he must immediately be given either food or money"? Could a work be accused of frivolity and pettiness that defines wickedness to be

* *Vide* Brief Introduction.

"the action of a rich man who, hearing that a poor man is about to buy a piece of property, secretly overbids him"? (Qiddushin, 59a.) Could there be a higher sense of true charity than that conveyed by the following incident? Mar Uqba used to support a poor man by sending him on the eve of each Day of Atonement four hundred zuz. When the rabbi's son took the money on one occasion he heard the poor man's wife say, "Which wine shall I put on the table? Which perfume shall I sprinkle around the room?" The son, on hearing these remarks, returned with the money to his father and told him of what he had heard. Said Mar Uqba: "Was that poor man raised so daintily that he requires such luxuries? Go back to him and give him double the sum?" (Ketuboth, 7a.) This is not recorded by the Talmud as an exception; but it is the Talmudical estimate of charity. The Talmud is free from the narrowness and bigotry with which it is usually charged, and if phrases used out of their context, and in a sense the very reverse from that which their author intended, are quoted against it, we may be sure that those phrases never existed in the original Talmud, but are the later additions of its enemies and such as never studied it. When it is remembered that before the canon of the Talmud was finished, in the sixth century,* it had been growing for more than six hundred years, and that afterward it existed in fragmentary manuscripts for eight centuries until the first printed edition appeared; that during the whole of that time it was beset by ignorant, unrelenting, and bitter foes; that marginal notes were easily added and in after years easily embodied in the text by unintelligent copyists and printers, such a theory as here advanced seems not at all improbable.

The attacks on the Talmud have not been made by the enemies of the Jews alone. Large numbers of Jews themselves repudiate it, denying that they are Talmud Jews, or that they have any sympathy with it. Yet there are only the few Karaites in Russia and Austria, and the still fewer Samaritans in Palestine, who are really not Talmud Jews. Radical and Reform, Conservative and Orthodox, not only find their exact counterparts in the Talmud, but also follow in many important particulars the practices instituted through the Talmud, *e.g.*, New Year's Day, Pentecost (so far as its date and significance are concerned), the QADDISH, etc. The modern Jew is the product of the Talmud,

* According to others, in the eighth century. See our "History of the Talmud."

which we shall find is a work of the greatest sympathies, the most liberal impulses, and the widest humanitarianism. Even the Jewish defenders have played into the enemy's hands by their weak defences, of which such expressions as "Remember the age in which it was written," or "Christians are not meant by 'gentiles,' but only the Romans, or the people of Asia Minor," etc., may be taken as a type.

Amid its bitter enemies and weak friends the Talmud has suffered a martyrdom. Its eventful history is too well known to require detailing here. We feel that every attack on it is an attack upon the Jew. We feel that defence by the mere citation of phrases is useless and at the best weak. To answer the attacks made upon it through ludicrous and garbled quotations were idle. There is only one defence that can be made in behalf of the Talmud. Let it plead its own cause in a modern language!

What is this Talmud of which we have said so much? What is that work on which so many essays and sketches, articles and books, have been written? The best reply will be an answer in negative form. The Talmud is not a commentary on the Bible; nor should the vein of satire or humor that runs through it be taken for sober earnestness.* Nor is the Talmud a legal code, for it clearly states that one must not derive a law for practical application from any halakhic statement, nor even from a precedent, unless in either case it be expressly said that the law or statement is intended as a practical rule [Baba Bathra, 130b]. Further: R. Issi asked of R. Jo'hanan: "What shall we do if you pronounce a law to be a Halakha?" to which R. Jo'hanan replied: "Do no act in accordance with it until you have heard from me, 'Go and practice.'" Neither is the Talmud a compilation of fixed regulations, although the Shul'han Arukh would make it appear so. Yet, even when the Shul'han Arukh will be forgotten, the Talmud will receive the respect and honor of all who love liberty, both mental and religious. It lives and will live, because of its adaptability to the necessities of every age, and if any proof were needed to show that it is not dead, the attacks that are with remarkable frequency made on it in Germany might be given as the strongest evidence. In its day the Talmud received, not the decisions, but the debates of the leaders of the people. It was an independent critic, as it were, adapting itself to the spirit of the times; adding where necessary to the teachings of former

* See our article, "What is the Talmud?" in the prospectus.

days, and abrogating also what had become valueless in its day. In other words, the Talmud was the embodiment of the spirit of the people, recording its words and thoughts, its hopes and aims, and its opinions on every branch of thought and action. Religion and Ethics, Education, Law, History, Geography, Medicine, Mathematics, etc., were all discussed. It dealt with living issues in the liveliest manner, and, therefore, it is living, and in reading it we live over again the lives of its characters.

Nothing could be more unfair, nothing more unfortunate than to adopt the prevailing false notions about this ancient encyclopædia. Do not imagine it is the bigoted, immoral, narrow work that its enemies have portrayed it to be. On the very contrary; in its statements it is as free as the wind. It permits no shackles, no fetters to be placed upon it. It knows no authority but conscience and reason. It is the bitterest enemy of all superstition and all fanaticism.

But why speak for it? Let it open its mouth and speak in its own defence! How can it be done? The Talmud must be translated into the modern tongues and urge its own plea. All that we have said for it would become apparent, if it were only read. Translation! that is the sole secret of defence! In translating it, however, we find our path bristling with difficulties. To reproduce it as it is in the original is in our judgment an impossible task. Men like Pinner and Rawicz have tried to do so with single tracts, and have only succeeded in, at the best, giving translations to the world which are not only not correct but also not readable. If it were translated from the original text one would not see the forest through the trees. For, as we have said above, throughout the ages there have been added to the text marginal notes, explanatory words, and whole phrases and sentences inserted in malice or ignorance, by its enemies and its friends.* As it stands in the original it is, therefore, a tangled mass defying reproduction in a modern tongue. It has consequently occurred to us that, in order to enable the Talmud to open its mouth, the text must be carefully edited. A modern book, constructed on a supposed scientific plan, we cannot make of it, for that would not be the Talmud; but a readable, intelligible work, it can be made. We have, therefore, carefully punctuated the Hebrew text with modern punctuation marks, and have reedited it by omitting all such irrelevant matter as inter-

* In others of our works we have named some of these interpolators.

rupted the clear and orderly arrangement of the various arguments. We have also omitted repetitions; for frequently the same thing is found repeated in many tracts; while in this translation each statement is to be found only once, and in the proper place for it. In this way there disappear those unnecessary debates within debates, which only serve to confuse and never to enlighten on the question debated. Thus consecutiveness has been gained, but never at the expense of the Talmud, for in no case have we omitted one single statement that was necessary or of any importance. In other words, we have merely removed from the text those accretions that were added from outside sources, which have proven so fruitful a source of misunderstanding and misrepresentation.

We continue our labors in the full and certain hope that "he who comes to purify receives divine help," and that in our task of removing the additions made by the enemies of the Talmud we shall be purifying it from the most fruitful source of the attacks made on it, and thereunto we hope for the help of Heaven. As we have already said, we feel that this work will not be received everywhere with equal favor. We could not expect that it would. Jewish works of importance have most usually been given amid "lightning and thunder," and this is not likely to prove an exception.

We are always ready to accept criticism, so long as it is objective, and we shall gladly avail ourselves of suggestions given to us, but we shall continue to disregard all *personal* criticism directed not against our work but against its author. This may serve as a reply to a so-called review that appeared in *one* of our Western weeklies.

At the same time we deem it our duty to render to *Dr. Isaac M. Wise*, the venerable President of the Hebrew Union College of Cincinnati, our heartfelt thanks for the several evenings spent in revising this volume, and for many courtesies extended to us in general.

THE EDITOR.

CINCINNATI, May, 1896.

BRIEF GENERAL INTRODUCTION

TO THE

BABYLONIAN TALMUD.

ON this, the appearance of our latest literary undertaking, we deem a few explanatory remarks necessary. The brief outline of the origin of the Talmud that follows may suggest the thought that we have departed from the usual manner of dealing with the questions here discussed, the more so since we have, for the sake of brevity, refrained from citing the authorities on which our statements are based. We wish, therefore, to declare here that we do not venture to make a single statement without the support of authorities well known in Hebrew literature. Our method is to select such views as seem to us the best authenticated in the historical progress of Judaism. As we have taken our choice from the numerous works on our subject, the student is entitled to adopt or to reject the views that we represent.

Most of the Mishnayoth date from a very early period, and originated with the students of the Jewish academies which existed since the days of Jehoshaphat, King of Judah [II Chron. xvii. 9].

The rabbinical students of ancient times noted the essence of the academical teachings in brief form, and, as a rule, in the idiom in which it was spoken to them, so that they could afterward easily commit it to memory. They have sometimes, however, added comments and extensive explanations in the form of notes, so that the mass of their learning, embraced in course of time, according to some authorities, as many as six hundred divisions.

The source of the Mishnayoth was the customs and regula-

tions practised by the authorities in their administration of religious and civil affairs: such as the Sabbath, Prayers, Cleanliness (considered actually Godliness), Permitted and Forbidden Foods, and controversies arising concerning Slavery. Indebtedness and corporal punishment are subjects of academical discussion, conducted with the aim of perfecting them into national statutes enforceable in all Jewish communities alike.

In course of time, however, when those Mishnayoth were noted down from earlier existing copies, many additions were made. Finally Rabbi Jehudah the Prince, generally called Rabbi, concluded to collect all the Mishnayoth in his college for proper arrangement. From these he selected six divisions, called according to the subject they deal with, viz.: Seeds, Feasts, Women, Damages, Sacrifices, and Purifications, and he proclaimed them holy for all Israel. Of the Mishnayoth so treated by Rabbi some were left entirely intact, and were reproduced in their original form. To others he parenthetically added brief comments of his own, and there are still others that he changed in form completely, because already in his day old customs had changed and taken new forms.

Such of them as he desired to make final and indisputable national laws he incorporated into the Mishna without mentioning the names of their authors. Where, however, he could formulate no definite decision himself, or where they were well known to the public, he gave full information of their authors as well as the names of those opposed to their conclusions, without any decision on his part. In still others he mentioned no names, but contented himself with saying "A'herim," *i.e.*, "Anonymous teachers say," not wishing to specify their authority for certain reasons.

Rabbi did not seek the compliance and agreement of all his contemporaries in his arrangement of the Mishna, and many differed from his conclusions and even arranged Mishnayoth in accordance with their own views. Being, however, a man of great prominence, influence, and wealth, Rabbi succeeded in quelling opposition and in making his conclusions as acceptable as the Mosaic law itself; and his great pupils, seeing that his in-

tentions were only to prevent dissensions and his only aim the public weal, supported him nobly, until his teachings were accepted as the law of the nation.

Many Mishnayoth were rejected and destroyed by Rabbi, but, not being in possession of all those he wished to destroy, he went in search of them to colleges outside of his jurisdiction. There, however, he met with great opposition. Some of the Mishnayoth were hidden beyond his reach, others were secretly preserved and arranged within the very limits of his domain and promptly brought to light after his death. But Rabbi's pupils did not dignify them with the name MISHNA, implying "next to Mosaic law,"* but called them TOSEPHTOTH, meaning "additions of a later period," or merely *additional*, not *principal*, matter. Some of them were also named BORAITHOTH (outsiders), *i.e.*, secondary, not academical matter. They spread, however, very rapidly after Rabbi's death, and to such an extent as to threaten the Mishnayoth of Rabbi with entire extinction. Such would actually have been the result, had not the pupils of Rabbi organized again colleges whose aim was to perpetuate the Mishnayoth of Rabbi, which they also accomplished. Colleges of that character were those of Rabb and Samuel in Babylon and Rabbi Janai and Rabbi Jo'hanan in Palestine. These colleges made strenuous efforts to explain and harmonize the Mishnayoth of Rabbi with the teachings of the Boraithoth, generally regarded as those of Rabbi Hyya and Rabbi Oshia, who were greatly admired by the public. At times the Mishna of Rabbi was abbreviated and replenished with the text of the Boraitha, or explained with an opposing opinion, so as to harmonize it with the latter or suit the new conditions and consequent changes of the custom that originally caused the conclusion of the Mishna. Where, however, they found no other way to suit their purpose, they inserted a new Mishna of their own composition into the text of Rabbi.†

* See Mielziner's "Introduction to the Talmud," page 6.

† This was done by Rabb and R. Jo'hanan, the heads of the colleges in Babylon and Palestine; and in many passages of the Talmud the latter exclaims: "This

The teachers mentioned in the Mishna of Rabbi or in the Boraithoth and Tosephta were called Tanaim (*singular* Tana) signifying Instructors, Professors. The teachings of the colleges, covering a period of some centuries, which also found adherents and became the traditional law, were called GEMARA, signifying "conclusion." The intention was to harmonize Mishna and Boraitha, and, in most cases, to arrive at a final decision as to the proper interpretation of the theory of the law (as Rabbi Jo'hanan prohibited compliance with the Halakha unless it is mandatory). These Gemara teachers were called AMORAIM (interpreters), *i.e.*, they interpreted to the public the difficult passages in the Mishna. Being classified as interpreters only, they had no authority to deviate from the spirit of the Mishna unless supported by another Tana opposing the Mishna, in which case they could follow the opinion of the Tana with whom they agreed. Rabhina and R. Ashi, who lived at the end of the fifth century (third century of Amoraim), began to arrange the Gemara, but without success, and commenced a second time to arrange it. Unfortunately they died before accomplishing their task, and the Gemara had to undergo the chances of transmission from hand to hand until the appearance upon the scene of Rabana Jose, president of the last Saburaic College in Pumbeditha, who foresaw that his college was destined to be the last, owing to the growing persecution of the Jews from the days of "Firuz." He also feared that the Amoraic manuscripts would be lost in the coming dark days or materially altered, so he summoned all his contemporary associates and hastily closed up the Talmud, prohibiting any further additions. This enforced haste caused not only an improper arrangement and many numerous repetitions and additions, but also led to the "talmudizing" of articles directly traceable to bitter and relentless opponents of the Talmud. The time (Rabana Jose conducted his college only seventeen years) being too short for a proper and critical review of

Mishna was taught in the time of Rabbi!" which means that Rabbi himself was not aware of it. See Weiss' "Traditions of the Oral Law," under the head "Mishna and Rabbi."

each and every subject, many theories were *surreptitiously* added by its enemies, with the purpose of making it detestable to its adherents. Of such character is the expression, "That of R. Ashi is a fabrication," which is repeated numerous times throughout the Talmud and which could by no means have originated with the Amoraim, who as a rule were very guarded in their expressions and would never have dreamed of applying it or similar expressions to such Talmudical authorities as R. Ashi and Mar, his son, much less to the Patriarchs or the Prophets. This closing up of the Talmud did not, however, prevent the importation of foreign matter into it, and many such have crept in through the agency of the "Rabanan Saburai" and the Gaonim of every later generation.

The chief aim of the authors of the Gemara being to perpetuate the Mishna as the sole source of the Jewish religious and civil code after the Mosaic laws themselves, they not only directed all their energy to the discussion and perfecting of its deductions, but treated its very words and letters as inspired and as holy as the Bible itself, forming at times conclusions from a superfluous word or letter. Oftentimes, when they found the Mishna differing with an established custom in their days, they resorted to subtle inquiry and minute discussion, until they succeeded in establishing harmony between the differing points. All these efforts were directed to refute and disprove the assertions of the different sects who opposed the oral law and who were inclined to adhere to the written law solely. Therefore the Rabbis of the Gemara said "MINALAN?" (Wherefrom its source?) or "MINOH HANNE MILI?" (which means "Whence is all this deduced?") in the treatment of a subject not plainly specified in the Bible; and also the exclamatory remark "PESHITA!" (It is self-evident!) as regards subjects plainly enumerated in the Scriptures which do not admit of any other interpretation. Of the same origin is the question "LEMAI HILKHETHA?" (For what purpose was this Halakha stated?) with reference to an obsolete custom. So much for the general history of the Talmud.

INTRODUCTION TO TRACT SABBATH.

WITH this tract we commence the translation of the section of the Talmud called *Moed* (Festivals), containing the following tracts: Sabbath, Erubhin, Rosh Hashana, Yuma, Shekalim, Sukkah, Megillah, Taanith, Pesachim, Betzah, Hagigah, and Moed Katan. All these tracts are entirely devoted to precepts pertaining to the observance of the festivals and Sabbath, such as the performance of the different ritual ceremonies on feast-days, the manner of sanctifying the Sabbath, and the ordinances relating to mourning for the dead both on Sabbath and week-days.

The commandments on which these precepts are founded, or from which they are derived, are contained in various portions of the Pentateuch. The fourth commandment of the Decalogue enacts (Exod. xx. 8-11 and Deut. v. 12-15): "The seventh day shall ye keep holy." In various other parts of the Pentateuch the due observance of the Sabbath is repeatedly ordained; in some instances merely mentioning the day as one to be kept inviolate and holy; and in others employing greater emphasis, referring to the history of creation, and establishing the observance as a sign of the covenant between the Lord and Israel. Such texts are Exod. xiii. 12; xvi. 15; xxxi. 13-17; xxxiv. 21; xxxv. 1-3; Lev. xix. 29; xxiii. 32; Num. xv. 9, etc. While the general principle is thus frequently inculcated, its special application, however, and specific enactments as to what constitutes a violation of the Sabbath, are nowhere fully carried out in the Pentateuch, and thus but few texts of the Scriptures serve as a direct basis for the minute and numerous enactments of the rabbinical law.

The Mishna enumerates thirty-nine "Abhoth" or principal acts

of labor, the performance of any one of which constitutes a violation of the Sabbath. Every other kind of work becomes illegal only if it can be classified under one or any of these principal acts of labor. Thus, for instance, under the principal act of ploughing, every analogous kind of work, such as digging, delving, weeding, dunging, etc., must be classified. In addition to these thirty-nine principal acts and their accessories and derivatives, there are other acts which are especially prohibited by the rabbinical law as tending to violate the Sabbath rest (Shbhuth). For the violation itself various degrees of culpability are established, and various degrees of punishment awarded. All these subjects relating to the due observance of the Sabbath, and pointing out its violation in every possible way, form the contents of the treatise Sabbath.

In order properly to understand the Mishna, and to avoid tedious repetitions, it is necessary to commence with the explanation of certain general principles and technical expressions predominating in the text.

Wherever throughout the Mishna the expression guilty, culpable (Hayabh), or free (Patur) is used, the meaning of the former (guilty) is that the transgressor acting unintentionally must bring the sin-offering prescribed in the law; of the second expression (free), that the accused is absolved from punishment.

If through the performance of an unprohibited act some other (prohibited) occupation is inadvertently entered upon, it constitutes no offence, providing the latter is not done intentionally nor the lawful occupation entered upon with the covert purpose of making it serve as a subterfuge to do that which is prohibited.

In the degrees of violation the nature of the occupation must be considered, as various kinds of labor may be required to perform and complete one act, and thus the offender may become amenable to several penalties. On the other hand, the rule is laid down that such occupations as only destroy, but do not serve an end in view, do not involve culpability (in the rigorous sense of the word); nor yet does work which is but imperfectly or incompletely performed involve culpability.

The prohibition to carry or convey any object from one place

to another, which in Chap. I., § 1, of this treatise is called "Yetziath (Ha) Shabbath" (which means transfer on the Sabbath) and forms the thirty-ninth of the principal acts of labor, requires particular attention and explanation from the complexity of cases to which it gives rise. All space was by the Tanaim divided into four distinct kinds of premises, explained in the Gemara of this chapter. When in the text of the Mishna the question is about carrying and conveying from one place to another, it does not apply to the "free place," as that is subject to no jurisdiction. Moreover, the open air above private property has no legal limitation, whereas that over public property or unclaimed ground (carmelith) only belongs thereto to the height of ten spans (see explanation of the Gemara). The carrying or conveying from one kind of premises to another does not constitute a complete or perfect act, unless the same person who takes a thing from the place it occupies deposits it in another place.

The tracts Sabbath and Erubhin will contain the laws for the observance of rest on Sabbath, and these laws can be divided into two separate parts. Firstly, the part prohibiting labor on the Sabbath day, at the same time defining what is to be termed labor and what does not constitute an act of labor; and secondly, the part ordaining how the day is to be sanctified and distinguished from a week-day in the manner of eating, drinking, dress, lighting of candles in honor of the Sabbath, and incidentally the lighting of candles in honor of the festival of 'Hanukah (the Macabees).

It has been proven that the seventh day kept holy by the Jews was also in ancient times the general day of rest among other nations,* and was usually spent by the people of those days in much the same way as it is spent now, wherever local laws do not restrict buying and selling, namely: In the forenoon prayers were recited and the necessities of life for the day were bought, while

* In a table compiled by Rev. A. H. Lewis, Alfred Centre, N. Y., 1884, in his work entitled "Biblical Teachings, concerning the Sabbath and the Sunday," it is shown that among nearly all nations the Sunday is the first and the Sabbath the seventh day of the week.

the afternoon was devoted to pleasure-seeking, merrymaking, visiting, and so forth. The Jews living prior to the time of Ezra and Nehemiah, and even during the latter's régime, were wont to spend the Sabbath in the same manner as their pagan neighbors. It was this fact that caused the sages of Nehemiah's time to fear that should the Jews, who were always in the minority as compared with other nations, continue this method of keeping the Sabbath and join in the merrymaking and pleasures of their neighbors, mingling freely with their sons and daughters, assimilation was almost inevitable, especially as the Jewish race was scattered over all the known world and was nowhere in very large numbers.

The sages then devised means to keep the Jew from mingling with the Gentile and from participating in the pleasures and carousals of his neighbors. This can be seen from Nehemiah, xiii. 1-26: "In those days saw I in Judah *some* treading wine-presses on the Sabbath," etc. "In those days also saw I Jews that had married wives of Ashdod, of Ammon, and of Moab," etc. "Ye shall not give your daughters unto their sons nor take their daughters unto your sons, or for yourselves." Thus we see that Nehemiah began by prohibiting traffic and the carrying of burdens on the Sabbath [ibid. xiii. 19] and ended by prohibiting intermarriage with foreign women. About this time also another prophet, the second Isaiah—who, though not possessing the temporal power of Nehemiah, was gifted with that persuasive eloquence that appealed to the heart—preached against indulging in pleasures on the Sabbath day. He says [Isaiah, lviii. 13-14]: "If thou turn away thy foot from the Sabbath" (meaning if thou keep away from drinking-places, dancing-houses, etc., on the Sabbath and follow not the custom of other nations), "and call the Sabbath a delight" (meaning the *rest* on the Sabbath shall constitute thy pleasure), "the holy of the Lord, honorable; and shalt honor him, not doing thine own ways, nor finding thine own pleasure, nor speaking thine own words. Then shalt thou delight thyself in the Lord; and I will cause thee to ride the high places of the earth, and feed thee with the *heritage* of Jacob *thy father*; for the mouth of the Lord hath spoken it." (The inference is very

plain. The prophet wishes to impress the Jew with the fact that the Lord will reward those with the heritage of Jacob who have kept away from mingling with the pleasures of other nations. Read *ibid.* lvii., especially verses 10, 11, and 12.)

After the establishment of a permanent government among the Jews, however, it was found that the exhortations of the prophets after the manner of Isaiah were of no avail; the people still continued seeking pleasures on the Sabbath, after the manner of other nations, and were still wont to enjoy the pastimes of their neighbors. The enforcement of the prohibition of carrying burdens was then decided upon to act as a check upon the people by defining minutely the meaning of burdens, and the prohibition was interpreted to include not only heavy burdens, but all portable articles, such as money, trinkets, eatables, etc., while only necessary articles of clothing and apparel were permitted to be worn. To such an extent was the matter carried that even the wearing of rings, with the exception of such as had the name of the wearer engraved upon them, was not permitted. In fact, everything that could be converted into money was included in the definition of burdens. Beggars were not permitted to solicit alms on the Sabbath, contrary to the customs of other nations, so as not to afford any one an excuse for carrying money on that day.

The enforcement of such a law, however, was practically impossible in the case of people who remained in their houses, and certain modifications were made. These modifications were as follows: The laws were made to apply only on public grounds but were not valid on private grounds, so that in a private house a person was permitted to carry whatever was necessary. Private grounds were also established by the institution of *Erubhin*, *i. e.*, where a street or a public place was inhabited by Jews alone a small amount of meal was collected from each household; from the meal a cake was made and hung conspicuously in that locality. The point where the street inhabited by Jews alone commenced and the point where it ended were joined by a piece of twine, and thus definitely marked. Thus public grounds were turned into private grounds, from the fact that each household

contributing a share of meal made them all in a manner copartners in one object. The walking of more than two thousand ells outside of the city limits was also prohibited. Within the city limits, be the city ever so large, walking was permitted.

The possibility of confinement in the house on the Sabbath becoming conducive to the performance of labor was offset by the establishment of a law prohibiting all the different modes of labor used in the construction of the tabernacle, besides all manner of agricultural labor. This again brought about the detailing of all the different modes of labor employed in the construction of the tabernacle and in agriculture, all of which is discussed in these treatises of Sabbath and Erubhin.

Naturally the institution of laws carries with it provisions for the penalties attending their infraction, and these penalties were divided into three classes:

First, the penalties for unintentional infractions.

Secondly, for intentional infractions.

Thirdly, for intentional violations where the violator had been previously forewarned of the penalty by two witnesses.

The penalty for the first class of infractions was simply the sacrificing of a sin-offering, which, however, involved a great many hardships, as the culprit had to bring the sin-offering to the temple in Jerusalem in person, and was frequently compelled to travel quite a distance in order to do so, besides sustaining the loss of the value of the offering.

For the second class, if two witnesses testified before the tribunal that the culprit had labored on the Sabbath, and the culprit admitted that he had done so intentionally, no penalty was inflicted by the tribunal, but the person was told that he would be punished by the heavenly power with the curse of Karath (shortening his allotted time of existence on earth). No penalty was inflicted, for the reason that, the culprit having made himself liable to severe punishment from superhuman sources, it served as an excuse to absolve him from human punishment.*

* Because it is a rule of rabbinical law that, of two punishments incurred by one act, the severer one is meted out *Qâm lēh bid'rabba minēh*.

For the third class, however, when the culprit openly defied the existing authority and in spite of forewarnings persisted in violating the law, he was considered a traitor to the government, to be sentenced to death by stoning, as was the wood-gatherer [Numbers, xv. 32].

It is upon these laws that the discussions in the treatises Sabbath and Erubhin are based, and in addition the reader will find many ethical laws, legends, and the enumeration of such enjoyments as are permitted on the Sabbath day and the festivals.

In addition to the above we would make the following citations from the text of the Talmud, as a necessary feature of the introduction:

I. We find in the Tract Sabbath, 61*b* and 96*b*, the story of the mysterious scroll which Rabh claimed to have found in the house of his uncle, R. Hyya. This scroll referred to the principal acts of labor prohibited on the Sabbath, which were forty less one. Rabh discovered in this scroll the statement of R. Issi b. Jehudah to the effect that although thirty-nine principal acts of labor are enumerated, only one of them makes a man actually culpable. The Gemara then amends this statement and declares that it should read: "One of the thirty-nine does not involve culpability," but does not mention which one it is. Consequently it remains doubtful which act it is that does not involve culpability, and where a doubt exists as to whether an act is prohibited or not no punishment can be inflicted for its commission. From this, two things may be inferred: First, that these acts of labor were prohibited for political reasons, because the mystery was extant, and we find the term mystery applied to political cases only; and second, that the Gemara declares in the same passage that the carrying of an object from public ground into private ground is not one of the doubtful acts and a penalty is prescribed in the event of its being committed. Hence the object was to prevent the assimilation explained above.

II. We find in Yebamoth, 90*b*: "R. Eliezer b. Jacob said: 'I have heard that a man was found riding a horse on Sabbath in the time of the Greeks, and being brought before the tribunal for

the crime was stoned to death.' This man was punished, not because his crime merited the penalty, but because the times made it necessary." The inference is therefore clearly established that the man was punished for political reasons, and that the violation of the Sabbath laws did not involve capital punishment.

III. In Yoma, 85*b*, it is written: "R. Jonathan b. Joseph said, 'The Sabbath is holy unto you,' " implying that the Sabbath is handed over to you and not you to the Sabbath.*

IV. R. Johanan states elsewhere that in Palestine, where the Jews were together, no public ground existed.

MICHAEL L. RODKINSON.

CINCINNATI, March, 1896.

* This is taken from Mechilta, an authority older than the Talmud, and stands in no connection with the Halakha. Furthermore, the mystic scrolls may in some instances have had reference to political necessities of the day, but by no means in all cases.—*The Reviser*.

SYNOPSIS OF SUBJECTS

OF

VOLUME I.—TRACT SABBATH.

SYNOPSIS OF SUBJECTS.

SEVERAL requests have been received by the translator that an index should be made to the volumes of the Talmud, as is customary with all modern works. It would be an utter impossibility to give a complete index of everything contained in the Talmud. Were it like other scientific works, which treat each subject separately, this could easily be done; but with the Talmud it is different. On one page many different subjects may be discussed, and again a single subject may occupy several pages. The Talmud, therefore, has never had an index, not even the portions which have been translated.

After careful examination of the volumes, page by page, it has been decided to make a synopsis, *i.e.*, to give briefly the heads of the discussions and conversations upon each Mishna, indicating the page where the Mishna is to be found, and the Gemara of each one, which serves as a commentary. By this the reader should be able to refer to what he desires to know.

A synopsis is therefore given of every Mishna which discusses a single subject, with its accompanying Gemara; but when several short Mishnas cover the same subject, a single synopsis is given of the whole, including the Gemara of each one; and where a chapter is short and has but one subject, a synopsis of the whole chapter is made, without dividing it into Mishnas.

This is the best that can be done, and it is hoped that readers will find it satisfactory.

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informing of the bestowal of gifts; Sabbath as a valuable gift of God and its origin; various legends of Rabha bar Ma'hassia in the name of Rabh, 13-19

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TRACT SABBATH.

CHAPTER I.

REGULATIONS REGARDING TRANSFER ON SABBATH.

MISHNAI.: There are two acts constituting transfer* of movable things (over the dividing line of adjoining premises, based on biblical statutes). The two acts are, however, increased to four on the inside and to a like amount on the outside of the premises (by the addition of rabbinical statutes). How so? A mendicant stands outside and the master of a house inside. The mendicant passes his hand into the house (through a window or door) and puts something into the hand of the master, or he takes something out of the master's hand and draws it back (toward him). In such a case the mendicant is guilty (of transfer) and the master of the house is free. If the master of the house passes his hand outside and puts a thing into the hand of the mendicant, or takes something out of the mendicant's hand and brings it into the house, the master of the house is culpable and the mendicant is free.† If the mendicant extends his hand into the house and the master takes something out of it, or puts something into it which is drawn to the outside by the mendicant, they are both free. If the master of the house extends his hand outside and the mendicant takes something out of it, or puts something into it which is drawn to the inside by the master, they are both free.

GEMARA: We were taught (Shebuoth, IV. 2): "The acts

* See Jer. xvii. 21, 28, and Neh. xiii. 19. This Mishna treats of the prohibition, so strongly inculcated by the prophets, of transferring things over the line of division between various grounds or premises.

† The difference between the violation of the biblical statutes and that of the rabbinical statutes is marked by the prescription of the penalties of sin-offerings, shortening of life and capital punishment for the first-named violation, while no penalties are attached to a violation of the last-named statutes. (See Introduction.)

of transfer on the Sabbath are two, respectively four." Why is this teaching here specified as two respectively four on the inside, and two respectively four on the outside, and there no such specification was made? Said R. Papa: Here the special subject of treatment is the Sabbath, and the Mishna enumerated the cases which involve guilt and those which do not involve guilt; while there the principal subject of treatment is a different one, and he mentions only the cases that involve guilt, leaving the cases that do not involve guilt untouched. But the cases that involve guilt are those by which acts of transfer are committed, and such are only two? Nay, there are two acts of transfer from within and two from without. But the Mishna says, "Yetziath" (which in a literal sense means transfer from within)? Said R. Ashi: The Tana calls transfer from without by the same term. And for what reason? Because every act of removing a thing from its place is called Yetziah. Said Rabbina: The Mishna also bears out this sense; for it speaks of Yetziath and immediately illustrates its remark by citing a case from without. This bears it out. Rabha, however, says: He (the Tana) speaks about divided premises (whose line of division is crossed), and in this case there are only two (in each of which there may be four acts of transfer).

Said R. Mathna to Abayi: Are there not eight, even twelve (instances of transfer over the line of division)?* And he rejoined: Such transfers as involve the obligation of a sin-offering are counted; but those that do not involve such an obligation are not counted.

"*They are both free.*" Was not the act (of transfer) committed by both? Said R. Hyya bar Gamda: The act of removing the thing was committed by the joint efforts of both, and they (the rabbis) said: "It is written in the law, when a person did it"†—i.e., when one person commits the act he is culpable; but when an act is committed by the joint efforts of two persons, they are both free.

Rabh questioned Rabbi: If one were laden by his friend with eatables and beverages and carried them outside (of the house), how is the law? Is the removing of his body tantamount to the removing of a thing from its place, and therefore he is culpable, or is it not so?

* Rashi explains at length how eight or even twelve instances of transfer could occur, but, not being essential to the subject, we omit the explanation.

† Lev. iv. 27.

Said Rabbi to him: He is culpable. And this case is not like the case of removing his hand. Why so? Because (in the latter case) the hand was not at rest, while (in the former) the body (before and after removal) was entirely at rest.*

Said Rabbi Hyya to Rabh: Descendant of nobles! Did I not tell thee that when Rabbi is engaged with a certain tract ask him not about a subject (that is treated) in another tract, for he may not have that subject in his mind! And if Rabbi were not a great man thou mightest cause him shame, for he would give thee an answer which might not be right. In this instance, however, he gave thee a correct answer; as we have learned in the following Boraitha: If one was laden with eatables and beverages while it was yet light on the eve of Sabbath, and he carried them outside after dark, he is culpable; for his case is not like that of removing the hand mentioned above.

Abayi said: From all that was said above it is certain to me that the hand of a man (standing on the street) is not treated as public ground.† And I also see that (if a man stands on private ground) his hand is not to be treated as private ground. Would it be correct, then, to regard the hand as unclaimed ground? If so, would the penalty imposed by the rabbis in such a case, namely, that one should not move his hand (containing a movable thing) back (during the Sabbath day), apply in this case or not?

Come and hear the following Boraitha: If a man has his hand filled with fruit and he extends it outside (of the premises where he stands), one said he is not permitted to draw it back, and another Boraitha says he is allowed to do so. May we not assume that this is their point of dispute: the former holds that the hand is treated as unclaimed ground, and the latter thinks that it is not like unclaimed ground? Nay, it may be that both agree that the hand (as spoken of in our Mishna) is like unclaimed ground, and yet it presents no difficulty. One of the Boraithas treats of a man who had extended his hand unintentionally, and the other one treats of a man who had put forth his hand intentionally. In the former case the rabbis did not

* Students of the Talmud will remember that while in the act of walking a man cannot be guilty of the transgression of carrying movable property. The body must be at rest. The removal of a thing by means of the hand implies a disturbance in the rest of the body.

† As illustrated in our Mishna; for if he did not deposit the thing that he had passed from the street into the house, he was not culpable.

fine him, and in the latter case they did. And if you wish, it may be said that they both speak of a case when the act was done unintentionally, and their point of differing is as to the varying premises, whether the hand may be drawn back to the ground where the man stands, or to other (private) ground that adjoins it? As Rabha questioned R. Na'hman: If the hand of a man was filled with fruit, and he extended it outside, may he draw it back to the same ground where he stands? And he answered: He may. (And may he remove his hand) to other (private) ground? Nay. And to the question, "What is the distinction?" he said: If thou wilt measure a whole kur of salt and present me with it, I shall tell thee the answer. (See footnote, Erubin, p. 79.) In the former case his design was not accomplished; in the latter, however, his design was accomplished (and it is prohibited for fear that it should be repeated).

R. Bibi bar Abayi questioned: If one has put bread into the oven, is he allowed to take it out before (it is baked and) he becomes liable to bring a sin-offering, or not?

Said R. A'ha bar Abayi to Rabhina: What does the questioner mean? Unintentionally and without remembering (that it is Sabbath), then what does the expression "allowed" mean? To whom? He is still not aware of it. On the other hand, if he did it unintentionally and afterward he remembered of the Sabbath, how can he be liable to a sin-offering; did not a Mishna state that the liability to bring such a sacrifice applies only when the failing was begun and accomplished unintentionally? Should it be understood that the act was done intentionally, then it would not involve the liability of a sin-offering, but it would constitute a crime that involved capital punishment.*

Said R. Ashi: Say, then, it is a crime that involves capital punishment. R. A'ha, the son of Rabha, taught so plainly. R. Bibi bar Abayi said: If one put bread into the oven, he is allowed to take it out before it may involve a case of capital punishment.

"*The mendicant extended his hand,*" etc. Why is he culpable? (To complete the act) there must be a transfer from a place that is four ells square and a depositing into a place of the same area, and such was not the case here. Said Rabba: Our

* All the labors that were performed at the construction of the tabernacle in the desert, as is taught in a Mishna farther on, if done on the Sabbath intentionally, involved capital punishment. The intention becomes apparent when there are witnesses to warn the perpetrator of his wrong and he does not heed them.

Mishna is in accordance with R. Aqiba's opinion, who holds that as soon as the air of a place surrounds a thing it is equal to the thing being deposited in that place. But may it not be that depositing does not require four ells, for the reason stated above, but removing does? Said R. Joseph: The teaching of this paragraph agrees (not with the opinion of R. Aqiba), but with that of Rabbi, as we have learned in the following Boraitha:

If one threw an object from one street into the other, and there was a private ground between them, Rabbi declared him culpable, and the sages freed him. Hereupon R. Jehudah in the name of Samuel said: Rabbi declared the man guilty of two offences: one for having removed the thing from its place, and one for having deposited it in another place. Hence in both, the four ells in question are not required.

But with reference to this it was taught that both Rabh and Samuel said that Rabbi's declaration of culpability treated of a case where the private ground (that divided the two streets) was roofed, for the assumption is that a house must be regarded as a solid object that fills out all the space it occupies, but not when it was unroofed?

Therefore said Rabha: (All these views can be dispensed with, as) the hand of a man (because of its value) is considered as a piece of ground four ells square. And so, also, was declared by Rabin, when he came from Palestine, in the name of R. Johanan.

R. Abhin in the name of R. Ila'a, quoting R. Johanan, said: If one threw a thing and it rested in the hands of another man, he is culpable.

Why the repetition—has not R. Johanan declared above, already, that the hand of a man is considered as a space of four ells square? Lest one say that this is only when he *intended* to put it into his hand (and the intention makes it valuable as the space in question), but not otherwise. Therefore the repetition.

The same said again in the name of the same authority: If one remains standing in his place when he receives a thing, he is culpable; but if he was moving away from his place when he received it, he is free. And so also we have learned in a Boraitha in the name of the anonymous teachers.

R. Johanan asked the following question: If one threw a thing and then moved from his place and caught it, is he culpable or not? How is this question to be understood? Said R. Ada bar Ah'bah: The difficulty is concerning the exercise

of two forces by one man, and the question was thus: If two forces were exercised by one man (in committing a prohibited act), should both parts of the act be accounted to the same, so that he should be declared culpable, or should each part of the act be considered separately, as if there were two individuals concerned, and then he is free? This question is not decided.

R. Abhin in the name of R. Johanan said: If one put his hand into the yard of his neighbor, got it full of rain water, and withdrew it, he is guilty. But to make one guilty of the act, it must consist of removing a thing from a place of four ells square, which is not the case here. Said R. Hyya b. R. Huna: It means that he took the water as it was running down a slanting wall, as Rabba taught elsewhere that removing a thing from a slanting wall made the man culpable. But (in speaking of removing an object from a slanting wall) Rabba treated on the question of removing a book, which is a stationary thing. Is it analogous to removing water that can never become stationary?

Therefore said Rabba: Our case treats when he dipped the water out of a cavity (in the wall) in question. Is not this self-evident?

Lest one say that water standing upon water is not considered stationary, he comes to teach us that it is. And this is in accordance with his theory, as follows: Water standing upon water is considered stationary; a nut, however, lying upon the surface of water is not considered so.

The same said again, in the name of the same authorities: One who was laden with eatables and beverages, entering and going out the whole day, he is not culpable until he rests. Said Abayi: And even then only if he stops for the purpose of resting; but not when he stops merely to adjust his burden on his shoulders. Whence is this deduced? From what the master said: If he stopped within the limit of four ells to rest he is free, but if he stopped to adjust the load on his shoulders he is culpable. Beyond four ells, if he stopped to rest he is culpable, but if he stopped to adjust the burden on his shoulder he is not culpable. What does this imply? It implies that one cannot be culpable unless his intention of removing was before he stopped.

The rabbis taught: If one takes anything from his store into the market through the alley-way (where the benches of market-men are situated), he is culpable; it makes no difference whether he carries, throws, or pushes it with his arm. Ben Azai, how-

ever, said: If he carries it in or out he is not culpable, but if he throws or pushes it in or out he is culpable. The same we have learned in another Boraitha.

The rabbis taught: There are four kinds of premises as regards the Sabbath—viz.: private ground, public ground, unclaimed ground, and ground that is under no jurisdiction. What is private ground? A ditch or hedge that is ten spans deep or high and four spans wide—such are absolutely private grounds. What is public ground? A country road or a wide street, or lanes open at both ends—such are absolutely public grounds. [So that in these two kinds of premises nothing must be carried from one to the other; and if such was done by one unintentionally, he is liable to a sin-offering; if, however, intentionally, then he is liable to be "cut off," or to suffer the extreme penalty (at the hands of human justice).]

A sea, a valley of fields, the front walk (before a row of stores), and unclaimed ground are neither like public nor like private ground. [Nothing should be carried about there to start with; but if one has done it, he is not culpable. Nor should anything be taken out of these grounds into public or private ground, or brought in from the latter into these grounds; but if one has done so, he is not culpable. In adjoining court-yards of many tenants and alleys that are open at both ends, where the tenants have made it communal property,* carrying things is allowed; however, it is not allowed when such is not done. A man standing on the door-step† may take things from or give things to the master of the house; so also may he take a thing from a mendicant in the street or give it to him; but he must not take things from the master of the house and hand them over to the mendicant in the street, nor take from the latter and transmit to the former. Still, if this was done, all the three men are not guilty. Anonymous teachers, however, say that the door-step serves as two separate grounds: when the door is open it belongs to the inside, and when the door is closed it belongs to the outside. But if the door-step is ten spans high and four spans wide, it is considered as a premises in itself.]

The master said: "Such are absolutely private grounds."

* The technical expression is "to make an Erubh," i.e., to mix their possessions as if they were partners, as explained in Tract Erubin, I. 2.

† A door-step is regarded as ground of which the religious law takes no cognizance.

What does he intend to exclude (by this emphatic declaration)? To exclude that which R. Jehudah taught about Erubhin (p. 25).

"These are absolutely public grounds." What does it mean to exclude? To exclude another instance of R. Jehudah's teaching, concerning the enclosure of wells. (Ibid., p. 40.)

Why does not the Boraitha count the desert also, for have we not learned in a Boraitha: Public ground is constituted by public roads, wide streets, alleys that are open at both ends, and the desert? Said Abayi: It presents no difficulty. There the law was expounded as it existed when Israel dwelt in the desert; here, however, the law is taught as it prevails at the present time.

The master said: "If one has brought in or taken out a thing unintentionally," etc. Is not this self-evident? He means to say that if the culprit did it intentionally, "he is liable to be cut off," etc. Also this is self-evident? He comes to teach, because of the following statement of Rabh, who said: "I found mysterious scrolls in the possession of my uncle, R. Hyya, which read: Aysy ben Jehudah says: There are forty less one principal acts of labor. A man, however, cannot be guilty of performing but one. And to the question, How is this to be understood? the answer was: It should be corrected and read: There is one of those acts of labor for which a man is not guilty. (In consequence, however, of the omission just what particular act of labor is excluded, all of the thirty-nine remained doubtful); and the Boraitha teaches that the labor mentioned is not one of the doubtful."

Again, the master said: "A sea, a valley of fields," etc. Is that so? Have we not learned (Taharoth, VI. 7) that a valley is, in summer time, to be regarded as private ground with reference to the Sabbath, and as public ground with reference to defilement; in the rainy season, however, it is private ground in all respects? Said Ula: As a matter of fact it is unclaimed ground, but by calling it private ground the Boraitha only means to distinguish it from public ground. R. Ashi, however, said: He speaks of a valley in which there are partitions.*

"And unclaimed ground." Are not all the above-mentioned unclaimed ground? When R. Dimi came he said in the

* According to Rashi, R. Ashi means to state that even when the capacity of the valley was more than two *saoth* and no dwelling was near, which is always considered as unclaimed ground in regard to this, nevertheless it is considered as private ground, and whoever carries from it into public ground is guilty.

name of R. Johanan: The mention of "unclaimed ground" in this case is required merely to imply a corner (of a private plot) that adjoins public ground; for although at times (when the street is crowded) many people are forced into this corner, it is considered as unclaimed ground, as the public use of it is not regarded with favor. He said also in the name of the same authority: The space between the pillars and the buildings (on the side of the street) is considered by the law as unclaimed ground. Why so? Because although many walk there, still, since one cannot make his way in such space freely (the row of pillars being irregular or in a broken line), it is like unclaimed ground.

R. Zera in the name of R. Jehudah said: The benches in front of pillars are regarded as unclaimed ground (even if they are ten spans high and four spans wide). The one who holds that the space between the pillars is considered as such, will so much the more agree that the benches in front of the pillars are considered such; but he who says that the benches are so considered, may hold that this is so because the encroachment upon them is not regarded with favor. The ground between the pillars, however, which is usually trodden by many people, is like public ground.

Rabba b. Shila in the name of R. Hisda said: If one throw or plaster (an adhesible) thing against the side of a brick that is standing up in the street, he is culpable; but if he throw or plaster a thing on top of it, he is not. Abayi and Rabha both said: Provided the brick is three spans high, so that people do not step upon it; with bushes or briars, however, even if less than three spans high, one is not culpable. And Hyya bar Rabh said: Even a bush or briar must be three spans high.*

Rabba, of the school of R. Shila, said: When R. Dimi came from Palestine, he said in the name of R. Johanan: No space can be considered unclaimed ground unless it has an area of four spans square, and R. Shesheth added that it holds good up to ten spans square. What does it mean? Shall we assume that only if it has a partition of ten spans it is unclaimed ground? Has not R. Giddell in the name of R. Hyya bar Joseph, quot-

* Any space that is less than ten spans high from the ground is considered by the law as unclaimed ground, and there things may be handled on the Sabbath only as above, while on private ground things may be handled freely within the whole area over which it extends.

ing Rabh, said: A house that is not ten spans high, but which is raised to that height by the ceiling, one may handle on the roof over its entire area; inside of the house, however, only within four ells square? Therefore we must say that the statement: "It holds good up to ten spans," implies that the law of unclaimed ground is valid when the height does not exceed ten spans. As Samuel said to R. Jehudah: "Ingenious scholar! treat not on laws of the Sabbath exceeding ten spans in height." And to what does it apply? To private ground it could not apply, as it is known that private ground is so considered to the sky; hence it is only to unclaimed ground that above ten spans does not exist, as the rabbis have invested unclaimed grounds with the lenient regulations pertaining to private ground—viz.: If the place have an area of four spans square, it is unclaimed ground; if it has a lesser area, it is not subservient to any jurisdiction. And with the lenient regulations of public ground—viz.: The place is regarded as unclaimed ground only to the height of ten spans; beyond that it ceases to be unclaimed ground.

The text says: "In a house the inside of which is not ten spans high," etc. Said Abayi: If, however, one has cut in it an excavation four ells square, so as to complete the height of ten spans, one may handle things freely in the whole house. Why so? Because in such a case the entire space of the house (around the excavation) would be considered like holes on private ground, and it has been taught that such holes are regarded the same as the private ground itself. As to holes on public ground, Abayi said: They are like public ground. Rabha, however, says that they are not. Said Rabha to Abayi: According to your theory, holes on public ground are to be considered the same as the ground itself. In which respect, then, does this case differ from what R. Dimi said above (p. 8) in the name of R. Johanan? Let, according to thy opinion, such a corner be considered as a hole in public ground. Nay, the use of the corner is not considered favorable by people, while no one objects to the use of a hole in the street.

R. Hisda said: If a person erected a pole on private ground and threw something at it, if that thing rested on top of the pole, and be that pole a hundred ells high, the person is culpable, for private ground is absolutely unlimited in height. Shall we assume that R. Hisda holds in accordance with Rabbi of the following Boraitha: "If one threw a thing (in

the street) and it rested upon the smallest cornice* (of a house), according to Rabbi he is culpable, and the schoolmen say that he is not." Said Abayi: In private ground all admit the decision of R. Hisda. The case, however, in which Rabbi and the sages differ was a tree that stands on private ground with its branches reaching out into public ground, and one threw a thing which rested on a branch. Rabbi holds that the branch is part and parcel of the root, but the sages opine that we need not assume such to be the case.

Abayi said: If one threw a bee-hive which was ten spans high, but not six spans wide, into the street, he is culpable; if, however, the bee-hive *was* six spans wide, he is free (because it is considered a piece of private ground in itself). Rabha, however, said he is not, even if it be less than six spans wide. Why so? Because it is impossible for twined reed not to exceed the given height.† In case he threw the bee-hive ‡ with its mouth down, even if the hive is a trifle over seven spans high, he is culpable; but if it is seven and a half spans high, he is not. R. Ashi, however, said: He is, even if it is seven and a half spans high. Why so? Because the enclosing rim of the bee-hive is made for the purpose of containing something within, and not to be attached to the ground; hence it is not included in the *Lavud* class.§

Ula said: A post nine spans high, which stands in the street, and people use it to shoulder (their burdens) on, if one threw a thing and it rested on the top of it, he is culpable. Why so? Because a thing that is less than three spans high is stepped upon by many; a thing between three and nine spans high is not used either to step or to shoulder a burden on; but if it is nine spans high, it is surely used to shoulder burdens on.

Abayi questioned R. Joseph: What is the law of a pit (of similar depth)? Said he: The same (as of the post). Rabha,

* The cornice which is spoken of above should be like the branch in this instance.

† The space above ten spans does not enter within the jurisdiction of public ground.

‡ Here a bee-hive is spoken of which is not six spans in circumference, *i.e.*, less than four spans square.

§ There is a law of Mosaic origin determining that every object that is not farther from the ground than three spans must be considered "*Lavud*," *i.e.*, attached to the ground. In the above case, when a bee-hive seven spans or a trifle over seven spans high is thrown to the ground, it does not become positively "*Lavud*" when within three spans from the ground, and is thus considered ten spans in all. The margin is too small. It must be seven and a half spans high, and when reaching the ground within three spans the hive becomes "*Lavud*," and being positively over ten spans high is treated as a piece of private property.

however, said: A pit of similar depth is not governed by the same law. Why so? Because the use (which is made of a thing) through compulsion is not called (a customary) use.

R. Adda bar Mathna objected to Rabha from the following Boraitha: If one intended to keep the Sabbath on public ground and deposited his Erubh in a pit less than ten spans (below the ground), his act is valid. "If he deposited it more than ten spans below the ground, his Erubh is of no value." Let us see how was the case. If the pit was more than ten spans deep, and by the saying "he deposited it less than ten spans below the ground" is meant that he raised the Erubh to a higher place, and by the saying "more than ten spans" is meant on the bottom of the pit, then, at all events, the Erubh could not be of any value; as he is in public ground, and his Erubh is in private, therefore we must say that the case was of a pit less than ten spans deep, and nevertheless the Erubh is valid; hence we see that the use of a place through compulsion can at times be considered as customary use.

The answer was that the Boraitha is according to Rabbi, who says that against things which are prohibited only rabbinically because of rest (Shebuoth) no precautionary measures are taken when they are to be done at twilight, and the prescribed time for depositing an Erubh is twilight; therefore, although the use of the pit which was less than ten spans deep was compulsory, the Erubh was nevertheless valid, because respecting twilight the rabbis are not particular.

R. Jehudah said: If one moves a bundle of reeds by raising one end and throwing it over, then raising the other end and throwing it over, he is not culpable, unless he lifts the entire bundle off the ground.

The master said: "A man standing on the door-step," etc. What is that step? If it is the step of the street, how may he "take from the master of the house"; does he not transfer from private ground into public ground? If it is the step of the house, how may he "take from the mendicant (standing in the street)"? Does he not transfer from public into private ground? And if it is unclaimed ground, how may he "take and give intentionally," since a direct prohibition to that effect exists?

Nay, the door-step is a place concerning which the law has no provision; as, for instance, it is not four spans square. It is said elsewhere by R. Dimi in the name of R. Johanan that such a thing is not under the jurisdiction.

The master said: "All three are not culpable." Would this not be an objection to Rabha, who said if one transfer an object (in public ground) from one to the other limit of four spans, even if he moves it over his head (*i.e.*, above ten spans from the ground), he is culpable? In the above-mentioned case, however, he is not.

Anonymous teachers say "a door-step," etc. Is such the case even if there is no side-beam to it? Has not R. Hamma bar Gorion in the name of Rabh said that if it is inside the door, and not even four spans square, there must still be a side-beam to make it a free place? Said R. Judah in the name of Rabh: Here the doorstep of an alley is treated of, the half of which is roofed, and the other half not roofed, and the roofing is toward the inside. In this case when the door is open it is considered like the inside, when it is closed it is like the outside. R. Ashi, however, said: The case was of a door-step of a house, but the door was topped by two beams, each of which was less than four spans wide, and between them the space was less than three spans wide, the door itself being in the middle, so that the law of Lavud applies only when the door is open, and not when it is closed; therefore when it is open the door-step is considered as the inside, and when it is closed the door-step is regarded as the outside.

"If the door-step is ten spans high," etc. This supports the theory of R. Isaac bar Abbimi, who said that R. Mair used to say: Wherever thou findest two distinct grounds belonging to the same premises (*i.e.*, to which the law of premises regarding the Sabbath applies equally), like a post in private ground, that is ten spans high and four wide, it is prohibited to shoulder (a burden) on it. As a precautionary measure (enacted by the rabbis), for fear that the same would be done with a rock of the same size that may be found in the street, and it is biblically prohibited to shoulder upon it.

MISHNA II.: One shall not sit down * before the hair-cutter at the approach of the time for afternoon devotion, † before

* The reference made here, that one should not sit down before the hair-cutter near the time for the afternoon prayer is a simple precaution. The exact specification for the time is to be found in Berachoth, Perek IV., M. 1.

† The following discussions may seem to have no direct connection with the ordinances pertaining to the Sabbath; however, they are included in the tract on account of their connection with the succeeding Mishna, which commences: "A tailor shall not go out with his needle when it is nearly dark on Friday." Incidentally, the injunctions concerning the time for the Min'ha are given, in order that prayer time shall not be forgotten.

reciting his prayers. Nor shall he enter a bath-room or a tannery (the same is the case with any factory or large business), or sit down to eat, or start pleading a case (before a judge). But if he has started, he need not be interrupted. One must quit his work to read Shema, but he need not stop working in order to pray.

GEMARA: What time of Min'ha does the Mishna mean? Does it mean the high afternoon * time? Why should a man not be allowed, since the day is still young? Does it mean the lesser time, and still hold that (if the man had started the work) he need not discontinue it? Shall this be taken as an objection to the opinion of R. Joshua ben Levi, who said: "When the time of afternoon prayer draws nigh, one must not partake of anything before performing his devotion"? Nay, he speaks here of the high time, and yet one shall not begin cutting his hair, as a precaution against accidents, lest his scissors break; a bath to sweat, lest he grow exhausted; a tannery, lest he notice some damage to his wares and become confused; nor shall he sit down to eat lest the meal be protracted; pleading a case of justice, lest argument be advanced that overthrows all previous arguments, and until all this is settled the Min'ha prayer will be forgotten.

From what moment does the act of hair-cutting begin? Said R. Abhin: From the moment the barber's cloth is spread over him. The act of bathing begins from the moment the coat is pulled off; tanning begins from the moment the working-apron is tied around the shoulders; a meal begins from the moment the hands are washed, so said Rabh; but R. Hanina said, from the moment one takes off his girdle. And they do not differ. Rabh spoke of the custom of his country, and R. Hanina spoke of the custom of his country.

Abayi said: According to him who holds that the evening prayer is discretionary, our Babylon colleagues, as soon as they take off their girdle for the meal, they must not be troubled to pray before meal; however, according to him who holds that even this prayer is obligatory, they must be troubled. But is

* High afternoon (Min'ha) was the time when the regular afternoon sacrifice was offered at the temple, about an hour after midday. The lesser afternoon time was about an hour before sunset. Because the time for afternoon devotion was calculated by the offering of the "gift-sacrifice," the name of that sacrifice, "Min'ha," is used by the rabbis as a technical term to designate both the afternoon devotion and the time when it is to be performed.

not the afternoon prayer obligatory by all means, and nevertheless our Mishna teaches that "if he began (his meal) he need not be interrupted," to which R. Hanina said that the loosening of the girdle (is the beginning)? In the case of the afternoon prayer, since the time for it is fixed, (we assume) that the man will hasten and will not fail to pray in time, while for evening prayer, the time for which extends through the entire night, it is feared that he may not hasten, and neglect it.

R. Shesheth opposed: Is it so much trouble to put on one's girdle? Furthermore, cannot one stand up (without a girdle) and pray? Nay! As it is written: "Prepare thyself to meet thy God, O Israel!" [Amos, iv. 12]; and as Rabha b. R. Huna used to put on stockings when he stood up to recite prayers, saying: It is written: "Prepare thyself," etc. Rabha, however, used to throw off his mantle and fold his hands when he prayed, speaking as a slave before his master. R. Ashi said: I have observed R. Kahana. In times of trouble he threw off his mantle and folded his hands when he prayed, speaking like a slave before his master. In times of peace he dressed and fitted himself up carefully, saying: "It is written, Prepare thyself to meet thy God, O Israel." Rabha noticed that R. Hamnuna spent much time at his prayers. Said he: "Thus they quit eternal life and busy themselves with transient life." * He, R. Hamnuna, however, thought that the time spent in prayer is a thing by itself, and the time devoted to study is also a thing by itself. R. Jeremiah was sitting before R. Zera discussing a Halakha. The day was breaking and time for prayer came, and R. Jeremiah hastened for the purpose of praying. Said R. Zera to him: "When one turneth away his ear so as not to listen to the law, even his prayer becometh an abomination" [Prov. xxviii. 9].

At what moment does the work of dispensing justice commence? R. Jeremiah and R. Jonah—one said: "From the moment the judges put on their mantles"; the other said: "From the moment the litigants begin pleading." And they do not differ. The former speaks of the instance of opening court; the latter of the instance when the court was in session and the judges were engaged in deciding other cases.

Up to what time should court be in session? R. Shesheth

* The rabbi thus regarded prayer as a thing belonging to transient life, because it benefits only the individual. Study, on the other hand, is regarded as an object that concerns eternal life, for by its results future generations may be benefited.

said: "Up to meal time." Said R. Hama: From what scriptural passage have we this? From "Happy art thou, O land! when thy king is noble-spirited, and thy princes eat in proper time, for strengthening and not for gluttony!" [Eccl. x. 17]; *i.e.*, for the strength of the law and not for indulgence in wine.

The rabbis taught: The first hour (of the day) is the time the Lydians eat (the Lydians were cannibals); in the second hour robbers eat; in the third hour (rich) heirs eat; the fourth hour is eating-time for the people in general; in the fifth hour laborers eat; in the sixth hour scholars eat; from the last hour onward, eating is like throwing a stone into a barrel (rather injurious than beneficial). Said Abayi: This is the case only when one has tasted nothing in the morning; but if he did so, it does not matter.

R. Ada bar Ahba said: One may say his prayers in a new bath-room, which has not been used. R. Hamnuna said in the name of Ula: One is not permitted to call Shalom to another man in a bath-room, for it is written: "He called the Eternal Shalom" [Judges, vi. 23].* If so, the saying of the word "faith" should also be prohibited, for it is written, "the faithful God" [Deut. vii. 9]. And lest one say so it is, has not Rabha bar Mehasia said in the name of R. Hama bar Gorion, quoting Rabh, that "faith" may be mentioned? In the latter case the name itself is not so designated, as it means as it is translated above. But in the former case it (Shalom) is a designation of the name itself.

The same says again in the name of the same authority: If one bestows a gift on his friend, he should let him know it; as it is written: "To know that I, the Eternal, made you holy" [Ex. xxxi. 13]. And there is a Boraitha which states as follows: "The Holy One, blessed be He, said unto Moses, I have a good gift in my storehouse; its name is Sabbath, which I wish to bestow on Israel; go and announce it to them." From this R. Simeon ben Gamaliel said: One who gives a child some bread should announce it to its mother. How shall he do this? Said Abayi: He should put some ointment around its eyes and stain it with dye.

Is this so? Has not R. Hama b. Hanina said: He who bestows a gift on his friend need not announce it to him, for it is written: "Moses knew not," etc. [Ex. xxxiv. 29]. This

* Translated literally. Leeser, however, translates differently according to the sense, but his translation is not correct.

presents no difficulty. The latter instance represents a thing that is to become known by itself; the former instance treats of a thing that cannot become known by itself.

But was not the Sabbath a thing that was to become known? Aye, but the reward (for keeping the Sabbath holy) that attends it was not to be known.

R. Johanan in the name of R. Simeon b. Yohayi said: All the commands that the Holy One, blessed be He, gave unto Israel, were given with publicity, excepting the Sabbath, which was given in privacy, for it is written: "Between me and the children of Israel it is an everlasting sign" [Ex. xxxi. 17]. If such is the case, the idolaters need not be punished for its sake. The Sabbath was made known, but the additional soul (a new impetus of life) which comes with the Sabbath was not made known to them. Thus R. Simeon b. Lakish said: "The Holy One, blessed be He, bestows an additional soul on man on the eve of the Sabbath, and takes it back again when the Sabbath departs." *

R. Hisda held in his hand two gifts † from the flesh of an ox, and said: "I will give this to the man who will tell me some new teaching in the name of Rabh." Said Rabha b. Mehasia to him, thus taught Rabh: "He who bestows a gift on a friend should let him know it." And R. Hisda gave him the meat. Said the former again: Art thou so fond of the teachings of Rabh? "Aye, aye," he answered. Said he: This is like that which Rabh said: A silk garment is precious to the wearer. Rejoined R. Hisda: Did Rabh indeed say so? This second thing is even better than the first; if I had other gifts I would bestow them too.

Rabha b. Mehasia in the name of the same said again: One should never show preference for one child above his other children, as for the sake of two selas' weight of silk, which Jacob bestowed on Joseph in preference to his other sons, the brothers became jealous of Joseph, and the development brought about our ancestors' migration into Egypt.

Again he continued: One should always endeavor to seek a dwelling in a city of recent settlement, for the settlement being recent, the sins are few. As it is written: "Behold, this city is

* Transposed from Tract Betzah, p. 166.

† He was an Aaronite, and in his time they used to give the Aaronites their meat-offerings. In the time of R. Hisda the descendants of the priests still received their titles.

near to flee thereunto, and it is little" [Gen. xix. 20]. What does it mean, it is near and small? Could not he see this himself? But it means its settlement is recent and therefore its sins are not many.

The same said again: A city whose roofs are higher than that of the synagogue will ultimately be destroyed, as it is written: "To raise high the house of our God," etc. [Ezra, ix. 9]. However, this refers only to the roofs of the houses, but as to the tops of towers and palaces, it does not concern them. Said R. Ashi: I have prevented Matha Mehassia from being destroyed (as he had made the prayer-house and the college higher than other houses). But was it not destroyed later? Yea, but not for this sin.

He also said: * It is better to be dependent on an Israelite than on an idolater; on an idolater than on a Persian; on a Persian schoolman† than on a scholar; on a scholar than on a widow or an orphan.

He also said: Rather any sickness than sickness of the bowels; rather any pain than pain of the heart; rather any disorder than a disorder in the head; rather any evil than a bad wife.

Again he said: If all the seas were ink, if all the swamps were producing pens, if the whole expanse of the horizon were parchment, and all the men were scribes, the (thoughts that fill the) void of a ruler's heart could not be written in full. Whence is this deduced? Said R. Mesharsia: "The heavens as to height and the earth as to depth, and the hearts of kings cannot be fathomed" [Prov. xxv. 3].

"To read Shema," etc. Was it not stated before that they need not be interrupted? This sentence applies to study, as we have learned in a Boraitha: "Scholars that are engaged in studying the Law must stop for the reading of Shema, but they need not stop for prayer." Said R. Johanan: Such is the case with men like R. Simeon b. Yo'hai and his colleagues, for learning was their profession; but men like ourselves must stop for prayer also. But have we not learned in a Boraitha: "As (students) need not quit (their studies) for prayer, so they need not stop them for Shema"? This applies only to the study of

* These somewhat abstruse distinctions are made for the reason that a dependent of a scholar, orphan, or widow is liable to incur greater punishment for an injury done his master than were his master an Ishmaelite, Persian, etc.

† The title "Habber" is the exact equivalent of "fellowship" as a college position in our time; we translate it "schoolman."

the establishment of leap year; as R. Ada b. Ahba, and so also the sages of Hagrunia in the name of R. Elazar b. Zadok, declared: "When we were engaged in fixing a leap year at Yabne, we did not quit (our work) either for Shema or for prayer."

MISHNA III.: A tailor shall not go out with his needle when it is nearly dark on Friday, lest he forget and go out (carrying it about with him) after dark; nor a scribe with his pen; nor shall one search for vermin in his garments or read before the lamp-light (Friday night). Of a verity it is said, an instructor may follow the children when they read, but he shall not read himself (before the lamp-light). In a similar manner it is said that one afflicted with gonorrhœa should not eat from the same plate with a woman that has the same disease, lest they become accustomed to one another and come to sin.

GEMARA: "*A tailor shall not go out,*" etc. Does not the Mishna mean when the needle is stuck in the garment? Nay, it treats of the case when (the tailor) holds it in his hand.

Come and hear. "A tailor shall not go out with the needle sticking in his garment." Does this not treat of the eve of the Sabbath? Nay, it treats of the Sabbath itself.

But is there not another Boraitha: "A tailor shall not go out with the needle sticking in his garment on Friday when it is nearly dark"? This was taught according to R. Jehudah, who holds that a laborer (carrying a thing) after the manner of his profession is culpable; as we have learned in the following Tosephtha: "A tailor shall not go out with his needle sticking in his garment; nor a carpenter with his ruler behind his ear; nor a cloth cleaner with the spanning cord behind his ear; nor a weaver with the stuffing cotton behind his ear; nor a dyer with samples around his neck; nor a money changer with the dinar in his ear. If, however, they did so, they are free, though they ought not to start it; so is the decree of R. Mair. R. Jehudah, however, says: The laborer only (going out) after the manner of his profession is culpable; but not common men."

In the school of R. Ishmael it was taught: "One may go out with the phylacteries on his head at twilight on the eve of Sabbath." Why so? As Rabha b. R. Huna said: One must feel the phylacteries on his head at all times, and in consequence he will be reminded, through feeling the phylacteries, that he must remove them before the Sabbath.

There is a Boraitha: A man must examine his garments on Friday evening, when it is getting dark, to see whether there is

anything in them that must not be carried about on the Sabbath. Said R. Joseph: This is an important ordinance concerning the Sabbath.

"One shall not search for vermin," etc. Does it mean one shall not search for vermin in the day-time (of a Sabbath) lest he destroy any; and he shall not read before a lamp-light lest he snuff (the wick); or are both ordinances connected with each other so as to make the ordinance prohibiting the snuffing of the wick binding? Come and hear. "One shall not search for vermin nor read before the lamp-light." What can we understand from this Boraitha better than from our Mishna? Come and hear another Boraitha: "One shall not search before the lamp-light; also, one shall not read before it." These two ordinances are among the other established Halakhas in the attic of Hananiah b. Hyzkiyah b. Gorion. From this is to be inferred that both cases were prohibited for the same reason, that they may entail snuffing the wick.

R. Jehudah in the name of Samuel said: One must not try to distinguish even between his own and his wife's garments (before the lamp-light). Said Rabha: This is said only for the inhabitants of Ma'hoza,* but among the dwellers of rural places the garments can easily be distinguished. And even among the inhabitants of Ma'hoza, only the garments of old women cannot easily be distinguished from those of the men, but not of young women.

The rabbis taught: One shall not search for vermin in the street out of self-respect. In the same wise, R. Jehudah or R. Ne'hemiah taught that one shall not vomit in the street out of self-respect. The rabbis taught: One who searches his garments and finds a louse shall not crack it, but simply rub it with his fingers and throw it away (on the Sabbath). Says R. Huna: This should also be done even on week days, out of self-respect.

We have learned, R. Simeon b. Elazar said: "One shall not kill vermin on the Sabbath." So said Beth Shamaï; Beth Hillel, however, allowed this. R. Simeon b. Elazar used also to say in the name of R. Simeon b. Gamaliel: "One is not allowed to negotiate marriage engagements for children, nor to engage teachers or artisan masters for children, nor to pay visits of condolence to mourners, nor to visit the sick on the Sabbath. Such is the decree of Beth Shamaï; Beth Hillel, however, allows all this."

* Large cities where the men are effeminate and wear garments like the women.

The rabbis taught: If one comes to visit the sick on the Sabbath, he shall say: "It is Sabbath and we are not to cry, but relief is drawing nigh." R. Mair said, one should say: "The Sabbath (if respected) may bring mercy." Rabbi Jehudah said: "May the Omnipotent have mercy with thee and toward the sick of Israel." R. Jose said: "May the Omnipotent bestow mercy on thee *amongst* the sick of Israel." Shebhna the Jerusalemite when he entered (a sick-room on the Sabbath) said, "Shalom"; on leaving he said: "To cry! it is Sabbath; nevertheless, relief is nigh"; "As His mercies are great," and "Rest ye in peace."

According to whom is what R. Hanina said: "He who has a sick person in the house should include him (in his prayers) amongst the sick in Israel"? It was in accordance with R. Jose. R. Hanina also said that it was with difficulty that the rabbis allowed visits of condolence to be paid to mourners and to visit the sick on a Sabbath. Rabba b. b. Hana said: When I accompanied R. Eliezer while visiting the sick, I sometimes heard him say (in Hebrew): "May the Omnipotent mind thee in peace," and sometimes (in Aramaic): "May the Merciful remember thee in peace." How could he do this? Did not R. Jehudah say: "One should never pray for what he needs in the Aramaic language"? And also R. Johanan: "The angels of service do not listen to one's prayer in the Aramaic tongue, for they know not that language." The case of a sick person is different, as *Shekhina itself* is with him. (This will be explained in Tract Nedarin in the proper place.)

"*One shall not read before the lamp-light.*" Rabba said: It is the same even if the lamp is placed two (men's) heights (from the ground); even two stories high, or even if it is on top of ten houses, one above the other. "*One shall not read,*" but *two* may? Have we not learned, "Neither one nor two"? Said R. Elazar: This presents no difficulty. Our Mishna treats of two reading one subject; and there it treats of two reading different subjects. Said R. Huna: Around the hearth-fire even ten persons shall not read together. Rabha, however, said: A prominent man may read, as he would not degrade himself by stirring the fire.

An objection was raised from the following: One should not read before a lamp-light, lest he snuff the wick. Said R. Ishmael b. Elisha: "I will read and not snuff it." Once he actually read and was tempted to snuff the wick. And he exclaimed:

"How great is the saying of the sages, that one should not read before a lamp-light." R. Nathan said: He actually snuffed the wick and noted in his diary: "I, Ishmael b. Elisha, have read before the lamp on Sabbath, and have snuffed the wick. When the holy temple shall be rebuilt, I will bring a fat sin-offering." Said R. Aba: With R. Ishmael b. Elisha it is different, for while studying the Law he always considered himself common.

There is one Boraitha: A servant may examine cups and dishes (to see if they are clean, before the lamp); and another, that he may not. This presents no difficulty. The former treats of a servant in permanent engagement;* the latter of one who performs occasional service. And if you wish, it may be said that both Boraithas apply to a permanent servant: the latter in the case of a lamp which is fed with oil, the former in the case where it is fed with naphtha. (Naphtha emits a bad odor; he will therefore not be tempted to touch it.)

The schoolmen propounded a question: May a servant that is not permanently engaged (examine his utensils) before a lamp fed with oil?

Said Rabb: The rule is laid down (that he may), but we do not practise it. R. Jeremiah b. Aba, however, said: So is the rule, and so we practise.

Once R. Jeremiah b. Aba took (his Friday night meal) at the house of R. Assi. His servant (R. Jeremiah's retainer, who was at the time doing occasional service in R. Assi's house) proceeded to examine (the dishes) before the lamp. Said the wife of R. Assi (to her husband): "You, my master, do not approve of this." "Let him be," answered R. Assi; "he acts according to the opinion of his master."

"*Of a verity they said, an instructor,*" etc. Was it not said, "He may see"? For what purpose should he do this but to read? Nay; he should see in order to watch the sequence of paragraphs. So also said Rabba b. Samuel: "He may arrange the sequence of paragraphs." Consequently, may he not read the paragraphs through? Would this not oppose the statement of R. Simeon b. Gamaliel, who said: "Children in their rabbi's house used to arrange their paragraphs and read before the lamp-light"? With children the case is different; out of fear for their master they will not be led to adjust.

MISHNA IV.: And these are some of the regulations

* A servant in permanent engagement is more careful about his dishes, for fear that he may lose his position. He is therefore more apt to adjust the wick.

enacted in the attic of Hananiah b. Hyzkiyah b. Gorion, when the rabbis came to visit him. They called the roll and found that the disciples of Shamaï were more numerous than those of Hillel, and they enforced eighteen regulations on that day.

GEMARA: Said Abayi to R. Joseph: Does the expression "and these," etc., refer to the things that were mentioned, or is "these" used with reference to things to be mentioned farther on? Come and hear. "One shall not search for vermin or read before a lamp-light; *and these* are some of the regulations," etc. From this it is obvious that "and these" is the correct version.

The rabbis taught: The "Roll of Fasts" was written by Hananiah b. Hyzkiyah and his company, for they thought with fondness of the troubles (which their race had experienced). Said R. Simeon b. Gamaliel: We also think with fondness of the troubles; but what shall we do? If we were to record (all the troubles our race has experienced since that time) we would never finish. It may also be said: A fool never feels trouble, or (more pointedly) a dead member on a living body feels not the lancet.*

MISHNA V.: The Beth Shamaï said: Ink, dye material, or fodder (for animals) shall not be put into water (on Friday) unless there is still time for them to soak through while it is day. The Beth Hillel, however, permits this. The Beth Shamaï prohibits putting bundles of linen thread (to bleach) into the oven unless there is sufficient time left for them to become heated through while it is yet day, or wool into a dye-kettle unless there is still time for it to be soaked through the same day. The Beth Hillel permits this. The Beth Shamaï says: Traps shall not be set for animals and birds, or nets for fishes (on Friday), unless there is still time for them to be caught before sunset. The Beth Hillel permits this. The Beth Shamaï says: One shall not sell anything to a Gentile (on Friday) or help him load his animal, or help him shoulder a burden unless he (the Gentile) can reach (with his load) the nearest place while it is yet day. The Beth Hillel permits this. The Beth Shamaï

* The Gemara discusses here the eighteen precautionary measures which were enacted in the attic referred to, and tried also to find them out, as what they were is not mentioned in the Mishna at all. As none of them, except the two mentioned in the Mishna (which is not discussed at all), belong to Sabbath, we have omitted the whole discussion. However, we have named all of them in the appendix to this tract [Vol. II., pp. 381-390, *q. v.*], and we have shown that all of these enactments were political and of great necessity at that time.

says: Hides shall not be given to a tanner nor clothes to a Gentile washer (on a Friday) unless there is still sufficient time left for him (the Gentile) to finish it while it is day. The performance of all these acts of labor heretofore mentioned was permitted by the Beth Hillel (on Friday) while the sun was still shining. Rabbi Simeon b. Gamaliel said: At my father's house it was the custom to give out white clothes to a Gentile washer three days before the Sabbath. Both schools, however, agree that the presses may be put on olives and grapes in the press-pits (as long as it is still daytime).

GEMARA: Who is the Tana that maintains that putting water on ink constitutes the final work on it? Said R. Joseph: (It is Rabbi of the following Boraitha: "If one put flour (in a vessel) and another one put water on it, the latter is culpable (of the act of kneading); so is the decree of Rabbi." R. Jose, however, says that one is not culpable until he kneads it.

The rabbis taught: At twilight on the eve of Sabbath one may make an opening in a spring, so that the water run into the garden the whole day (of the Sabbath). He may also put smoking incense underneath garments, so that they hold the fragrance the whole day. It is also allowed to put burning sulphur under enamelled vessels, so that its smoke work on the paints the whole Sabbath day. It is also allowed for one to put a balm on the eye and a plaster on a wound, so that the healing process continue throughout the Sabbath; it is prohibited, however, to put grain into a water-mill, unless there is yet enough daytime left for it to be ground. Why so? Said R. Joseph: Because one is obliged to give rest even to tools on Sabbath.

Now, since it was said that the resting of tools is obligatory according to the decision of the Beth Hillel, why did they permit putting sulphur and incense to smoke, or linen thread to bleach during the Sabbath? Because no act was being done, and (the tools were practically) at rest. But do not traps set for animals, birds, and nets for fishes work? Why, then, did they allow these? Here, too, they treated only of fishers' rods and traps, which do no work (but into which animals work themselves).

Now, as R. Oshia has declared in the name of R. Assi, that only the Beth Shammai holds that there is a biblical obligation for the resting of tools, but not the Beth Hillel, all the acts enumerated above are permitted by the latter, even in the event of the tools performing work.

Who is the Tana of what the rabbis taught anonymously as follows: "A woman shall not put dried lentils and peas into the oven on Friday when it is getting dark and leave them there (to get soft); and if she needs them for after the Sabbath she shall not use them, unless she waits the length of time required to cook them afresh. In the same wise a baker shall not put a vessel with water in the oven on Friday when it is getting dark; and if he needs (the hot water) for after the Sabbath, he shall not use it unless he waits the length of time it would require to boil it afresh." Shall we assume that this is in accordance with the Beth Shamaï, but not with Beth Hillel? It may also be in accordance with the Beth Hillel, as the prohibitions were made as precautionary measures lest one stir the coals. If such is the case, the burning of incense and sulphur (as mentioned in our Mishna) should also be prohibited for the same reason. There is to be feared that the coals might be stirred, while here is no fear of that, as when the coals are stirred smoke may arise and injure the enamel or the garments. In the case of the linen thread also, no precautionary measure was necessary, because the draught caused by the admission of air into the oven would prove injurious to the thread, and therefore one would not open the oven to stir the fire. Then let the placing of wool into a (dye) kettle be prohibited as a precautionary measure? The Mishna treats of a kettle that stands at some distance from the fire; so says Samuel. Still, the apprehension exists that he may stir the dye. Nay, we speak of a kettle whose cover is sealed with clay.

Now that the master said that the prohibitions (of the Boraitha) are only precautionary measures, to prevent one from stirring the coals, a cold pot may be put in the oven on Friday when it is getting dark. Why so? Because the victuals in it cannot be used the same evening, and he (the cook) will never think of stirring the coals.

"*One shall not sell a thing to a Gentile,*" etc. The rabbis taught: The Beth Shamaï said: One shall not sell a thing to a Gentile, nor lend it to him, nor help him carry it, nor lend him nor present him with any money on Sabbath eve unless there is time enough for the recipient to reach his house before night comes on. The Beth Hillel said (all this may be done) if there is time enough to reach his house at the wall of the city where he lives. R. Aqiba, however, says: It is sufficient if there is time enough for the Gentile to leave the house of the Jew.

Said R. Jose b. Jehudah: "R. Aqiba contends that his teaching does not contradict that of the Beth Hillel, but merely explains the latter's real intent."

The rabbis taught: One may put down eatables on his own grounds for a Gentile (on the Sabbath). If the latter takes the eatables and carries them off, he need not prevent him.

The rabbis taught: One shall not hire out his tools to a Gentile on Friday, but he may do so on Wednesday or Thursday (even if he knows positively that the Gentile will use them on Sabbath). In the same manner, it is prohibited to transmit a letter by a Gentile on Friday, but it may be sent on Wednesday or Thursday. It was said of R. Jose the Priest, according to others the Pious, that his handwriting was never found in the hands of a Gentile (for fear that it might be carried on the Sabbath).

The rabbis taught: One shall not send a letter by a Gentile on Friday unless he stipulated a certain sum for the delivery. If such a stipulation was not made, the Beth Shammai says it must not be delivered, unless the messenger has time to reach the house in which it is to be delivered (before sunset); the Beth Hillel, however, maintains: He may do it if the messenger has time to reach the house nearest to the wall of the city where the letter is to be delivered. Was it not taught at first that "one shall not send" at all? This presents no difficulty. In the first part the case treats of a town which has no post-office; in the latter part the Boraitha speaks of a town which has one.

The rabbis taught: One shall not embark on a vessel less than three days before the Sabbath. This is the case if one goes (to sea) on private business, but if he goes for a meritorious act, he may do so. He may make a stipulation with the owner of the boat that it shall rest on Sabbath, although he is aware that he will not do so; so is the decree of Rabbi. R. Simeon b. Gamaliel, however, maintains that such a stipulation is not necessary. To travel from Tyre to Zidon (a journey of a few hours) one may embark even on Friday.

The rabbis taught: Siege shall not be laid to Gentile cities less than three days before the Sabbath, but when the siege is laid it need not be interrupted. So also Shammai used to say: It is written, "until it is brought down" [Deut. xx. 20], *i.e.*, even on a Sabbath day.

"*R. Simeon b. Gamaliel said,*" etc. There is a Boraitha:

R. Zadok said: "It was the custom at the house of Rabban Gamaliel to give white clothes to the washer three days before the Sabbath, but colored clothes even on a Friday." From this we have learned that it is harder to wash white clothes than colored ones. Abayi gave colored clothes to the washer and asked: How much wilt thou take for washing them? "As much as for white clothes," answered the washer. Said Abayi: "The rabbis have preceded thee with their declaration" (that white clothes are harder to wash).

"*Both schools agree,*" etc. Why did the school of Shamai enforce precautionary measures in all the previous cases, but in the case of wine and oil presses they did not do so? They prohibited the performance of such labor as involves the obligation of a sin-offering, if performed (unintentionally) on the Sabbath, or on a Friday when approaching darkness; but for the putting of press beams on grapes or olives, which does not involve the obligation of a sin-offering even if done on the Sabbath, the precautionary measure was not necessary.

From this it may be inferred that work which continues by itself may well be started (late on Friday).^{*} Who is the Tana that holds so? Said R. Jose: R. Ishmael of the Mishna (Ediath, II. 7): "Garlic, unripe grapes, and green grain-stalks which were crushed (on Friday) while yet day, may be put under pressure at sunset; so is the decree of R. Ishmael. R. Aqiba, however, says: "It must not be done." R. Elazar (b. Pedath), however, said that the Tana in question is R. Elazar (b. Samoa) of the following Mishna: "Honeycombs that were crushed on Friday shall not be put in the press (at sunset), so that the honey run out by itself; R. Elazar, however, permits it." R. Jose b. Hanina has practised in accordance with the theory of R. Ishmael.

The oil and the covers of the small oil-presses Rabh prohibits to handle on the Sabbath. Samuel, however, permits it. The same is the case with reed-cloth; Rabh prohibits, and Samuel permits (to handle). Covers that are used on board of a vessel to cover the deck Rabh prohibits, and Samuel permits the handling of.

R. Na'hman said: "A goat that is kept for its milk, a sheep that is kept for its wool, a hen that is kept for its eggs, an ox

^{*} Without requiring the labor of man when once started, as is the case with wine and oil presses, in which case the beams, once put on grapes or olives, force the fluids to run down of their own accord.

that is kept for the plough, and dates that are put up for the market, are prohibited for use at a biblical feast," according to Rabh; Samuel, however, said it was permitted. The point of their differing is the law of *Muktsa*, in which R. Jehudah and R. Simeon differ. (It is explained farther on that, according to the latter, no *Muktsa* exists.)

A disciple in 'Harta of Argis* decided cases according to R. Simeon's teaching, and R. Hamnunah put him under the ban. But have we not adopted the opinion of R. Simeon? Yea, but 'Harta was within the jurisdiction of Rabh, and he (the disciple) should not have done as he did against Rabha's teaching.

MISHNA VI.: Meats, onions, and eggs shall not be put to roasting on the eve of Sabbath, unless they can be done while it is yet day.

Bread shall not be put in the oven or a cake upon live coals, unless the crust can be formed while it is yet day. R. Elazar says it is enough if the bottom crust is formed. The Passover sacrifice may be turned around in the oven (on Friday) when it is getting dark. In the heating-house of (the sanctuary) the fire was fed at eventide. The fires in the rural districts may be fed until the flames envelop the greatest part (of the fuel). R. Judha says: "Where coals were already burning more fuel may be added, even when Sabbath is quite near at hand."

GEMARA: When should such victuals be considered done? Said R. Elazar in the name of Rabh: "When they are done like the victuals of Ben Drostai."† As we have learned in a Boraitha: Hananiah says all victuals that are done like the victuals of Ben Drostai may be left upon the hearth, even if the fire in the hearth is not stirred up and full of ashes.

"*Bread shall not be put,*" etc. The schoolmen propounded a question: ("Does R. Elazar speak of) the crust that is formed near the wall of the oven, or the crust formed (on the side of the loaf, that is turned) to the fire?")

Come and hear. R. Elazar says: "It is sufficient if the surface is crusted, which lies close to the wall of the oven."

* Argis was the man who built the city of 'Harta and R. Hamnunah lived in that city. The cave in which he is buried is still in existence there. So I have found written in an answer of a Gaon. (Rashi.)

† A notorious highwayman, who could never stay in one place long enough to cook his meals, and was wont to do only the third part of cooking they required.

"*The Passover sacrifice may be turned,*" etc. Why so? Because a company (when preparing a sacrifice in the temple) is very cautious.

But if this were not the case, would it not be allowed? Has not the master said: A (sacrificial) kid may be used, well done or not well done? Aye, but in that case it is cut in pieces; in our case it could not be cut in pieces.*

"*The fire in the heating-house,*" etc. Why so? Whence is this deduced? Said R. Huna: It is written [Ex. xxxv. 3]: "Ye shall not kindle any fire throughout your habitations upon the Sabbath day." *Your* habitations excluded the sanctuary. R. Hisda opposed: If it is so, then they may do so on Sabbath itself; therefore he explains thus: The cited verse excludes only the parts of the members which are already upon the altar, and the reason of our Mishna is because priests are very careful.

"*In the rural districts,*" etc. What does "the greatest part" mean? According to Rabh: "The greatest part of each piece"; and according to Samuel: "Until no more small wood is needed to make the heap burn." R. Hyya taught the following Boraitha in support of R. Samuel: "The flame should continue rising by itself, and not by the assistance of anything else." And to only one log of wood?—until the fire catches most of its thickness; and according to others, the most of its circumference, was the decision of Rabh. Said R. Papa: To comply with both views just mentioned it is right that the fire should catch both, the most of its thickness and the greatest part of its circumference. However, regarding this law Tanaim of the following Boraitha differ. R. Hyya says: Until it is so burned that it is unfit for any carpenter's work. R. Judah b. Bathyra says: Until the fire catches both sides. And although this cannot be substantiated by evidence (from Scripture), there is a hint of this—viz.: "Both ends are consumed by the fire and the inside is scorched; is it fit for any work?" [Ez. xv. 4].

It was taught: R. Kahana said: Reeds, if they are tied together, must (have enough daytime on Friday) to burn over half; if not tied together, less is sufficient. *Granum* must have enough time for the fire to catch their greater part; if they are put in a fire-pot, they need not. R. Joseph taught four sub-

* See Ex. xii. 9, 46, where it is explicitly ordained that the paschal lamb should not be dismembered, and no bone should be broken.

stances (used as fuel) need not (have time until the fire catches) the greater part—viz.: pitch, sulphur, cheese, and running fats. In a Boraitha it was taught that straw and (wood) shavings belong to the same category. R. Johanan said that the same is the case with fuel in Babylon. What does it mean? According to R. Joseph bast, and according to Rami b. Aba branches.

APPENDIX.

[Explanatory to p. 8, line 2 (Erubhin, p. 25).]

There is a Boraitha in addition to the last Mishna of Chap. IX., *ibid.*, p. 226, as follows: "More than this said R. Jehudah: 'He who has two houses, one on each side of public ground, may add to each a beam or a side beam (for a sign), and this allows him to carry things from one house into the other.' To which the rabbis answered that such an *erubh* does not suffice for public ground." (The reason of R. Jehudah's statement is that biblically two partitions suffice to turn premises of public ground into private ground, with which the rabbis do not agree.)*

* This Boraitha was omitted in Tract Erubhin. Here, however, to render the above-mentioned passage clearer for the reader, we deem it necessary to translate it.

CHAPTER II.

REGULATIONS CONCERNING THE SABBATH AND 'HANUKAH LIGHT.

MISHNA I.: What shall and what shall not be used for lighting (the Sabbath light)? The light shall not be made with (wicks of) cedar bast, raw flax, silk fibre, weeds growing upon the water, and ship-moss.* Nor shall pitch, wax, cotton-seed oil, oil of rejected heave-offerings,† fat from the tail of a sheep, and tallow be used.

Nahum the Modait says melted tallow may be used for lighting; the schoolmen, however, prohibit melted and raw tallow alike.

GEMARA: Rabbin and Abayi were sitting before Rabbanah Ne'hemiah, the brother of the Exilarch (after the death of his brother he became Exilarch under the name Ne'hemiah the Second), and they saw that he was dressed in a mantle of *metaxa* (raw silk). Said Rabbin to Abayi: "This is called in our Mishna *khlakh*."‡ And he answered: "In our city it is called *Shira Peranda* (*ferandinis*)." The same (Rabbin and Abayi) happened to be in the valley of Tamruritha, and they saw a kind of willow, and Rabbin said to Abayi: "This is *edan* mentioned in our Mishna"; and he rejoined: "This is only common wood; how could a wick be made of it?" He peeled off one of them and showed him a kind of woolly substance between the bark and the stem.

* Moss springing up on the hulk or boards of a ship.

† The text reads "oil for burning," the full explanation of which is given in the Talmud farther on. We have paraphrased the term to convey the sense to the English reader.

‡ The terms in the Mishna, with which it must not be lighted, are expressed in a mixture of Hebrew, Greek, and Roman names. The Gemara then discusses what is meant by the names, and, probably, some of the Babylonian Amoraim did not understand Greek or Roman, as is seen from the fact that Rabbin did not know of the name *metaxa* when he saw it on the body of Ne'hemiah, and exclaimed only, "This is meant by the expression *khlakh*"; and Abayi answered in broken Roman, *Paranda*. We, as we have translated the names into English, have omitted the whole discussion in the first edition. In this second edition, however, we are disposed not to omit at least the historical facts.

The rabbis taught: All that which was prohibited for the Sabbath lamp may be used in fires that are kept up for heat or even for constant light, whether (such fires are built) upon the ground or in the hearth; as the materials are prohibited only for use as wicks for the Sabbath lamp.

Rabba said: The wicks which the rabbis forbade the use of in the Sabbath lamp are prohibited because they give a flickering light. The oily substances were prohibited because they do not adhere to the wick.

Abayi questioned Rabba: Would it be permitted to mix oil with these prohibited fats and then use them for the Sabbath lamp? Or is even that prohibited as a precaution lest one use those fats without the addition of oil? Rabba answered: It is prohibited. Why so? Because they do not give a right light.

Abayi objected to him from the following: "R. Simeon b. Gamaliel said: 'In my father's house they wound the wick around a nut and lighted it'; hence you see that it may be lighted." Said Rabba: "Instead of contradicting me with the saying of R. Simeon b. Gamaliel, support my view with the decision of the first Tana" (of our Mishna). This would not do, as the record of an act is incontrovertible. *Still* the record of the master remains contradictory. The Mishna is not complete, and should read thus: "If one has wound a thing that may be used (as a wick) around a thing that may not be used, he is not permitted to light it. This is the case when the two (substances) are to serve the purpose of a wick, but if the prohibited substance is used merely to support the permissible (the combination) is allowed, as so said R. Simeon b. Gamaliel, 'In my father's house,' " etc.

But, after all, it is not so. Did not R. Beruna teach in the name of Rabh: To melted tallow or fish fat one may add some oil and use it for the Sabbath lamp? These substances adhere to the wick in themselves. But the rabbis had prohibited melted tallow or fish fat as a precaution, lest (if the melted substance be allowed) one use it raw also for light. Why did they not enact the prohibition to use these substances with the admixture of some oil as a precaution lest they be used without the admixture of oil? This itself is a precautionary measure; shall we enact another as a safeguard to it?

R. Huna said: The wicks and fats which the sages have prohibited for the Sabbath lamp cannot be used for the 'Hanukah lamp either on the Sabbath night or on week nights. Said

Rabba: The reason of R. Huna's theory is because he holds that if the ('Hanukah lamp) is extinguished (by accident) it must be relighted, and also that its light may be used to work by. R. Hisda, however, maintains that it can be fed (with these fats) on week nights, but not on the Sabbath night. Because he holds that if it is extinguished, one is not in duty bound (to light it again), and as long as it burns it may be used to work by.

R. Zera in the name of R. Mathna, according to others in the name of Rabh, said: The wicks and fats which the sages prohibited for the Sabbath lamp may be used for the 'Hanukah lamp, both during the week and on the Sabbath night. Said R. Jeremiah: The reason of Rabh's decision is because he holds that if it is extinguished he need not relight it, and its light is prohibited to be used." The rabbis declared this before Abayi, in the name of R. Jeremiah, and he would not accept it; when Rabbin came from Palestine he declared the same before Abayi in the name of R. Johanan, and he accepted it and said: "Had I been worthy, I would have accepted this teaching before."

It is said in the name of Rabh: "If it is extinguished, it is not needed to relight it." Is this not contradicted by the following: "The proper ordinance is for (the 'Hanukah light) to last from sunset until footsteps are no longer heard in the street"?* Does this not mean that if extinguished it must be relighted? Nay, the time appointed is only for the purpose of determining when the light is to be lit, or a light should be made which will last for the appointed time.

"Until footsteps are no longer heard," etc. Up to what time is this? Said Rabba b. b. Hana in the name of R. Johanan: "Up to the time when the steps of the Tarmudites† are heard no more."

The rabbis taught: The law of 'Hanukah demands that every man should light one lamp for himself and his household. Those who seek to fulfil it well have a lamp lit for every member of the household. Those who seek to fulfil the law in the best possible manner should light according to Beth Shamaï the first night eight flames, and every following night one flame

* The ceasing of footsteps in Talmudical language implies the time when people have already retired.

† Vendors of shavings and small wood, which are bought for the hearth-fire in the evening.

less. And according to Beth Hillel the reverse—the first night one lamp, and be increased by one on each succeeding night. Said Rabba b. b. Hana in the name of R. Johanan: “There were two sages in Zidon; one did according to the decision of Shamai’s school, and gave the reason that the ‘Hanukah lamp is to be lit in the same manner as the sacrifices of the feast were offered,* and the other according to the school of Hillel, with the reason that holy actions should show (emblemize) increase and not reduction.

The rabbis taught: It is a merit to put the ‘Hanukah lamp on the outside door of the house; and he who lives in an attic puts it in a window that opens into the street. In time of danger, however,† it is sufficient if the lights are on the table. Said Rabha: In the latter case another light is required to work by; but if there is a hearth-fire in the house, it is not necessary. However, if the man is of high standing (and not in the habit of working by the hearth-light) he must have another lamp.

What is ‘Hanukah? The rabbis taught: “On the twenty-fifth day of Kislev ‘Hanukah commences and lasts eight days, on which lamenting (in commemoration of the dead) and fasting are prohibited. When the Hellenists entered the sanctuary, they defiled all the oil that was found there. When the government of the House of Asmoneans prevailed and conquered them, oil was sought (to feed the holy lamp in the sanctuary) and only one vial was found with the seal of the high priest intact. The vial contained sufficient oil for one day only, but a miracle occurred, and it fed the holy lamp eight days in succession. These eight days were the following year established as days of good cheer, on which psalms of praise and acknowledgment (of God’s wonders) were to be recited.

R. Kahana said: R. Nathan b. Manyomi in the name of R. Tanhum lectured: “A ‘Hanukah lamp becomes disqualified if it is put higher than twenty ells (from the ground), just like a Sukkah (booth) and like the side beam of an alley.”

Rabba said: The merit of the ‘Hanukah lamp is that it be put within a span of the house door. And on which side? R. A’ha b. Rabha said to the right, R. Samuel of Diphti said to

* The sacrifices of the Feast of Booths were decreased in number each succeeding day. See Numbers xxix. 13, 17, 23, 25, 29, 32.

† Time of danger is used here to designate the time when a prohibitive order against lights is issued by the local government.

the left (of the entrance). And the Halakha prevails that it should be placed to the left of the entrance, so that the 'Hanukah light be on one side and the Mezuzah * on the other side of the door.

R. Jehudah in the name of R. Assi said: It is not allowed to count money by the 'Hanukah light. When this was cited before Samuel, he said: "Is there any holiness in the light?" R. Joseph retorted: Is there any holiness in the blood of an animal? and yet have we not learned in a Boraitha: It is written: "Then shall pour out the blood . . . and cover it" . . . [Lev. xvii. 13]. From this we infer that he must cover it with the same hand it was shed with, but not with his foot, in order that the fulfilment of the commandment should not be treated with lack of reverence. In our case, too, the light must not be used for anything, in order that the compliance with an ordinance should not evince a lack of reverence.

R. Joshua b. Levi was questioned: May the fruits, hung up in the Sukkah for ornamentation, be used during the seven days of the feast? He answered: Even to the 'Hanukah light a law was passed prohibiting the counting of money. Said R. Joseph: "Lord of Abraham!" Here he connected a law that was enacted (by the ancient masters) with one that was not discussed by them. The law concerning the Sukkah was biblical, that concerning 'Hanukah was not biblical but rabbinical. Therefore said R. Joseph: The precedent of all these cases is the law concerning the blood (which was cited above).

It was taught: Rabh said: It is not allowed to light one 'Hanukah light with the other; Samuel permits this. Rabh prohibited Tzitzith (show-threads) to be taken out of one garment and put into another; Samuel permits also this. He also said that the Halakha does not prevail in accordance with R. Simeon regarding dragging across the floor (which will be explained farther on); and Samuel maintains it does.†

Said Abayi: "My master followed the decisions of Rabh in all questions except the three mentioned above, which he decided according to Samuel."

* "Mezuzah," door-post, technical name for the writing which was to be placed on the door-post by the command of Deut. vi. 9 and elsewhere. The rabbis decreed that this was to be placed to the right of the entrance.

† The different contentions given above may seem somewhat out of place; however, they are cited merely to show the differences of opinion existing among the different schools and sages.

One of the rabbis in the presence of R. Ada b. Ahba said: "Rabh's reason for prohibiting these acts was to prevent irreverence in the compliance with the law." Said R. Ada to the scholars present: "Hear him not; Rabh's reason was to prevent stinginess in the fulfilment of laws." And what is the difference between the two? It is in the lighting of one 'Hanukah lamp with another. He who says that irreverence was the reason cannot prohibit this; but he who holds stinginess to be the reason, prohibits even this rightfully.

How is this question to be decided? Said R. Huna b. R. Joshua: "Let us see whether the act of lighting the lamp constitutes merit, or whether it is the act of putting it in its proper place"; this question having been already propounded by the schoolmen (the answer, when given, will serve for the above also).

Come then and hear the following: R. Joshua b. Levi says: "A lantern (that was lit for 'Hanukah on Friday night) and kept burning the whole following day must, at the close of the Sabbath, be extinguished and then relighted." Now if we say that the lighting constitutes compliance with the commandment, this teaching is correct; but if we say that the placing of the lamp in its proper place constitutes the merit, it should be said: "It should be extinguished, raised up, put in its proper place, and then lit." And also, since we pronounce the benediction, "Blessed art Thou, etc., who hast commanded us to light the 'Hanukah lamp," it becomes clearly apparent the lighting constitutes compliance. And so it is. Now that we come to the conclusion that the act of lighting constitutes the merit, it is understood that if this was done by a deaf-mute, an idiot, or a minor, the act is not valid; a woman, however, may surely light it, as R. Joshua b. Levi said: "Women are in duty bound to light the 'Hanukah lamp, for they were included in miracle."

R. Shesheth said: A guest (at a stranger's house) is obliged to light the 'Hanukah lamp. Said R. Zera: When I was studying at the school of Rabh, I contributed my share towards maintaining and lighting the lamp with mine host. Since I am married, I say, I surely need not light it now, for it is lit for me at my house.

R. Joshua b. Levi said: "All fats are good for the 'Hanukah lamp, but olive oil is the best." Abayi said: "My master always sought for poppy-seed oil, because, said he, it burns slowly (and

the light lasts longer), but when he heard the saying of R. Joshua b. Levi, he sought for olive oil, for that gives a clearer light."

Hyya b. Ashi in the name of Rabh said: He who lights the 'Hanukah lamp must pronounce a benediction. R. Jeremiah said: He who perceives it must pronounce a benediction. R. Jehudah said: He who perceives a 'Hanukah lamp on the first day must pronounce two benedictions, and the one that lights it on the first day, three;* after the first day, the one that lights it must pronounce two benedictions and the one that perceives it one.

What benediction would he omit? The benediction of time. But why not omit the benediction of the miracle? Because the miracle was continued every day (of the eight). And what is the (special) benediction? "Blessed be, etc., who hallowed us with His commands and ordained that we shall light the 'Hanukah lamp." But where did He ordain this? Said R. Avya: (This command is included in) "Thou shalt not depart," etc. [Deut. xvii. 11]. R. Nehemiah, however, from the following said: "Ask thy father and he will tell thee; thine elders, and they will inform thee" [ibid. xxxii. 7].

R. Huna said: A house that has two doors must have two lamps. Said Rabha: This is only in case when the two doors are in two different sides of the house; but if they both open on the same side it is not necessary. Why so? Because the townsmen may pass by the side which has no lamp and suspect the owner of the house of not having lit any at all. And where is it taken from that one must endeavor to avoid suspicion? From a Tosephtha in Peah, Chap. I., which states plainly that every one must do so.

R. Isaac b. Rediphah in the name of R. Huna said: "A lamp with two mouths (so that two wicks can be lit in it) is sufficient for two men."

Rabha said: If one has filled a dish with oil, put wicks all around the brim, and covered it with a vessel (so that each wick yields a separate flame), it is sufficient for many persons; but if he has not covered it, he makes it appear as one flame of fire, and it is not valid, even for one person.

The same said again: If one (possessing only means enough

* The three benedictions here referred to are: 1st, for the privilege of lighting the 'Hanukah lamp; 2d, for the miracle which the lamp commemorates; and 3d, for the continuance of life until the season of 'Hanukah. The second benediction is technically designated as that of the "miracle" and the third as that of "time."

to light one lamp) must choose between using this light for a house-light* (on Friday night) or a 'Hanukah light, he should use it for a house-light in order to preserve his domestic peace. If, again, his choice must be between (purchasing) the house-light and (the wine necessary for the celebration) of the holiness of Sabbath, the house-light is to be preferred and for the same reason; however, it is doubtful to me what must be chosen between the 'Hanukah light and the goblet for qiddush. When one cannot afford both, which must he prefer?" "Is the latter to be preferred because it is of regular occurrence,† or is the 'Hanukah light preferable, in order to proclaim the miracle (which it commemorates)?" After deliberating he decided himself that the proclaiming of the miracle has the preference.

R. Huna said: He who makes a practice of lighting many lamps (which the law requires for festive occasions) will be rewarded with scholarly sons. He who is particular about his Mezuzah will be blessed with a fine dwelling. He who is particular about his show-threads (Tzitziths) will be blessed with fine garments. He who is particular to pronounce the benediction of Sabbath over a goblet of wine shall live to have his cellar well stocked.

R. Huna was wont to pass by the house of R. Abbin, the carpenter. He noticed that the latter lit a great many lamps on the Sabbath night. Said he: "Two great men will come forth from this house." And they were R. Jidi and R. Hyya b. Abhin.

R. Hisda was wont to pass by the house of the master (father or father-in-law) of R. Shezbi; he noticed many lights every Sabbath. Said he: "A great man will come forth from this house." This great man was R. Shezbi.

The wife of R. Joseph was accustomed to light her (Sabbath) lamp late. Said he unto her: There is a Boraitha: It is written: "The pillar of cloud did not depart by day nor the

* "The light for a house-light." The text does not specify on what night, but Rashi's commentary adds Friday night, i.e., Sabbath eve. In our opinion that is not the intent of Rashi; for even on workdays the light used by the household should have preference. Proof is: the reason given is for the sake of domestic peace; were it only to apply to Sabbath eve, the reason given would have been in honor of the Sabbath.

† In all the ordinances to be observed, the rabbis have adopted the rule that if the choice stands between one that recurs at short intervals and one that occurs more seldom, the former is always to be preferred. ("Tadir, vesheaino tadir, tadir kodom.")

pillar of fire by night" [Ex. xiii. 22]. From this we infer that the two pillars always closely followed each other. She then wanted to light up too early. Said a certain old man to her: "There is another Boraitha, however, that (whatever is to be done) should be done neither too early nor too late."

Rabha said: "He who loves scholars, will have sons that are scholars; he who respects them, will have scholarly sons-in-law; he who fears scholars, will become a scholar himself, and if he is not fit for this, his words will be respected like those of an ordained scholar."

"*Oil of rejected heave-offering*," etc. What is that? Said Rabba: It means oil of heave-offering which became defiled. It is called oil for burning, because it must be destroyed in fire, and the Mishna speaks here of a Friday that happens to fall on a feast day, and the prohibition to light (the Sabbath lamp) with it is because consecrated things that have been defiled must not be burned on a feast day. Said R. Hanina of Sora: "This should be corrected in our Mishna: Why shall one not make a light with the defiled oil? Because defiled things must not be burned on a feast day. And so also we have learned in a Boraitha: All material which must not be used for lighting on the Sabbath, may be lit on a feast day, save the oil for burning."

The schoolmen propounded a question: Should the 'Hanukah incident be mentioned in the benediction after meals? Shall we assume that because it is rabbinical it is unnecessary? or, for the sake of the proclamation of the miracle, it should? Said Rabba in the name of R. S'haura, quoting R. Huna: "It is not necessary; however, if one wishes to do it, he should incorporate it in the thanksgiving part."

R. Hunah b. Jehudah visited the house of Rabha. He was about to mention it in (the prayer part under the heading of) "the One who builds up Jerusalem." Said R. Shesheth: Nay; it should be mentioned in the thanksgiving part of the benediction after the meal, as it is mentioned in the same part in the prayer of the eighteen benedictions.*

The schoolmen propounded a question: Should the New-Moon day be mentioned in the benediction after meals? Shall we assume that the New-Moon day is more important than 'Hanukah because its observation is enjoined in the Scriptures,

* The principal elements of all Hebrew prayers are: 1st, Shebhah, *i.e.*, praise; 2d, Hodayah, *i.e.*, thanksgiving; 3d, Tephilah, *i.e.*, prayer; and 4th, Ta'hanun, *i.e.*, propitiation.

or need it not be mentioned because manual labor is not prohibited on that day? Rabh maintains it may; R. Hanina maintains it may not. Said R. Zerika: "Hold to Rabh's opinion, for R. Oshia holds to the same; as R. Oshia taught: On the days on which additional sacrifices (Musaph) are offered in the sanctuary, like New-Moon days and the middle days of a feast, one must at evening, morning, and afternoon services recite the regular eighteen benedictions and insert in the thanksgiving part of the day's service a passage referring to the subject of the day. And if he has failed to do so, he should be made to repeat them; however, no benediction over a goblet of wine, though a remembrance of their significance must be made in the prayer after meals. On days requiring no additional sacrifice, like the first Monday, Thursday and Monday (after a biblical feast), fast days, and the days (devoted to prayer by) commoners,* one must recite the eighteen benedictions at evening, morning, and afternoon services, and insert a paragraph referring to the subject of the day in the prayer division; and if he forgot the latter he need not repeat them, nor any remembrance of them in the benediction after meals. The Halakha, however, does not prevail with all that was said above. It remains as decreed by R. Joshua b. Levi: If the Day of Atonement happens to fall on a Sabbath day, mention of the Sabbath must be made even in the Neilah prayer (the last of the four different prayers of the Day of Atonement). Why so? Because the Sabbath and the Day of Atonement are now one, and four prayers are indispensable to the services of the day.

MISHNA II.: The lamp used on a (biblical) feast-night shall not be fed with oil of rejected heave-offerings. R. Ishmael said: The Sabbath lamp shall not be fed with tar, out of honor for the Sabbath. The sages, however, allow all fatty substances for this purpose: poppy-seed oil, nut oil, fish oil, radish oil, wild-gourd oil, tar, and naphtha. R. Tarphin said: It shall be lighted with nothing but olive oil.

GEMARA: "*R. Ishmael said*," etc. Why so? Said Rabha: Because it emits a bad odor (and the Tana prohibits it) as a pre-

* A division of the people had always to be present at the temple to witness the services. The men of such a division were called "commoners" because there was a special place assigned to them in the temple. All of them not being able to attend, they sent their delegates to represent them, but they assembled in their various cities and villages to perform their devotion. The days on which this was done were designated as those of "commoners"—"Ma'amadoth." See Mishna, Ta'anith.

caution, lest one light it and leave the house. Said Abayi: Let him go (what harm is there in that?). Rejoined Rabha: Because I hold that the Sabbath light is a duty, as R. Na'hman b. R. Zabda or b. Rabha said in the name of Rabh. The (enjoyment of) Sabbath light is an obligation. The washing of hands and feet in warm water toward evening (on Friday) is optional. And I say it is a meritorious act. Why so? Because R. Jehudah said in the name of Rabh: "It was the custom of R. Jehudah bar Ilayi to bathe his face, hands, and feet in warm water, that was brought to him in a trough every Friday toward evening; after that he wrapped himself in a pallium with Tzitzith (show-threads) and thus assumed an angelic appearance."

It is written: "My soul was deprived of peace" [Lam. iii. 17]. What does this mean? Said R. Abuhu: It means (being deprived of the pleasure of) lighting the Sabbath lamp. "I forgot the good" [ibid.]. What does this mean? Said R. Jeremiah: This refers to (the deprivation of) a bath. R. Johanan, however, said: It refers to the washing of hands and feet with warm water. R. Isaac of Naph'ha said: It refers to a good bed and comfortable bedding. R. Aba said: It refers to an arranged bed and an elegantly robed wife for scholarly men.

The rabbis taught: "Who may consider himself rich?" One who enjoys his riches, is the opinion of R. Meir. R. Tarphon says: He who has a hundred fields, a hundred vineyards, and a hundred slaves at work in them. R. Aqiba said: He who has a wife adorned with good virtues. R. Jose said: He who has a place for man's necessity in his house.*

We have learned in a Boraitha: R. Simeon b. Elazar said: "The Sabbath lamp shall not be fed with aromatic balsam." Why so? Rabba said: Because it yields a fine fragrance, it was feared lest one use it (taking it out while the lamp is burning). Said Abayi to him: "Why does not the master say because it is volatile?" Aye, he means this and the other also; the balsam is prohibited because it is volatile, and also for fear lest it be used.

There was a mother-in-law who hated her son's wife, and told her to perfume herself with aromatic oil. When the daughter-in-law had done this, she ordered her to go and light the candle. While complying with this order, she caught fire and was burned.

The rabbis taught: A lamp shall not be fed with defiled

* Toilet rooms were not in vogue at that time, and for their necessity they had to go far out into the field or forest.

"Tebhel" * even on week days, and the less so on the Sabbath. In a similar manner, white naphtha shall not be used to feed a lamp with on week days, much less on Sabbath, because it is volatile.

In the Boraitha it was said that aromatic balsam shall not be used; so also did R. Simeon b. Elazar teach: Aromatic balsam is nothing but resin, that comes forth from aromatic trees.

R. Ishmael said: The (Sabbath) lamp shall not be fed with anything that comes from the trunk of a tree. R. Ishmael b. Beroqa said: It shall be lighted only with such substances as come from fruit. R. Tarphon, however, said: It shall be fed only with olive oil. R. Johanan b. Nuri then arose and said: "What shall the people of Babylonia do, who have nothing but poppy-seed oil? What shall the people of Media do, who have nothing but nut oil? What shall the people of Alexandria do, who have nothing but radish oil? and what shall the people of Cappadocia do, who have no oil of any kind, nothing but tar?" Nay; we have no choice but to accept the decree of the masters as to substances which should not be used. Even fish oil and resin may be used. R. Simeon Shezori said: Oil of wild gourds and naphtha may be used. Symmachos said: No animal fat save fish oil may be used.

MISHNA III.: No substance that comes from a tree shall be used (as a wick) save flax. In like manner no substance that comes from a tree becomes defiled when serving as a tent (in which a dead body lies) save flax.

GEMARA: Whence do we know that flax is called a tree? Said Mar Zutra: From what is written: "She took them up to the roof, and hid them in the flax trees" [Josh. ii. 6].

"No substance, etc., save flax." Whence is this deduced? Said R. Elazar: From the analogy of expressions "tent," which is mentioned in the case of the tabernacle, and in the case of death [Ex. xl. 19 and Numb. xix. 14]. As the tent of the tabernacle was made only of flax, so also in our case, if a tent is made of flax only, it is also called a tent, and is liable to become defiled.

MISHNA IV.: A piece of cloth that was rolled together, but not singed, said R. Eliezer, becomes defiled (when it is in the same tent with a dead body), and shall not be used (as a

* "Tebhel" is the designation of the produce of the field and the garden from which the Levitical gifts or tithes were not separated.

wick) for Sabbath. R. Aqiba, however, said: It remains pure and may be used.

GEMARA: What is the point of their differing? Said R. Elazar in the name of R. Oshia, and so also said R. Ada b. Ahba: The piece of cloth in question is exactly three fingers square, and the lighting is to be done on a feast day, which happens on a Friday. All agree with the opinion of R. Jehudah, who said that (on a feast day) fire may be made with good cloth (or vessels), but not with such as have been spoiled (the same day). Again, all agree with the opinion of Ula, who said that the lighting must be on the largest part of the wick that protrudes from the lamp. Now R. Eliezer holds that the rolling up (of the piece of cloth) does not improve the position (*i.e.*, it is still an object to which the term "cloth" or vessel applies); as soon as it is slightly burned it becomes spoiled material; fire, being applied further, is naturally generated with spoiled material (which is prohibited). R. Aqiba, on the other hand, holds that folding *does* improve the condition and the cloth is no longer a vessel; hence he puts fire to a simple piece of wood (which is allowed).

Rabha, however, said: The reason of R. Eliezer's (prohibition) is that the Sabbath lamp is not allowed to be lighted with a wick or rag that has not been singed.

R. Jehudah in the name of Rabh said: Fire may be made (on a feast day) with vessels, but not with broken vessels. So is the decree of R. Jehudah. R. Simeon permits it. Fire may be made with dates, but after having eaten them fire is not to be fed with their *granum*. A fire may be made with nuts, but after having eaten the kernel one must not feed the fire with the shells, according to R. Jehudah; R. Simeon, however, permits both.

The statement credited to Rabh in the foregoing paragraph was not made by him plainly, but was merely implied from the following act. While in Palestine, one day Rabh was eating dates and threw the pits into the fireplace, upon which R. Hyya said to him: "Descendant of nobles, on a (biblical) feast day this would be prohibited!" Did Rabh accept this or not? Come and hear. While in Babylonia, one feast day Rabh was eating dates and threw the pits to some cattle (for food). Must we not assume that these dates belonged to the class known as "Parsiassa" (a ripe, delicious, free-stone fruit), and if Rabh fed cattle with the pits of this fruit, it was because

they may be used for fuel also, and thus the statement of R. Hyya is contradicted? Nay; it may be the pits that fed the cattle by Rabh were from dates known as "Armiassa" (an inferior fruit, the pits of which cling to the meat). The pits of this latter class of dates, in consequence of the meat still clinging to them, are regarded as dates themselves, and may be handled on the Sabbath. Hence it is obvious that they may also be fed to cattle, and Rabh therefore does not contradict R. Hyya.

MISHNA V.: One shall not bore a hole in an egg-shell, fill it with oil, and put it upon the (Sabbath) lamp, so that the oil drip into it; and even if it was a clay one. R. Jehudah permits it. If, however, the potter had attached it to the lamp when he made it, it is allowed to do this, for (together with the lamp) it forms one vessel. A man shall not fill a dish with oil, put it beside the lamp, and dip the (unlighted) end of the wick into it, in order that it should draw. R. Jehudah permits also this.

GEMARA: "*If the potter had attached it,*" etc. A Boraitha in addition to it states: If he himself has attached it with mortar or clay, it is allowed. Does not our Mishna say "the potter" (from which it may be inferred that if the owner did it, is it not allowed for use)? Nay; "the potter" means in the manner of the potter.

We have learned in a Boraitha, R. Jehudah said: "Once we kept Sabbath in the attic of Beth Nitza in Lydda. We procured an egg-shell, filled it with oil, and placed it on the lamp. R. Tarphon and the aged scholars were there, and they made no objection to our action." They answered him: "Wilt thou prove by this (that this is allowed)? Beth Nitza is quite a different case, for the men there were very careful."

Abhin of Ziphoris dragged a chair (along the floor on a Sabbath) in the marble hall in the presence of R. Itz'hak b. Elazar. Said the latter: "If I should be silent toward thee (although this floor being marble, no depression can be made by the chair, and thou art not guilty of wrongdoing) as the colleagues were silent toward R. Jehudah, my silence might be misconstrued (and people might think that this can be done on any floor; therefore I say that) this is prohibited in the marble hall as a precautionary measure, lest one do it in any other hall." The head man of the assembly room of Bazra dragged a chair in the presence of Jeremiah the Great. Said the latter to him: "According to whose decision dost thou this?" "According to R.

Simeon." "R. Simeon, however, allowed large things only (to be dragged) if they could not be lifted; but we have never heard from him that he would allow this also with small ones?" This teaching, however, differs with Ulla's theory, who says the dispute was only concerning small things, for as to large ones there was no objection from any one.

MISHNA VI.: If one extinguishes a lamp because he is afraid of the officers of the government,* or of robbers, or of an evil spirit,† or in order that a sick person may be able to sleep, he is free. If he does this, however, to prevent damage to the lamp, or to save the oil or the wick, he is culpable. R. Jose declares the man free even in the latter cases, excepting (if he extinguished the lamp to save the wick), for in that case he caused a cinder to be formed.

GEMARA: From the fact that the second part of the Mishna declares the man (who had extinguished the lamp to prevent damage, etc.) culpable, it is evident that this regulation was made by R. Jehudah.‡ Now, how is the first part to be understood? If it speaks of a sick person, whose illness is dangerous, it should not say (that the man who extinguishes the lamp to afford him rest) is "free," but should say that he is "allowed to do it" (even intentionally). And if it speaks of one whose illness is not dangerous, (the one who extinguished the lamp for him) ought to be declared in duty bound to bring a sin-offering? Of a verity, the Tana speaks of a case of dangerous illness, and should have said "it is allowed to do so," but he used the term "free" merely (for the sake of euphony), because in the latter part (of the Mishna) the expression "culpable" was necessary; therefore he taught in the first part of the Mishna, also free. But have we not learned, R. Oshia said, that "in order that a sick person may be able to sleep, one should not extinguish (the lamp on the Sabbath); and if he did so he is not held culpable, though it is not allowed (to be done intentionally)"? The teaching of R. Oshia refers to sickness that is not dangerous, and is in accord with the opinion of R. Simeon.

The question, "Is it allowed to extinguish a lamp for the

* Like the Persians, says Rashi, who had certain nights on which they allowed no lights to burn anywhere but in their sacred shrines.

† The evil spirit here referred to is explained by the commentators to mean "melancholia."

‡ The inference is made on the strength of a rule laid down by R. Jehudah elsewhere, that every unintentional breach of the Sabbath, which is made not out of personal necessity or habit, must be atoned for by a sin-offering. (Rashi.)

sake of a sick person on the Sabbath?" was propounded to Tan'hum of Navi.

He began thus: * "O thou Solomon! Where is thy wisdom? Where is thy folly? Thy words contradict not only the words of thy father, but also thine own utterance. Thy father David said, 'The dead do not praise God' [Ps. cxv. 17], and thou sayest, 'I praise the dead that died long ago' [Eccl. iv. 2], and then again, 'A living dog fareth better than a dead lion' [ibid. ix. 4]. [This presents no difficulty. That which David said, 'The dead do not praise God,' means this: One must always occupy himself with study and with meritorious acts before his death; for as soon as he dies he is free of both, and the Holy One, blessed be He, receives no more praise from him. And the saying of Solomon, 'I praise the dead,' etc., means: When Israel sinned in the desert, Moses stood up before the Lord and offered many prayers and propitiating invocations; but he received no answer. As soon, however, as he said: 'Remember Abraham, Isaac, and Israel, Thy servants' [Ex. xxxii. 13], he was answered forthwith. Now did not Solomon say well: 'I praise the dead that have died long ago'? In another way (this can be explained as follows): The custom is, if a man of flesh and blood issues a decree, it is doubtful whether the people will comply with it or not. If they comply with it while he lives they may disregard it after his death. Moses, our master, on the other hand, has issued many decrees and established many enactments, which stand unshaken forever and aye. Now, did not Solomon say well: 'I praise the dead,' etc.? Another explanation to the above verse may refer to the following legend, which was told by R. Jehudah in the name of Rabh: It is written [Psalms, lxxxvi. 17]: 'Display on me a sign for good, that those who hate me may see it, and be ashamed.' So said David before the Holy One, blessed be He: 'Lord of the Universe, forgive me the certain sin (with Bath-Sheba', II Samuel, xi. 3). And the Lord said: 'It is forgiven.' He prayed again: 'Display on me a sign to make it known.' And the Lord said: 'This will not be done while you are alive, but it will be made known in the time of your son Solomon.' After Solomon had built the Temple and was about to enter the ark into the Holy of Holiness, the doors shut. Solomon had prayed twenty-four

* This apparently far-fetched introduction to an answer to a question of religious legalism illustrates most beautifully how the ethical principle predominated in the rabbinical discussions.

prayers with song, and was not answered. He then began [Psalms, xxiv. 7]: 'Be raised wide . . . and let the King of Glory enter!' The doors then ran after him and wanted to swallow him, saying: 'Who is the King of Glory?' And he said: 'The Lord strong and mighty.' He then said: [ibid., ibid. 9, 10]. And still was not answered. Then he said [II Chron. vi. 42]: 'O Lord God! . . . remember the pious deeds of David thy servant'; he was answered at once, and the faces of his enemies became as black as the outside of a pot; and Israel and all the people were then certain that the above-mentioned sin was forgiven to David. Hence did not Solomon say well: 'I praise the dead,' etc.? And this is what is written [I Kings, viii. 66]: 'On the eighth day . . . and they went unto their tents joyful,' etc.] And as to the above question,* I say this: A lamp is called 'Ner,' and the soul of man is called 'Ner.'† Let rather the Ner which man has made (the lamp) be extinguished, than the 'Ner' (the soul) which belongs to the Holy One, blessed is He."

It was said in the name of Rabh: The sages wanted to conceal the Book of Ecclesiastes because of its contradictory sayings. And it was not so done, because it begins with sound religious teachings and ends with similar teachings. It begins with the words: "What profit hath man by all his toil under the sun?" [Eccl. i. 3]. Whereupon the school of R. Janai said, "*Under* the sun" there is no profit, but there surely is "*beyond* the sun." And it ends with the words: "The conclusion of the matter is, Fear God and observe his commands, for this is all (there is) for man" [Eccl. xii. 13]. What does it mean? Said R. Elazar: (It means) the whole world was created only for the sake of his fear of God. R. Aba b. Kahana said: The God-fearing man outweighs (in importance) the whole world. Simeon b. Azai, others say b. Zoma, said: The whole world was created only to provide him with assistance.

"I praise mirth" [Eccl. viii. 15]. This means the righteous man rejoices when he performs a meritorious act. "And of joy, what doth this do?" [Eccl. ii. 2] alludes to rejoicing that comes not through a Heaven-pleasing deed. This teaches that the divine presence (Shekhina) comes not by sadness, by indolence,

* The liberality of the rabbinical law is evinced by the fact that it regards an act done for the sake of alleviating sufferings on the Sabbath day not wrongful. Every comfort may and should be provided for the sick on the Sabbath day.

† "Ner" is the Hebrew word for candle; the soul is the candle of God.

by hilarity, by levity, by gossip, or by senseless talk, but through rejoicing in a meritorious deed; as it is written: "Now bring me a minstrel; and when the minstrel played, the power of the Lord was upon him" [II Kings, iii. 15]. Rabba said: The same (should be done) in order to enjoy good dreams. R. Jehudah says: The same (should be done) to predispose one's self for legislative work, as Rabba did: Before commencing to expound a Halakha he introduced it with a simile and caused the masters to become joyful; afterward, he sat down in the fear of the Lord and began to expound the Halakha.

It was taught that in the same time they also wanted to conceal the Book of Proverbs on account of its contradictory sayings. And it was not done, because, they said: "Have we not scrutinized the Book of Ecclesiastes and found the meaning (of its contradictory sayings)? Let us then search deeply here (in the Book of Proverbs) also."

Which are the contradictory sayings? It says: "Answer not the fool according to his folly" [Prov. xxvi. 4]; and then again: "Answer the fool in his folly" [ibid. v. 5]. Yet this is no contradiction; the latter refers to a subject of learning, the former saying to a subject of indifferent talk. How is the subject of learning here to be understood? In the following manner. R. Gamaliel lectured: In the future, woman will bear a child every day, for thus it is written: "She conceived and gave birth at a time" [Jer. xxxi. 7]. A disciple laughed at this and said: "There is no new thing under the sun" [Eccl. i. 9]. Said R. Gamaliel: Come, I will show thee such a thing in the world; and he showed him a hen. The same rabbi lectured: In the future trees will bear every day, for it is written: "It will produce branches and bear fruit" [Ezek. xvii. 23]. "As branches are produced for every day, so also will fruit be brought forth every day." Again the disciple laughed and said: "There is no new thing under the sun." Said the master to him: "Come, I will show thee a thing of this kind in the world; and he showed him a caper tree." He lectured also: "The land of Israel will in the future produce ready cakes and garments," explaining the first part of verse 16 of Psalm lxxii. to that effect.

The disciple again laughed at him; but he showed him that ready meats are produced in the shape of mushrooms, and ready garments grow in the shape of many-colored fibres that cover the young date trees.

The rabbis taught: A man should always be as modest as Hillel, and not as impulsive as Shamai. It once happened that two men laid a wager of four hundred zuz, which would be won by him who could provoke Hillel to anger, but lost if he failed in the attempt. This happened on Friday, while the sage was bathing his head. The man who undertook the task went to Hillel's door and cried: "Who is Hillel here? Who is Hillel here?"* The rabbi threw a mantle over his shoulders and went out to meet him. "What desirest thou, my son?" he asked. "I have a question to ask," the man replied. "Ask, my son, ask," said the rabbi. "Why are the Babylonians round-headed?" asked the man. "This is an important question, my son. The reason is that they have no skilled midwives in Babylon," answered Hillel. An hour later the man came again calling: "Who is Hillel here? Who is Hillel here?" The rabbi came out again and said: "What desirest thou, my son?" "I have a question to ask," the man said. "Ask, my son, ask," said Hillel. "Why have the Tarmudites oval eyes?" "This is a very important question, my son. (The Tarmudites) live in a sandy land and must always keep their eyes half closed." An hour later the man came again in his insolent manner, and said again that he had a question to ask. Hillel in his quiet manner again encouraged him. "Why do the Africans have large feet?" he asked. "Because they live in a swampy land," answered Hillel. "I have many more questions to ask, but I am afraid lest thou get angry," continued the man. Hillel wrapped himself in his mantle and sat down, saying: "Ask, my son, all the questions thou desirest." "Art thou Hillel, who is titled a prince in Israel?" asked the man. "Yes, my son," answered the rabbi. "If thou art the man, may there not be many like thee in Israel?" "Why so, my son?" "Because thou makest me lose four hundred zuz." Said Hillel to him: "Take care of thy temper. A Hillel is worthy that twice that amount be lost through him; a Hillel must not get excited."

The rabbis taught. A Gentile once came before Shamai and asked: "How many laws have you?" "Two laws: the written and the oral law," answered Shamai. "I believe thee as regards the written law, but I do not believe thee as to the oral

* Hillel, being the president of the Sanhedrin, should have been addressed according to his rank, but by addressing him thus, it seems, the man thought he could provoke him to anger.

law," said the Gentile. "I will be converted to Judaism on condition that thou teach me the written law." Shamai rebuked him and drove him away.

He then came to Hillel with the same plea, and Hillel accepted him. He began teaching him the alphabet in regular sequence. The next day he taught him the letters backward. "You did not teach me so yesterday," the man objected. "Aye, aye, my son; must thou not repose confidence in me? Thou must likewise repose confidence in the oral law (which appears at first sight different from the written law)."

Another Gentile came to Shamai saying: "Convert me on the condition that thou teach me the whole Torah while I stand on one foot." Shamai pushed him away with the builders' measure he held in his hand. He thereupon came to Hillel, and the latter accepted him. He told him: "What is hateful to thee, do not unto thy fellow; this is the whole law. All the rest is a commentary to this law; go and learn it."

Another Gentile once heard a Jewish teacher instructing his class about the vestments of the high priest. He took a fancy to that, and thought he would accept Judaism in order to be made a high priest. Thus he appeared before Shamai and said: "Convert me on the condition that I be made a high priest." Shamai pushed him away with the builders' measure he held in his hand. He came to Hillel (with the same request), and the latter accepted him. Said Hillel to him: "Do people select a king unless he knows the laws of their government? Thou must study the laws of our government (if thou wilt become a high priest)." The convert began studying Torah. When he came to the passage: "A stranger who comes near (to the vessels of the sanctuary) shall die" [Numb. i. 51], he asked: "To whom does this passage refer?" Hillel answered: "To any one (who is not a descendant of Aaron the high priest), even if he would be David, the king of Israel." Then the proselyte made the following deduction: If the people of Israel, who are called the children of the Lord, so that out of love to them the Omnipotent said: "My first-born son is Israel" [Ex. iv. 22]—if of them it is written, "a stranger that comes nigh shall die," the more so must it be with an insignificant stranger, who is come (within the pale of Judaism) merely with his staff and his bag. He went before Shamai and said: "Am I qualified to become a high priest? Is it not written [Numb. iii. 10]: 'A stranger that comes nigh shall die'?" He then appeared before

Hillel and said: "For thy equanimity of temper, O Hillel! may blessings be upon thy head, for thou hast gathered me in under the wings of the Shekhina." The three converts met some time later, and said: "The impulsiveness of Shamai came near sending us adrift in the world (outside of the pale of religion); Hillel's equanimity of temper gathered us in under the wings of the Shekhina." H.S.

Resh Lakish said: What does the verse, "The trust of thy times shall be the strength of salvation, wisdom, and knowledge," etc. [Isa. xxxiii. 6]—what does this mean? (I think that this can be a biblical support to the six divisions of the Mishna which we possess.*) "The trust" comes within the section of "Zeraim" (seeds); "thy times" in "Moed" (festivals); "strength" in "Nashim" (women); "salvation" in "Nezikin" (jurisprudence); "wisdom" in "Qodoshim" (holiness), and "knowledge" in section "Taharith" (purity). And yet "the fear of the Lord is his treasure" (i.e., all these do not avail where there is not the fear of the Lord).†

Rabha said: When a man comes before the (divine) judgment, he is asked: "Hast thou traded in good faith? Hast thou apportioned regular times for study? Hast thou produced children? Didst thou hope for salvation? Hast thou discussed subjects of wisdom? Hast thou formed (logical) conclusions from the things thou hast learned?" After all this (if he can affirm all these questions), if he possessed the fear of the Lord, it was well; if not, it was not so. This is like a man who ordered his agent to store a measure of wheat in the attic. The agent did so. Then the man asked him whether he had mixed some dry dust with the wheat (for protection against weevils), and he answered nay. "It were better," said the merchant, "if thou hadst not stored it."

Rabba b. R. Huna said: "A man who possesses learning, =

* The six departments enumerated here are those of the Mishna, into which the rabbis have divided all the subjects touched upon in the Bible.

† "Trust" comes within the department of "Seeds" because the tithe due the priests and Levites by the farmers was not fixed legally as to quantity, but was trusted to the honesty of the donor. "Thy times" comes within "Festivals" for self-evident reasons. "Strength" comes within "Women," for the reason that the Hebrew word, "chosen," also means inheritance, and heirs are naturally produced by women (this is the opinion of Rashi). "Salvation" in "Jurisprudence": all laws pertaining to the saving of life and property. "Wisdom" in "Holiness": the holy sacrifices requiring the exercise of much wisdom. "Knowledge" in "Purity": the determining of pure and defiled things necessarily demanded thorough knowledge of the subject.

but has no fear of Heaven, is like the manager (of a palace) who has the keys to the inside apartments, but lacks the one which opens the outside gate. How can he enter?"

R. Janai proclaimed: "Alas for him who has no dwelling, yet strives to make the door of a dwelling!" R. Jehudah said: The Holy One, blessed be He, created the world only for the purpose that man should fear Him, for it is written: "God hath so made it, that (men) should fear him" [Eccl. iii. 14].

R. Simon and R. Elazar were sitting together as R. Jacob b. Aha came passing by. Said one of them: "Come, let us arise before him, for he is a man that fears sins." Said the other: "Aye; let us arise before him, for he is a son of enlightenment (a scholar)." Said the former: I tell thee that he is a man that is afraid of sins, and thou sayest he is a scholar. Thou shouldst be mindful of what R. Elazar said: The Holy One, blessed be He, has nothing better in the world than (men who possess) the fear of Heaven, for thus it is written: "And now, Israel, what doth the Lord thy God require of thee, but to fear the Lord thy God" [Deut. x. 12].

R. Ulla lectured: What does the passage mean, "Be not wicked over much" [Eccl. vii. 17]. Is it allowed to be wicked at all? Nay, but the passage means this: If one has eaten garlic and has acquired a bad odor, he must not eat more garlic because the bad odor is (about him) already. Rabba b. R. Ulla lectured: It is written: "For there are no fetters in them, but their strength is firm" [Psalms, lxxiii. 4]. The Holy One, blessed be He, said: "It is not enough that the wicked do not trouble for nor fear the day of their death, but that their heart within them is as strong as a strong fortress." Which is similar to Rabba's explanation of the passage: "This is their way; their folly" [ibid. xlix. 14]. The wicked know that their manner (of living) leads them to death, and still their kidneys wax fat (implying their blindness to the fact). Perhaps thou wilt attribute this to their forgetfulness? Therefore it is written: "What will happen after their lives is the subject of their sayings," whence we conclude that while they do not repent, they continually speak of their death.

"*To spare the lamp,*" etc. With whom does R. Jose agree? If he agrees with R. Jehudah, he should declare culpable even these; and if he agrees with R. Simeon, he should declare free even (the man who extinguishes the lamp) for the purpose of saving the wick. Said Ulla: By all means R. Jose agrees with

R. Jehudah, but he holds that if one destroys in order to rebuild in the same place, he is guilty (of the act) of breaking; but if one destroys, not intending to rebuild in the same place, he is not (guilty of) breaking. R. Johanan, however, maintains that he holds as R. Simeon; but in the case of this wick it is different, as R. Hamnunah or R. Ada b. A'haba interpreted our Mishna that it reads "from a wick which needs singeing," and it is such a case. R. Simeon also agrees that it is prohibited because it is considered that he repairs a vessel. Said Rabha: It seems that this explanation is right, as the Mishna states "*to be formed*," and not a cinder *is* formed (already).

MISHNA VII.: For three sins women die of childbirth: for negligence (of the laws) during their menstruation, neglect of separating the first dough, and for neglecting to light the (Sabbath) lamp.

GEMARA: Why so? Thus a Galilean master lectured before R. Hisda: The Holy One, blessed be He, says: I have created you with power of blood; I have warned you concerning blood; I have called you "the first produce" [Jer. ii. 3], and charged you to sacrifice the "first of your dough" [Numb. xvi. 21]; the soul that I gave you is called a light, and I have charged you concerning the (Sabbath) light. If you observe these things, it is well; if not, I shall take your souls. But why should this happen at the time of childbirth? Said Rabha: When the ox falls or is felled, it is time to sharpen the knife.*

And when are the sins of men passed upon? Said Resh Lakish: When they pass a dangerous place that is like a bridge (which is unsafe). Rabh would not embark on a ship that carried an idolater. Said he: "His time to be punished may come, and I (being on the same vessel) may have to suffer with him." Samuel, however, would go to sea only on a vessel which carried idolaters, saying: "Satan hardly ever metes out punishment to two people" (of different beliefs). R. Janai always examined a vessel before he embarked. This he did in conformity with his own theory elsewhere, for thus he taught: "A man should never place himself in danger, expecting that a miracle will be wrought for him; for it may be that no such miracle will be wrought, and if a miracle is wrought for him, it will be deducted from the reward due his merits in the

* When the ox is felled the knife should be ready, lest he rise again and cause more trouble; thus it is stated that women die at time of childbirth because, while they are in danger, the punishment for transgressions is also inflicted!

world to come." And R. Hanin said: "Where is this to be found in the Scripture?" From the verse: "I am not worthy of all thy kindness and of all thy truth" [Gen. xxxii. 11]. R. Zera would never walk under date trees in stormy weather. R. Itz'hak b. R. Jehudah said: A man must always pray that he should not become sick, for if sickness befall him, he must be possessed of special virtues in order to get well again. And to the question of Mar Uqba: Is this to be found in the Scripture? he was told that the school of R. Ishmael maintains the passage in question is to be taken from Deut. xxii. 8—viz.: "Peradventure one may fall down from there." The word "Hanofel," which is in the past tense and implies that he has fallen down, although such a case had not happened as yet, is simply a matter of conjecture on the part of this school, which considered a predestined thing as a matter that had already occurred, because the fall was already predestined for the guilty person; as it is said: The reward of virtue is, however, brought about by a meritorious person, while the chastisement for sin is dealt out through a sinner (and his not making a railing around his roof constitutes him a guilty person). [See Deut. xxii. 8.]

The rabbis taught: He who becomes sick, death approaching, should be told to confess his sins, for all those who are to suffer the death penalty must make a confession. When a man goes out to a market (where there are always dangerous people in the crowd), he should consider himself like one arrested by a sergeant. When his head aches, he should consider himself as one put in prison. If he cannot rise from his bed, he should consider himself as one indicted before Gardom (a criminal court); if he has good advocates to defend him, he may go free; if not, he cannot be saved. The defending attorneys of a man (before divine justice) are penitence and good deeds. If there should be nine hundred and ninety-nine accusers against him and only one to plead in his favor, he is saved, as it is written: "If there be a messenger with him, an interpreter, one among a thousand to show unto man his uprightness, then He is gracious unto him," etc. [Job xxxiii. 23]. R. Eliezer b. R. Jose the Galilean said: Even if only one thousandth part of one advocate out of a thousand plead in the man's favor, although the rest speak against him, he is saved; because it is said "one" defender out of a thousand suffices.

There is a Boraitha: R. Simeon b. Gamaliel said: "The laws of holy offerings, heave-offerings, and tithes are integral

parts of the Torah, and yet their observance was intrusted to the common people."

There is another Boraitha: R. Nathan says: For the sin of vows one's wife dies, as it is written [Proverbs, xxii. 27]: ". . . why should he take away thy bed from under thee?"*

Another Boraitha states: R. Nehemiah said: The penalty for the sin of hating without cause is strife at home, the wife (of the sinner) gives birth before her time, his sons and daughters die young.

R. Elazar b. Jehudah says: The penalty for the sin of neglecting the first dough is: no blessing in the harvest, high prices (for necessities), the consumption of the seed by strangers; but if this portion is given, blessings will surely follow, as it is written: "The first of your dough shall you give to the priest, to cause a blessing to rest on thy house" [Ez. xlv. 30]. The penalty for the sin of neglecting heave-offerings and tithes is: the sky withholds rain and dew; dearth comes on, there are no profits, and men run about to earn a livelihood, but they do not succeed. But if these offerings are given, blessings will come, as it is written: "Bring ye all the tithes into the storehouse, etc., and prove me but herewith, saith the Lord of Hosts, if I will not open for you the windows of heaven, and pour out for you a blessing until there be more than enough" [Mal. iii. 10]. The penalty for the sin of robbery is: locust pestilence, famine comes, and the people feed on the flesh of their children, as it is written [Amos, iv. 1-7, q. v.] For the sins of curbing, perverting, and polluting justice, and of neglecting the law, the sword comes on, (enemies take) much spoil, the people eat and are never satisfied, and they must weigh the bread they eat (*i.e.*, eat in small portions, for fear that nothing be left for the next meal), as it is written [Leviticus, xxvi. 25]: "Avenging the quarrel of my covenant," and covenant is synonymous with the Law, as it is written [Jeremiah, xxxiii. 25]: "Thus hath said the Lord," etc. For the sins of unnecessary and false swearing, perjury, blasphemy, and desecration of the Sabbath, many wild beasts come and domestic cattle are destroyed, the population decreases, and the roads are bare (without travellers), as it is written [Lev. xxvi. 18 to the end of the paragraph].

* The text continues with the punishment of death for different sins, which are repeated in other tracts, but we have omitted them here, as they will be translated in the proper place.

For the sin of bloodshed the sanctuary is laid waste and Shekhina departs from Israel, as it is written [Numbers, xxxv. 34]: "And ye shall not render unclean the land which ye inhabit, in the midst of which I dwell; for I, the Lord, dwell in the midst of the children of Israel"; which signifies that if ye render it unclean, the Shekhina will depart from the land. For the sins of adultery, idolatry, and disregard of (the laws of) the Sabbatic and Jubilee years exile comes, and (other nations) take up the place (of the exiles), as it is written [Lev. xviii. and xxvii.]. For the sin of defiling the mouth (speaking indecent things), great oppressions and evil decrees are (constantly) renewed, young men die, orphans and widows cry (for help), but are not answered, as it is written [Isaiah, ix., end of verse 16]: "For all this his anger is not turned away and his hand still remaineth stretched out," which is explained by R. Hanan b. Ahba as follows: "All know for what purpose a bride marries; still, he who defiles his mouth (by speaking of its details), even if a happy life of seventy years is decreed for him, the decree is turned aside." Rabba b. Shila in the name of R. Hisda says: Gehenna is made deep for him who defiles his mouth, as it is written [Proverbs, xxii. 14]. R. Na'hman b. Isaac says: It is made deep even for the one who listens to (indecent talk) and does not protest against it [ibid. 15]. R. Oshia says: He who abuses himself (by masturbation) becomes afflicted with wounds and boils; not only this, but he is punished with dropsy.* R. Na'hman b. Itz'hak says dropsy is an evidence of sin. Samuel the Little took sick with it, and he said: "Lord of the Universe! Who will prove (that I am not guilty of immoral conduct)?" Hereupon he got well again. Abayi took sick with it. Said Rabha: "I know that the Nahmanite (son of Na'hman) starves himself."

The rabbis taught: There are four evidences: an evidence of sin is dropsy; an evidence of hate without cause is jaundice; an evidence of pride is poverty; an evidence of calumny (spreading evil reports about others) is croup. The sickness of croup becomes epidemic for (the sin of neglecting to give) tithes; but R. Elazar b. Jose said, only for the sin of calumny.

R. Jehudah, R. Jose, and R. Simeon were sitting together, and Jehudah, the son of proselytes, sat before them. R. Jehudah opened the conversation, saying: "How beautiful are the

* The text refers also to verses in the Scripture, but as there is no direct proof, we have omitted them.

works of this nation (the Romans). They have established markets, they have built bridges, they have opened bathing-houses." R. Jose said nothing, but R. Simeon b. Johai said: "All these things they have instituted for their own sake. Their markets are gathering-places for harlots; they have built baths for the purpose of indulging themselves in their comforts; they have built bridges to collect tolls from those who cross them." Jehudah, the son of proselytes, went and reported this conversation, and it came to the ears of the government. Said (the rulers): "Jehudah, who has praised (our doings), shall be promoted; Jose, who said nothing, shall be exiled to Sophoris; Simeon, who spoke disparagingly, shall be put to death." R. Simeon and his son then went and hid themselves in the college, and their wives brought them every day some bread and a pitcher of water, and they ate. When the decree became imperative, he said to his son: "Women are of a pliant disposition. They (the government agents) will perhaps trouble them, and they (the women) will reveal our whereabouts." They then went and hid themselves in a cave. A miracle occurred, that a date tree and a spring of water came out for them. They stripped themselves naked and sat down covered with sand up to their necks. Thus they sat all day studying; only at the time of prayer they put on their garments, and after performing their devotion they took them off again for fear they might wear them out. In this wise they spent twelve years in their cave. Elijah then came to the opening of the cave and said: "Who will inform the son of Johai that the Cæsar (governor) is dead and his decree is annulled?" Hereupon they left the cave. They then went forth and saw men who were ploughing and sowing grain. Said R. Simeon: "These people leave the works which lead to everlasting life and occupy themselves with worldly things." After this every place where they chanced to turn their eyes was burned. Suddenly a "Bath-kol" (heavenly voice) was heard, which said unto them: "Have ye come to destroy my world? Go, return to your cave." They returned and stayed in the cave another twelvemonth, saying the punishment of the wicked in Gehenna only lasts twelve months. At the end of that time came again the heavenly voice and said: "Go out of the cave," and they came out. And R. Simeon said to his son: "It is enough for this world that I and you are occupied with the study of the Torah and with good deeds." This happened on a Friday near

sunset. They saw a man hurrying with two bunches of myrtle in his hand. "What are they for?" they asked him. "To honor the Sabbath," was the reply. "Would not one bunch be enough?" "Nay; one is for the command 'remember,'* the other for the command 'observe,'" said the man. Said R. Simeon to his son: "Behold, how Israel loves the commands (of God)." This reassured them.

R. Simeon's father-in-law, R. Pinhas b. Yair, heard (that they were coming) and went to meet them. He took them to the bath-house. While R. Simeon was cleaning his (own) body, R. Pinhas noticed that it was full of blisters; tears ran from his eyes when he saw this, and (the tears falling upon the flesh of his son-in-law) caused R. Simeon pain. Said R. Pinhas: "Woe unto me, that I see thee in this state." R. Simeon rejoined: "Well unto thee, that thou seest me so, for if thou hadst not seen me in this state thou couldst not find in me (all the learning) that thou canst find in me now."

MISHNA VIII.: One must say three things in his house on Friday, when it is getting dark—viz.: "Have you set aside the tithes (from the fruit, which is to be eaten on the Sabbath)?" "Have you put up the Erubh?" and "Light ye the lamp." When one is in doubt whether darkness has set in, he must not separate tithes from (fruit of which he is) certain (that tithes had not been set aside), and he shall not put vessels under process of lavation,† and he shall not light a lamp any more. But he may set aside tithes from (fruit of which he is) not certain (that tithes have been set aside), and he may put up the Erubh and also put his victuals into the stove for the purpose of keeping them warm.

GEMARA: Whence is this deduced? Said R. Joshua b. Levi: from [Job, v. 24] "Thou shalt know that peace is in thy tent, and shalt examine thy dwelling, that thou mayest not sin." Rabba b. R. Huna said: Although the masters have taught that "one must say three things," etc., yet he ought to say them quietly, in order that (his family) should accept them from him (in good grace). Said R. Ashi: "I have not heard of this

* In the Decalogue of Exodus the fourth commandment begins with the word "Zakhor" (remember); in Deuteronomy it begins with the word "Shamor" (observe).

† All new vessels must undergo a process of lavation before they can be used [Num. xxxi. 23].

saying of Rabba b. R. Huna before, yet I have always done so as a matter of common sense."

Does not the text contradict itself? It states: "One must say three things, etc., when it is getting dark." This implies that if he is in doubt whether it is getting dark or whether darkness has already set in, he cannot say it any longer. In the latter part, however, it says "if he is in doubt, etc., he may put up an Erubh."

Said R. Aba in the name of R. Hyya b. Ashi, quoting Rabh: "It presents no difficulty. In the first part it speaks of an Erubh of Techum (that marks the boundary of two thousand ells around the city, where it is allowed for one to walk on Sabbath); in the latter part it speaks of an Erubh by which the neighbors of adjoining courts make common cause."

Rabba said: The rabbis have prohibited putting victuals among things (that preserve but) that do not increase the heat after dark, for fear lest one find them too cold and be tempted to make them boil. Said Abayi to him: "If such is the case, why did they not enact the same prohibition for (the time) when it is twilight also?" Answered Rabba: "At that time the pots are generally boiling hot."

Rabba said again: "Why was it said that one must not put victuals among things that increase the heat, when it is yet day, for fear lest one put them in cinders where there are yet live coals?" Said Abayi to him: "What harm is there? let him do so." And he answered: "It may be feared lest he be tempted to stir the burning coals." The rabbis taught: "Which is the time of twilight?" When the sun sets and the eastern sky is red; when the lower (edge of a cloud) is dark, while the upper part is not yet dark; but when the upper edge (of such a cloud) is as dark as the lower, night has set in. So says R. Jehudah. R. Nehemiah says: (The duration of twilight) is the time one takes to walk half a mile from the moment the sun sets. R. Jose says: Twilight is like the twinkling of an eye; the one (day) goes out, the other (night) comes in, and it is impossible to determine it. And each of them is in accordance with his theory elsewhere; as it was taught: What is the duration of twilight? Rabba in the name of R. Jehudah, quoting Samuel, said: (The time it takes to walk) three-quarters of a mile; and R. Joseph said in the name of the same authority: Two-thirds of a mile. The difference between them is half a danka. (The contrary is the case when a bee-hive is con-

cerned; in that case Rabba said: A bee-hive of two kurs* one may move on the Sabbath; of three, one shall not. R. Joseph, however, said that one may move even a hive of three kurs, but one of four is forbidden. Said Abayi: I have inquired of the master at the time of the deed, and he did not even permit me to move one of two kurs.)

Rabba saw that Abayi was (one Friday) looking toward the east (to calculate the duration of twilight). Said he to him: "Dost thou think the masters spoke of the sky in the *east*? They spoke of an object in the east that reflects the red sky (of the west), like a window (placed eastward of the setting sun).

"It takes one to walk half a mile." Said R. Hanina: "If one wishes to know the time according to R. Nehemiah's calculation, he should leave the sun (see it set) on the top of Karmel (a certain mountain peak on the sea-coast), go down, dive into the sea, and go up (the mountain) again; this will give him the exact time." R. Jehudah, however, in the name of Samuel said: (To know the exact time of twilight may be fixed thus:) "If only one star (can be seen in the sky), it is yet day; if two stars, it is twilight; three stars, it is night." And so also we have learned plainly in a Boraitha with the addition: Said R. Jose: The stars mentioned do not mean the big stars, that can be seen in daytime, and not the small stars, which cannot easily be seen at night, but stars of medium size.

R. Jose b. R. Zebhida said: If one (unintentionally) performs work on both times of twilight (Friday and Sabbath), he must certainly bring a sin-offering (because at one of both times it was certainly Sabbath).

Rabba said to his servant: "You, who are not an expert in the scholarly calculation of time, must light the Sabbath lamp when you see the (last rays of the) sun on top of the trees. In cloudy weather how shall it be? (The lamp must be lit) in the city when the hens go to roost; in the field, when the ravens fly to roost or when the mallow shrub † (inclines its head to the west).

The rabbis taught: Six times was the signal blown on Friday: the first time to stop work in the field, the second to

* Kur was an ancient measure and cannot be determined at the present time; it may have been about three gallons. See Schoenhak's "Hamashbir." A danka is a twelfth or a half of a sixth part.

† The mallow (*Adana* or *Harna*, see Arukh), more than any other plant, was believed to incline its head toward the sun, like our own sunflower.

stop it in the city and in the stores, the third time to light the lamps. So said R. Nathan. R. Jehudah the Prince says that the third time is sounded to take off the phylacteries. Then (the beadle) waits about as long as is required to bake a small fish, or for bread to cleave to the oven, and he sounds again the three tones* of the signal in succession for the Sabbath (that is already come). R. Simeon b. Gamaliel said: "What shall we do with the Babylonians? They sound the signal first, and then blow the trumpet; from the moment the trumpet is sounded they cease work." They do so because it is with them a matter of inherited custom.

R. Jehudah taught his son, R. Itz'hak: "The third (sounding was a signal) to light the lamp." This agrees with the ruling of R. Nathan.

At the school of R. Ishmael it was taught: Six times the signal is sounded on Friday. When the first sounding begins, those who are in the field stop ploughing and harrowing and all field work. At the entrance to the city those who are near must wait until the distant (farmers) come, so that they enter the city all together. The stores are yet open, and the stalls (upon which wares are laid out) are as yet in their places. As soon as the second sounding begins, the stalls are cleared and the stores closed. The warm victuals (prepared for the Sabbath) and the pots are as yet upon the hearth. As soon as the third sounding begins the pots are taken off the hearth, the warm victuals are put in the stove, and the lamps are lighted. Then (the beadle) waits about as long as it is required to bake a small fish or for bread to cleave to the oven, and he sounds trumpets and sounds the signal again and rests. Said R. Jose b. R. Haninah: "I have heard that if one wants to light up after the six signals he may do so, for the rabbis have allowed some time to the beadle to take his Shophar (horn) to the house (after the six signals). Said the schoolmen to him: "If such were the case, the subject would depend on various measurements of time." Nay, but the beadle has a concealed place upon the roof (where he sounds the Shophar) and puts away his instrument (as soon as he has used it); because neither a Shophar nor a fife may be handled (when the Sabbath is come).

But have we not learned that a Shophar may be handled,

* The three tones of the Shophar are technically designated a "Tekyah" (a long simple note): "Teruah" (a slow trill), and "Tekyah" again. See note to Rosh Hashana, p. 63, first edition.

but a fife may not? Says R. Joseph: This is not contradictory. Our case is that of a Shophar belonging to the community; the case adduced treated of one that belongs to a private party (therefore it is permissible).

Said Abayi: "Why may a Shophar that is private property be handled? Because it is sometimes used for taking up water, to give a child drink; let one that is public property also be allowed to handle, because it may be used in the same manner." Furthermore, was it not taught: "As a Shophar may be handled, so also may the fife be handled?" According to whose ruling is this? There is no contradiction in all this. The one (that a Shophar may be handled, but not a fife) is according to the ruling of R. Jehudah. The other (that both may be handled) is according to the ruling of R. Simeon. The third (that neither should be handled) is according to the ruling of R. Nehemiah. "And what is a Shophar?" The same as a fife, as R. Hisda says: "Since the sanctuary was destroyed the names have become changed; a Shophar is called a fife, and a fife is called a Shophar."

CHAPTER III.

REGULATIONS CONCERNING STOVES, HEARTHES, AND OVENS.

MISHNA I.: Cooked victuals may be put on a stove that was heated with straw or stubble. If the stove was heated with the pulp of poppy seed (*i.e.*, poppy seed from which the oil was pressed out) or with wood, (cooked victuals) may not be put upon it, unless the (live) coals were taken out or covered with ashes. Beth Shamaï says: (The latter instance) is permissible only in the case of victuals that are to be kept warm, but not of such as are improved by continued cooking. Beth Hillel says: Both alike are permitted. Beth Shamaï says: (Victuals) may be taken off the stove, but not put back upon it; Beth Hillel permits it.

GEMARA: The schoolmen propounded a question: "As for the expression 'shall not be put,' does it (referring to a pot that has been taken off the stove) mean 'one shall not put it back,' but if it has not been taken off, it may be left there, even if the live coals were not cleared away or covered with ashes? Or does it mean that the pot should not be left there (even if it was standing there before) unless the live coals have been cleared out or damped, so much the more should it not be put there if it was once taken off?" Come and hear. There being two parts in our Mishna, if the point of controversy is the leaving (of the victuals on the stove, if they were there before), the Mishna is to be explained thus: On the stove that was heated with straw or with stubble the victuals may be left; on a stove that was heated with pressed poppy seed or with wood, the victuals may be left only if the live coals were taken out or covered with ashes. What kind of victuals may be left there? According to Beth Shamaï such as are to be kept warm, but not such as improve by cooking. And according to Beth Hillel both. Thus the point of controversy is the leaving of the victuals (that had been on the stove before). And as the (two schools) differ in this matter, so do they also differ in their opinions concerning putting them back upon the stove if they were once taken off. But if you interpret the Mishna to make the

returning of the victuals to the stove the point of their differing—viz., what kind of victuals should be returned (to the stove), according to the former such as are to be kept warm, but not such as improve by cooking, and according to the latter, both. (If you put such a construction upon the text of the Mishna,) to what purpose is it repeated? “Beth Shamaï says,” etc. It may be said even that they differ concerning putting back, and nevertheless there is no difficulty, as the Mishna is not complete, and should read thus: “If the stove was heated . . . but if they stood there before, they may be left there, even if the live coals are not taken out or covered with ashes.” And what may be left? Beth Shamaï says only such as are to be kept warm, and Beth Hillel says even victuals requiring cooking; but even in the case of returning (the victuals to the stove, if they have been removed) there is still a difference of opinion between the two schools, for according to the former they may be only taken off, and according to the latter they may be returned also.

Come* and hear. R. Helbo in the name of R. Hama b. Gorion, quoting Rabh, said: “The Mishna speaks only about putting the victuals upon the stove, but as to putting them into the stove it is surely prohibited.” Now, if thou sayest the dispute is about returning (the pot to the stove), this remark is correct, for there is a difference to what place it is returned, whether into the stove or upon it; but if the question were about keeping it on the stove while it is there, what difference would it make?

Do you think R. Helbo's report refers to the first part of the Mishna? It refers to the second part, in which Beth Hillel allows it to be returned; and to this he says, even in this case, upon the stove it is permissible, but not into the stove.

The schoolmen propounded a question: “May (a pot with victuals) be placed so as to touch the side of the stove? Does the prohibition which holds good for putting it into or upon the stove apply also here, or is touching its side a different case?” Come and hear. “A stove that was heated with pressed poppy seed or wood may (be used) to put a pot alongside of, but not on, unless the live coals were taken out or covered with ashes.” If the coals get dim or fine hurds were put upon them, they are considered as if their fire was damped with ashes. R. Itz'hak

* Here the disciple who advanced the later construction of the Mishna turns the tables on his interlocutor and brings forward an argument in favor of his suggestion, introducing it with the same words as the previous speaker in his argument.

b. Na'hmani in the name of R. Oshia says: If the fire was damped and still it got a-glowing, victuals that are sufficiently warm, and cooked meats that require no more cooking, may be left standing upon it.

Is it to be inferred from this that, if victuals are improved by shrivelling (upon the fire), they may be left there? This is a different case, for the fire was damped. If such is the case, what came R. Itz'hak to teach? "Lest one say that if the fire got to glowing again, it is to be considered as a fire originally started?" R. Itz'hak lets us know that, when once a fire has been damped, we need have no further scruples about letting the victuals remain on it.

R. Shesheth said in the name of R. Johanan: Victuals that require additional warming or additional cooking may be left upon a stove that was heated with pressed poppy seed or with wood; but if they were once removed, they shall not be replaced unless the live coals were taken out or covered with ashes. He was of the opinion that our Mishna (treats) of replacing (a removed pot), but allows (a pot that was not removed) to be left on the stove, even if the live coals are not taken out or covered with ashes. Said Rabha: "Were not both (propositions) expounded in the Boraithoth (that were cited)?" Aye, but R. Shesheth merely wishes to exhibit his construction of the text of the Mishna.

R. Samuel b. Jehudah in the name of R. Johanan said: Upon a stove that was heated with pressed poppy seed or wood, victuals may be left standing, if they are sufficiently warmed and sufficiently cooked, even if shrivelling improves them. Said one of the schoolmen to him: "Did not Rabh and Samuel both say that if shrivelling improves them, it is not allowed? And he answered: "I said this in the name of R. Johanan and not in the name of the above mentioned, as I am aware of it." R. Uqba of Mishan said to R. Ashi: "You, who cherish the teachings of Rabh and Samuel, may follow their regulation, but we will follow the regulation of R. Johanan."

Abayi questioned R. Joseph: May victuals be left (on the stove)? And he answered: Did not R. Jehudah leave (victuals on the stove), and eat them afterward? Rejoined Abayi: The case of R. Jehudah cannot be taken into consideration. He was stricken with a dangerous disease, and for him even (the cooking of victuals) on the Sabbath was permitted; but I ask about (healthy men like) you and me. R. Joseph answered: "In

Sura they do leave. As R. Na'hman b. Itz'hak, who was exemplary in following religious ordinances, was wont to leave and to eat."

R. Ashi said: "I was standing before R. Huna and observed that fried fish was kept (warm) for him and he ate it; but I know not whether (he did it) because he thought that victuals which improve by shrivelling are allowed, or whether he thought that, because there was flour on his fish, continuous warming did not improve it.

R. Na'hman said: (Victuals) that improve by shrivelling must not (be left on the stove); such as deteriorate may. The rule is that all victuals which contain flour deteriorate by continuous warming.

R. Hyya b. Ahba was questioned: "If one forgot his pot and left it upon the stove, and the victuals were thus cooked on the Sabbath, may he eat them or not?" The master gave no answer. The next time he lectured: Victuals cooked on the Sabbath unintentionally may be eaten; intentionally not, but (as regards the pot that is forgotten on the stove) it makes no difference.

What does (the phrase) "it makes no difference" mean? Rabba and R. Joseph both say that the phrase implies that it may be eaten, for one who cooks acts intentionally; but when forgotten there was no act, and therefore he may eat it. But R. Na'hman b. Isaac says the above phrase of "it makes no difference" implies a prohibition. In the case of cooking there is no fear of craft; therefore if he has done it unintentionally, he is not fined; but in the case of forgetting (the pot in the fire) craft may be feared (it means that he may put it in intentionally saying that he forgot), and therefore even if he actually forgets he is not allowed to eat the victuals.

The schoolmen propounded a question: "What about one who had intentionally left (his victuals upon the stove)? Do the rabbis fine him or not?" Come and hear. Samuel b. Nathan in the name of R. Hanina said: "When R. Jose went to Ziporis, he found warm meats that had been left upon the stove, and he did not prohibit their use, but shrivelled eggs that had been left upon the stove he prohibited. Shall we not assume that he forbade their use even on that Sabbath as a fine? Nay, he forbade their use for the following Sabbath."

From this is to be inferred that shrivelled eggs improve by continuous heating. As R. Hama b. Hanina said: "Rabbi and

I were once stopping at a certain place. We were treated with eggs shrivelled like wild pears, and we ate many of them."

"*It may also be put back.*" R. Shesheth said: The Tana who holds that the pot may also be put back (upon the stove) allows this (to be done) even on the Sabbath. R. Oshia is also of the same opinion, for thus he said: "We were once standing before R. Hyya the Great; we served him with a bowl of warm (soup), which was brought from the lower floor (of the house), and we mixed a cup of wine for him, and (afterward) we returned it (the bowl) to its place, and he said nothing." And R. Hyya in the name of R. Johanan said: Even if (the warm pot taken off from the stove) was put upon the ground, it may (still be put back on the stove). Said Hyskiyah in the name of Abayi: "According to them who hold that if he puts it on the floor it may not be returned, it is said only when it was not his intention to return it. But if it was, he may. And from this it is to be inferred that if it was still in his hand, although his intention was not to place it again, he may do so on reconsideration."

MISHNA II.: (Victuals) shall not be put either inside or on top of an oven that was heated with straw or with stubble; a firing-pot that was heated with straw or with stubble is (considered by the law) as a stone, but if it was heated with pressed poppy seed or with wood it is considered as an oven.

GEMARA: A Boraitha teaches: If an oven was heated with straw or with stubble, (a pot with victuals) shall not be put close to it (so that it touch the oven), the less so upon it, and still less so into it; so much the less shall (a pot) be put (alongside of an oven) that was heated with poppy-seed pulp or with wood. If a firing-pot was heated with straw or with stubble, (a pot) may be put close to it, but not upon it; with poppy-seed pulp or with wood it must not be put close to it. Said R. Aha b. Rabha to R. Ashi: "How shall the firing-pot be considered? If it is like a stove, even if heated with poppy-seed pulp or with wood (a pot shall be allowed to be put close to it); and if it is like an oven it should not, even if it is heated with stubble or straw?" Answered he: It contains more heat than a stove and less heat than an oven.

What is a firing-pot and what is a stove? Said R. Jose b. Hanina: "A firing-pot has an opening on the top upon which only one pot can be set; a stove has openings upon which two pots can be set at a time."

MISHNA III.: An egg shall not be put close to a boiler to

get it settled, nor must it be wrapped in a hot cloth. R. Jose permits it; also it must not be put into hot sand or in the (hot) dust of the road that it be roasted (by the heat of the sun). It once happened that the inhabitants of Tiberias had laid a pipe of cold water through the arm of their hot springs. But the sages explained to them that on the Sabbath this water is considered like any other warmed on the Sabbath, and must not be used either for washing or drinking; and should this be done on a feast day, it is like water heated by fire, which may be used for drinking only, but not for washing.

GEMARA: The schoolmen questioned: How is it if one has done so with an egg? Said R. Joseph: He is liable for a sin-offering. Said Mar b. Rabbina: This is to be understood also from the following Boraitha: Everything that was in hot water before the Sabbath may be soaked in hot water on the Sabbath; things that were not in hot water before the Sabbath may only be rinsed in it, excepting old herrings and Spanish (salted) fish, because with these, rinsing completes their preparation. (The same is the case with an egg; the settling completes.)

"Nor shall it be wrapped," etc. Now, the Mishna which states: "Cooked victuals may be put into a pit for preservation; drinking water into cold bad water to cool; cold victuals in the sun to warm." Shall we assume that it is in accordance with R. Jose and not with the sages? Said R. Na'hman: As to the heat of the sun, all agree that it is allowed; the outcome of heating by fire, all agree that it is prohibited. The point of their differing is the outcome of sun-heating. The one master holds that the use of such heat is prohibited for fear lest one use also the heat that is generated by fire; the other master does not impose such a precautionary measure.

"It happened that the inhabitants of Tiberias," etc. R. Hisda said: With the prohibition by the rabbis of the act of the Tiberians they have also abolished the permission to heat on Friday, even when it is yet day, in such places as increase heat. Said Ulla: "The Halakha prevails according to the Tiberians." Rejoined R. Na'hman: "The Tiberians themselves have already destroyed their pipes." "Washing with warm water," how is this to be understood? The whole body? Is this prohibited only with water that was warmed on Sabbath? Is it not the same even when it was warmed on the eve of Sabbath? As the following Boraitha states: "With water which was warmed on the

eve of Sabbath, on the morrow one may wash his face, hands, and feet, but not the whole body. And if it means the face, etc., how is the latter part to be understood?" "If it was warmed on a feast day," etc.

Shall we then assume that our Mishna states in accordance with Beth Shamai, as they so state plainly elsewhere, to which the Beth Hillel opposed and permitted? Said R. Iyqa b. Hanina: Our Mishna treats of washing the entire body, and it is in accordance with the Tana of the following Boraitha: "One shall not rinse his entire body (on the Sabbath) either with warm or with cold water." So is the decree of R. Mair, but R. Simeon permits this. R. Hisda says their dispute concerns only (water that is) in the ground; but water contained in a vessel is strictly prohibited.

Rabba b. b. Hana in the name of R. Johanan said: "The Halakha prevails according to R. Jehudah." Said R. Joseph to him: "Didst thou hear this explicitly, or dost thou derive it by inference (from a similar teaching)?" "I have heard it explicitly," he answered.

It was taught: If water was warmed on Friday, Rabh said one may wash his entire body in it on the next day, every member separately (*i.e.*, not plunge into it at once). Samuel, however, said: It was not allowed but of the face, hands, and feet. And the following Boraitha supports Samuel: "If water was warmed on Friday, one may wash his face, hands, and feet with it on the following day, but not his entire body, even member by member; and so much less with water warmed on a feast day."

Said R. Joseph to Abayi: "Did Rabba not act according to the decisions of Rabh?" "I know not," he answered.

The rabbis taught: A bath-house, the openings of which were stopped up on Friday (so that the heat should not escape), may be used for bathing immediately after the Sabbath is over. If its openings were stopped up on the eve of a feast day, one may, on the next day, enter it to have a sweat, but he must leave it and rinse his hands in an adjoining room. R. Jehudah said: It happened in a bath-house of the city of B'nai Beraq, that its openings were stopped up on the eve of a feast day. The next day R. Eliezer b. Azariah and R. Aqiba entered it and took a sweat; then they left it and rinsed their bodies in the adjoining room; but the warm water in it had been covered with boards. When the report of this reached the masters they

said, even if the warm water had not been covered with boards, they were also allowed (to do so). However, since transgressing began to increase, they began to prohibit. In bath-houses of large cities one may walk about without fear of people's saying that he went to take a sweat.

What does the expression "transgressing" mean? As R. Simeon b. Pazi in the name of R. Joshua b. Levi, quoting bar Qapara, said: In former times the people were accustomed to bathe (on the Sabbath) in water that was warmed on Friday. The bath-keepers then began to warm the water on the Sabbath, and to tell the people that it had been warmed on Friday. Hereupon they prohibited bathing in warm water, but still they placed no restriction upon taking a sweating (in the bath-room). The people then would come and bathe, but pretend to merely take a sweating. Then sweating was also prohibited, but washing in the hot spring water of Tiberias was still allowed. The people, however, would come and wash themselves in water that was warmed by the fire and say that they washed in the hot spring water. Subsequently warm water was prohibited for bathing altogether, but bathing in cold water was allowed. Seeing that people could not stand the last prohibition, it was therefore revoked, and bathing in the hot spring water of Tiberias was allowed. The prohibition of the sweating bath, however, remained. The rabbis taught: One may warm himself by a hearth-fire and afterwards rinse himself with cold water, but not bathe first in cold water and then warm himself by a hearth-fire, because he warms the water that is on him.

The rabbis taught: One may warm a sponging-cloth and put it upon his bowels (on the Sabbath), but he must not do so with a boiling hot vessel, for this is dangerous even on week days.

The rabbis taught: One may put a pitcher of water before a blazing fire, not to warm it, but to temper the coldness of the water. R. Judah said: A woman may put an oil flask before a blazing fire, not to boil it, but merely to temper it. R. Simeon b. Gamaliel says: A woman may unhesitatingly put oil on her hand, warm it before the fire, and anoint her little son with it without any fear.

Said R. Judah in the name of Samuel: Whether it be oil or water, if the hand is spontaneously withdrawn from it (feeling the scald) it is prohibited, but not otherwise. And what extent of heat is meant by it? Said Rabba: If the belly of a child is scalded by it.

R. Itz'hak b. Abhdimi said: "I once followed Rabbi into the bath-house (on the Sabbath). I wanted to put a bottle of oil for him into the tank (that contained hot spring water). Said he unto me: "Take out some warm water from the tank and put it into another vessel (to warm the oil in). From this we have inferred three things—viz.: First, that oil improves by warming, and it is a prohibited act; second, that if anything is put into a second vessel (not directly into the boiling vessel) it is not considered cooking; third, that the mere tempering of oil is analogous to cooking it.

Said Rabhina: From this story it may be inferred that if one cooks in the hot spring water of Tiberias on the Sabbath he is culpable, for the case happened after the rabbis had imposed the precautionary measure, and yet Rabbi would not allow him (R. Itz'hak) to put the oil directly into the tank. Is that so? Did not R. Hisda say that he who has cooked in the hot spring water of Tiberias is not culpable? The *culpability* to be inferred (from the case of Rabbi) extends only as far as blows of correction * are concerned.

R. Zera said: "I have seen R. Abuhu swimming in a tank, and I know not whether he raised (his feet from the ground) or not. Is it not self-evident that he did not raise them, as there is a Boraitha: One shall not swim about in a pond, even if (that pond) is stationed in a yard. This presents no difficulty. In a pond it is prohibited, because it is similar to a river, while in a tank it is allowed, because it is similar to a vessel.†

R. Zera once found R. Jehudah in the bath. He (R. Jehudah) ordered his servant (in the Hebrew Aramaic tongue): "Bring me the comb; hand me the soap; open your mouths, and exhale the warm air from within you; drink of the (warm) water of the bath." Said R. Zera: "If I had not come but to hear *this*, it were enough for me."

It is correct that he ordered things in the Hebrew language, as private affairs may be said in the same language. The same is with the second order; for Samuel said that heat (from without) drives out heat (from within). But what good is in the order, "Drink of the water of the bath"? It is also correct, as we have learned in the following Boraitha: "If one washed

* "Blows of correction" were inflicted by the rabbis not for an actual sin, but for disobedience to the laws enacted.

† We have translated in accordance with Rashi's second view, as it seems to us to be correct.

himself with warm water and did not drink of it, he is like an oven that was heated from without but not from within."

MISHNA IV.: The hot water contained in a "Muliar" (caldron), the live coals of which have been cleared away before the Sabbath set in, may be used on the Sabbath; but the hot water contained in an "Antikhi" (another kind of kettle), even if cleared of live coals, is not to be used on the Sabbath.

GEMARA: What is a Muliar? A Boraitha states: "It is a vessel provided with an attachment for live coals, used for keeping water"; as for an Antikhi, Rabba says it is a Bekiri (a vessel similar to a Muliar, but of heavier construction and continually in use). R. Na'hman b. Itz'hak says: It is a Bedude (a large kettle with an attachment underneath for live coals). There is a Boraitha in support of the opinion of R. Na'hman: "The hot water in an Antikhi, even if the coals thereof are cleared away or damped, is not permitted to be used, for the heavy bottom keeps the heat."

MISHNA V.: Into a kettle, the hot water of which has been spilt out and which has been removed from the fire, cold water is not permitted to be poured, for the purpose of heating; but it is permitted to pour water into the kettle, or into a cup, for the purpose of making such water lukewarm.

GEMARA: How is this to be understood? Said Abayi: It means thus: "Into a kettle, the fire of which has been removed, which still contains hot water, a small quantity of cold water may not be poured, for the purpose of warming; but a large quantity, to make the hot water lukewarm is, however, permitted. Into a kettle, the hot water of which has been entirely removed, no cold water at all may be poured, because it tempers the vessel. And it is in accordance with R. Jehudah, who holds that an act which pleases one, if done even unintentionally, is prohibited.

Said Rabh: "Even the above-mentioned large quantity is allowed only to make the water lukewarm; but not such a quantity as will entirely neutralize the hot water and tend to temper the vessel." Samuel, however, permits any quantity.

Shall we assume that Samuel is in accordance with R. Simeon (who opposes the above theory of R. Jehudah), but did he not say that it is permitted to extinguish live dross on public ground (to prevent injury), but not charcoal? And if he agrees with R. Simeon, this also should be permitted? As regards labor tending to the accomplishment of a work (prohibited on the

Sabbath), he holds with R. Simeon; but as to the performance of labor, not for its own sake, he sides with R. Jehudah. Said Rabina: "Since it is permitted to perform labor (prohibited by rabbinical law), in order to prevent injury, it is also permitted to remove thorns from public ground, little by little, in distances of less than four ells at a time (in order to prevent injury); but upon unclaimed ground it may be done in greater distances."

"*But it is permitted,*" etc. The rabbis taught: One may pour hot water upon cold, but not cold upon hot water, so is the decree of Beth Shammai; Beth Hillel, however, allows both ways, provided a cup is used; but in a bathing-tub hot water upon cold is permitted, but cold water upon warm is not. But R. Simeon b. Menassiah forbids it. And Na'hman said that so the Halakha prevails. R. Joseph was about to say that a bucket is under the same ruling as a bathing-tub. Said Abayi to him: "So taught R. Hyya, that a bucket is not in this category."

Said R. Huna b. R. Joshua: "I observed that Rabha was not scrupulous with regard to the use of vessels, because R. Hyya taught, one may put a pitcher of water into a bucket of water; it makes no difference whether it be hot water into cold or *vice versa*." Said R. Huna to R. Ashi: "Perhaps this was a different case altogether, it being that there was a vessel within a vessel!" But the latter retorted: "It says: 'To empty'; as it was taught: It is permitted to empty out a pitcher of water into a bucket of water, be it either warm water into cold or *vice versa*."

MISHNA VI.: In a saucepan or a pot that was removed from the fire, no spices shall be put after dusk (on Friday); but spices may be put into a plate or a bowl. R. Jehudah is of the opinion that spices may be put in all vessels or cooking utensils except in such as contain vinegar or fish brine.

GEMARA: The schoolmen propounded the following question: Does R. Jehudah refer to the first part of the Mishna, which is lenient, or does he refer to the latter part, which is rigorous? Come and hear. We have learned in a Boraitha that R. Jehudah says: "One may put (spices) into all saucepans and cooking-pots, except such as contain vinegar and fish brine."

R. Joseph was about to say that salt comes under the same ruling as spices, because in his opinion salt becomes cooked in a

first vessel (*i.e.*, the vessel used for cooking), but not in a second vessel. Said Abayi to him: R. Hyya distinctly taught that salt does not come under the ruling applicable to spices, because it does *not* become cooked, even in a first vessel. This is corroborated by R. Na'hman, who said: There is a saying that the dissolving of salt requires thorough boiling, the same as beef.

MISHNA VII: It is not permitted to place a vessel under a lamp so that the oil of the lamp drip into it. If a vessel was placed under a lamp before the Sabbath set in, it may remain there; but the use of such oil on the same Sabbath is not permitted, as it was not previously prepared.

GEMARA: Said R. Hisda: "Although it was said that the placing of a vessel under a hen (laying on sloping ground) to receive the egg is forbidden, yet to cover the egg so as to prevent it from being crushed is permitted."

Said Rabba: The reason of R. Hisda is because he holds that hens being in the habit of laying eggs on level ground, in order to prevent the egg from being stepped upon, it is permitted to cover it with a vessel; but as hens are not in the habit of laying eggs on *sloping* ground, the placing of a vessel under the hen to receive the egg was not allowed.

Abayi objected to this, stating: "Were we not taught in the Mishna that it is permitted to place a vessel under a lamp in order to take up the (dropping) sparks?" (This seldom occurs and therefore it is permitted.) He was told that the dropping of sparks by a lamp is also of frequent occurrence.

R. Joseph, commenting on the statement of R. Hisda, gave another reason—viz.: That the vessel (placed under a hen to receive an egg) is made useless for that same Sabbath.

Abayi raised the same objection, (intending to) prove by it that the vessel placed under a lamp is also made useless on that same Sabbath, and R. Huna b. R. Joshua answered: "Sparks have nothing substantial about them (therefore the vessel containing them is not made useless on the same Sabbath)."

R. Itz'hak said: In the same manner as it is not permitted to place a vessel under a laying hen, so is it also not permitted to cover the egg laid; for the reason that a vessel must not be handled on the Sabbath except for the use of such things as are themselves permitted to be handled on the Sabbath.

All the objections of Abayi being raised against R. Itz'hak's statements, he answered: "In that case there was a lack of space." (If the space occupied by a vessel is needed, that ves-

sel may be removed, and while being removed may be used for *any* purpose.)

Come and hear (another objection). An egg laid on the Sabbath or a festival, to prevent it from being (accidentally) cracked, may be covered with a vessel? Here the case is, also, when the space where the vessel is placed is needed.

Said R. Shesheth (to his disciples): Go ye and tell R. Itz'hak that the above doctrine has already been interpreted by R. Huna in Babylon as follows: It is permitted to make a partition on the Sabbath, to (isolate) a corpse for the sake of the living, but it is not permitted to make a partition for the sake of the corpse. How is the latter clause to be understood? R. Samuel b. Jehudah and also Shila Mari taught: In the case of a corpse lying in the sun (on the Sabbath), (to prevent the corpse from decomposing) two persons are brought to sit on the floor, each on one side (in order to bring about the making of a screen). When the ground underneath them becomes hot, each of them is to bring a cot bed to sit upon, and when the heat above them becomes excessive, they are to bring a sheet and spread it over their heads (leaving part of the sheet loose); both now raise their cots (which take up the loose part of the sheet) and move to their former positions; thus a screen (canopy) is formed of itself.

It was taught: "A corpse lying in the sun." R. Jehudah in the name of Samuel says: The same must be turned over from one bed into another, until it arrives at a shady place. R. Hinna b. Shalmi in the name of Rabh said: A loaf of bread or an infant should be put on the corpse and then the corpse may be moved. There is no difference of opinion as to the removal of a corpse (on the Sabbath), which is permitted when a loaf or an infant is put upon it; they differ only where there is none. One holds that indirect transportation must be considered transportation, and the other opines that indirect transportation is not transportation (and therefore permitted).

Shall we assume that on this point the following Tanaim differ? "It is not permitted to save a corpse from a fire." R. Jehudah b. Lakish, however, says: "I have heard that it may be done." How is the case if there was a loaf of bread or an infant? Why should the first Tana prohibit it? And if there was none, what is the reason of Lakish's decision? Do they not differ in the point of transportation stated above? Nay; all agree that such a transportation is considered; the

reason, however, of Ben Lakish is that usually one is concerned about his dead, and if it would not be permitted to remove it, he will extinguish the fire. Said R. Jehudah b. Shilah in the name of R. Ashi, quoting R. Johanan: The Halakha prevails according to Ben Lakish concerning a corpse.

MISHNA VIII: A new lamp may be handled on the Sabbath, but not an old one; R. Simeon, however, says all lamps are permitted to be handled except such as are still burning.

GEMARA: The rabbis taught: A new lamp may be handled, but not an old one; such is the decree of R. Jehudah.

R. Mair, however, says that all lamps may be moved, except a lamp which was lit for the Sabbath (though the light is extinguished); but R. Simeon says, except a lamp which is still burning. If extinguished, it may be moved; but a goblet, bowl, or lantern (used as lamps, must not be removed from their respective places). R. Eliezer b. R. Simeon, says: It is permitted to make use of an extinguished lamp and of the oil dripping from it, even while the lamp is burning.

Said Abayi: R. Eliezer b. Simeon holds in one case to the opinion of his father, but differs with him in the other. He holds with his father in disregarding Muktzah (designation),* and differs with him in the other case; for his father is of the opinion that when a lamp is extinguished it may be moved, but not while it is burning; but he is of the opinion that even a burning lamp may be moved. "But a goblet, bowl, or lantern must not." Wherein do these things differ from the others? Said Mar Zutra: R. Simeon allows a small lamp (to be handled), because one will wait until it is extinguished (and then it may be used for another purpose); but these are large, and not apt to become extinguished for some time. R. Zera said: All the schoolmen agree on prohibiting the handling of a candelabrum which had been lit up on Sabbath, but the handling of the candelabrum which was not lit up on the Sabbath is unanimously permitted.

R. Jehudah in the name of Rabh said: "It is not permitted to handle a bed that has been designated as a place to put money in, if the money had already previously been placed upon it (on Friday during twilight even if on the Sabbath *no money*

* Muktzah (designation) refers to such objects as are set aside and designated for non-use on the Sabbath. Thus, all materials that are used in the performance of manual labor (prohibited on the Sabbath) are called Muktzah. R. Simeon, however, holds there is no such thing as Muktzah.

was on the bed). If the money, however, had not previously been deposited on the bed, the handling is permitted. If a bed was not designated for the keeping of money, but contained money, it must not be handled. If it contained no money, it may (providing no money was deposited on the bed during twilight of the preceding Friday). And Rabh says this because he holds with R. Jehudah concerning Muktza.

And it seems that so is the case, as Rabh said one may place a lamp upon a palm tree at any time while it is yet day on Friday, in order that it may burn on the Sabbath; but one may not put a lamp upon the same on a biblical feast day. (It is permitted to place a lamp on a palm tree on the Sabbath because there is no fear of the tree, which is Muktza [designated], being used; but on a biblical feast day it is prohibited for fear that one while depositing or removing the lamp will also use the palm tree; and that is prohibited.)

And this is correct only in accordance with the theory of R. Jehudah; but should Rabh hold with R. Simeon, why does he make a distinction between the Sabbath and a biblical feast day? The law of Muktza does not exist at all according to R. Simeon.

Is that so? Did not Rabh decide, when he was questioned whether one may remove an extinguished 'Hanukah light on the Sabbath for fear of the Magi (this has already been mentioned in a previous connection), that it may be done? The time of danger is different.* R. Kahana and R. Assi then questioned him: "Does the Halakha so prevail?" and he answered: "R. Simeon is worthy to be relied upon in times of danger."

Resh Lakish questioned R. Johanan: "May wheat that has been sown but that has not yet sprouted, or eggs that are still under the hen, be eaten on the Sabbath? Does he (R. Simeon) disregard the law of Muktza only in such cases where the objects were put aside with no intention of ever being used again, or does he disregard Muktza under all circumstances?" He (R. Johanan) replied: "There is no Muktza in his theory but the oil in a burning lamp, because if poured in a lamp for the purpose of keeping the Sabbath-light commandment it is designated for that express function, and as it is not permitted to extinguish that light, the intention not to use the oil for any other purpose is self-evident. But does not R. Simeon hold that the

* The Talmud here refers to Persian festivals, when the burning of lights was prohibited except in sacred shrines.

same is the case with other things which were designated for their religious purposes? Is it not a fact that the ornaments of the tabernacle on that festival must not be used, even in accordance with R. Simeon's theory? As R. Hyya b. R. Joseph taught in the presence of R. Johanan: "One must not remove wood from a booth on any biblical feast day, but he may remove it from any place near by? R. Simeon, however, permits this to be done. Still, they *all* agree that wood must not be removed from a booth built expressly for that feast, on all the seven feast days. However, if there was a stipulation it may be done accordingly" (because the wood is set aside for the ritual purpose). Hence even according to him the designation for ritual purposes must not be used. Why, then, is this different from the oil in question? The Boraitha is to be understood thus: All the ornaments of the booth in question are prohibited so far as all things bearing similitude to the oil in the burning lamp are concerned. And so also it was taught by R. Hyya b. Abba in the name of R. Johanan, that there is no Muktza in the theory of R. Simeon, but in cases which are similar to the oil of the lamp while burning, being designated for the ritual purpose, they are also designated not to be used. Said R. Jehudah in the name of Samuel: "In the opinion of R. Simeon no law of Muktza exists except in the case of raisins and dates which were placed on the roof to be dried." (In such a case there certainly was no intention to use them on the same Sabbath.) Said Rabba b. b. Hana in the name of R. Johanan: "It was said the law remains in accordance with R. Simeon. When R. Itz'hak b. R. Joseph, however, came from Palestine, he said in the name of R. Johanan that the law (of Muktza) according to R. Jehudah prevails, and R. Jehoshua b. Levi said the law prevails with R. Simeon. Said R. Joseph: Now is understood what Rabba b. b. Hana said in name of R. Johanan, *it was said* that the Halakha prevails according to R. Simeon, which means that R. Johanan himself did not agree with their decision. Said Abayi to R. Joseph: "Didst thou not know before this that R. Johanan holds with the opinion of R. Jehudah? Is it not a fact that when R. Abba and R. Assi met in the house of R. Abba of the city of Heifa and a candelabrum fell upon the coat of R. Assi, he (R. Assi) did not remove it? Was it not because he was a disciple of R. Johanan and acted according to the opinion of his master?" Answered R. Joseph: "Thou art speaking of a candelabrum. A candelabrum is a

different matter altogether, for R. Ahai b. Hanina in the name of R. Assi said: Resh Lakish has decided in Zidon, a candelabrum which can be removed with one hand may be handled, but if it has to be removed with both hands it may not; and R. Johanan said: We only hold with R. Simeon in the matter of a lamp; but as for a candelabrum, whether it can be removed with one or both hands, it is prohibited. And why so? Both Rabba and R. Joseph said: Because a separate place must be designated for it.

Said Abayi to R. Joseph: "Have we not observed the case of a baldaquin prepared for a bride and groom, for which a place must be designated? And yet Samuel said in the name of R. Hyya that such may be put up and taken apart on the Sabbath." Said Abayi: The prohibition to handle the candelabrum holds good only in a case where the same is made of several parts. If this be the case, what reason has R. Simeon b. Lakish for allowing this? Say: Not a candelabrum *made* of various parts, but if it looks *like* a candelabrum of various parts. Therefore a candelabrum made of several parts, be it large or small, must not be handled. The handling of a large candelabrum, even if not made of several parts, is also prohibited on account of its marked lines, for fear one may handle such as *are* made of several parts. And the point of their differing is: With a small candelabrum which looks as if made of several parts, one takes the precautionary measure lest one handle that which is really made of several parts, while the other does not care for such a precaution.

R. Malkia chanced to be in the house of R. Simlai and handled a candlestick, the light in which had been extinguished, and R. Simlai became angry on that account. R. Jose the Galilean happened to be in the town of R. Jose b. Hanina and did the same, whereupon R. Jose b. Hanina became angry. R. Abuhu, however, when he happened to be in the place of R. Jehoshua b. Levi, handled, but when he came to the place of R. Johanan he did not handle a candlestick in question out of respect to R. Johanan. R. Jehudah said: A lamp which has been filled with oil may be handled after the light has been extinguished (because it emits no bad odor), but one which contained naphtha may not be handled (on account of its bad odor). Both Rabba and R. Joseph also permit this.

R. Avia once came to the house of Rabha with muddy shoes and sat on the bed in the presence of the latter. This made

Rabha angry, and he tried to disconcert R. Avia with questions. Said he (Rabha): "Can you tell me why Rabba and R. Joseph both said that a lamp filled with naphtha may be handled?" Answered R. Avia: "The reason of their decision is because the lamp is fit to cover a vessel with after being extinguished." And he rejoined: "If this is so, one may also handle shavings scattered in the yard, because they also can be used to cover a vessel with." Answered R. Avia: "A lamp, being a vessel itself, can be used to cover other things with, but shavings are not vessels in themselves and therefore cannot be used singly as covers" (and brought a Boraitha which states that nose jewels, rings, etc., are considered among the vessels which may be handled on Sabbath, and Ulla explained the reason why, because they are considered as vessels). Said R. Na'hman b. Itz'hak: "Praised be the Lord that Rabha did not put R. Avia to shame."

Abayi pointed out to R. Joseph the following contradiction: "Did R. Simeon say that a light may be handled only when extinguished, but if burning it must not be handled? For what reason? Because there is a chance of extinguishing it while it is being handled?" Have we not learned that R. Simeon said: "An act which is committed unintentionally is permissible." Such is the decision of R. Simeon? (This presents no difficulty.) One must not take chances with an act which, if done intentionally, would cause a violation of a biblical ordinance; but if the violation would be only that of a rabbinical ordinance, chances may be taken.

Objected Rabha: "We have learned: Dealers in clothing may sell clothes made of wool and cotton mixed. They are permitted to try on such clothes or to carry them (temporarily) on their shoulders, provided the intention to use them as a protection against the sun and rain does not exist. Now, the wearing of a mixture of wool and cotton is biblically prohibited, still R. Simeon permits it to be done temporarily. Therefore said Rabha: "Discard the case of the lamp, oil, and wick; there is another reason entirely—viz., because one becomes a basis of a thing the handling of which is in itself prohibited (*i.e.*, the light in itself cannot be handled)."

Said R. Zera in the name of R. Assi, quoting R. Johanan, who said in the name of R. Hanina that he was told by R. Romnas: "Rabbi permitted me to handle a pan containing glowing ashes."

And R. Zera himself was deliberating: Did indeed R. Johanan say so? Have we not heard that Rabba b. b. Hana said in his (R. Johanan's) name, referring to our Mishna, which states that a man may handle a box containing a stone: "He may do so providing the box also contains fruit." How, then, could R. Johanan permit a pan with glowing ashes to be handled? R. Assi was astounded for some time, but finally answered: "The pan referred to still contained some grains of incense."

But Rabba said: While we were in R. Na'hman's house we handled a fire-pot on account of its ashes (the ashes were needed for some purpose, therefore the pot was allowed to be handled), although there were some broken sticks of wood upon it.

The schoolmen raised the following objection: R. Simeon and R. Jehudah agree that if there are broken pieces of wick in a lamp, it is prohibited to handle the lamp. Said Abayi: "This was taught in Galilea" (Galilea is a state where linen cloth is scarce, for which reason the broken pieces of wick are valuable, and the lamp, being the receptacle of prohibited valuables, is not permitted to be handled on the Sabbath).

Levi, the son of Samuel, met R. Abba and R. Huna the son of Hyya standing at the entrance of R. Huna's house; and Levi questioned: "Is it allowed to fold the beds of travelling coppersmiths on a Sabbath?" They answered: "Yea." In allowing this the two rabbis held with (the opinion of R. Simeon b. Gamaliel in a) following Boraitha: It is not permitted to put together a bed which has been taken apart; but if one did so, he is not culpable. One must not fasten the bed with pegs, but if he did so he only lays himself liable to bring a sin-offering. R. Simeon b. Gamaliel, however, said: "If the bed was loose it may be fastened."

R. Hama had a folding-bed in his house. He put it together on a biblical feast day, and one of the young rabbis questioned Rabba: "What reason is to be found for this act? Is it because of indirect building; granted that there is no biblical prohibition to this effect, there surely is a rabbinical?" Answered Rabba: "I think that the reason is the decision of R. Simeon b. Gamaliel (with whom I agree) that it is permissible to put a bed together if the bed is loose."

MISHNA IX.: One may put a vessel underneath a lamp for the purpose of receiving the sparks falling from the lamp, but he shall not put water into the vessel, because thereby the sparks would become extinguished.

GEMARA: Would this act not render the vessel useless? Said R. Huna the son of R. Jehoshua: "The vessel is not made useless, because sparks do not amount to anything."

"*He shall not put any water into it,*" etc. Shall we assume that this anonymous Mishna is in accordance with R. Jose, who said that it is prohibited even to *cause* light to be extinguished? How can you explain this in this way? R. Jose spoke of the Sabbath itself; have you heard him saying so about the eve of Sabbath? And should you say that here is also meant on Sabbath itself, there is a Boraitha which states plainly: A vessel may be put under the lamp to receive sparks on Sabbath, and so much the more on the eve of Sabbath; but water must not be put in, even on the eve of Sabbath, and much less on the Sabbath itself. Therefore said R. Ashi: "It may be said that it is in accordance even with the rabbis, who do not mind the causing of light to be extinguished through indirect means on the Sabbath. In this case, however, the sparks are extinguished (through direct means, *i.e.*) by placing water underneath the lamp."

CHAPTER IV.

REGULATIONS CONCERNING VICTUALS, WHERE THEY MAY OR MAY NOT BE DEPOSITED TO RETAIN THEIR HEAT FOR THE SABBATH.

MISHNA I.: Wherein may hot vessels be deposited (to retain the heat) and wherein may they not? Depositing in Gepheth (olive waste), dung, salt, lime, and sand, either wet or dry, is not allowed. In straw, grape-skins, wool-flocks, or grass it is permitted, provided they are dry, but not when they are still wet.

GEMARA: A question was propounded: "Is the use of olive waste only prohibited, but the use of the oil-cakes allowed; or does the Mishna allude to oil-cakes and still more so to olive waste (for it produces more heat)?" For the purpose of depositing in, both kinds are not allowed; (but if the victuals have been deposited in a permissible thing and were subsequently placed on oil-cakes no wrong was done, because) oil-cake does not produce heat; olive waste produces heat.

Rabba and R. Zera once met at the Exilarch's house; they saw there a servant putting a can (with warm water) on top of a kettle (containing cold water), and Rabba rebuked him. Said R. Zera to him: "In what particular does this case differ from that of putting one pan on top of another?" Answered Rabba: "Here heat is produced, but there it is only preserved." Another time they saw (the servant) spreading a turban over a pitcher and putting a cup on top of it. Again Rabba rebuked him. R. Zera asked for the reason, and Rabba answered: "You will soon see him wringing* the turban," which he did. R. Zera again asked: "In what particular does this case differ from that of a spread cloth?" Answered Rabba: "Here he is particular (lest it become wet and he will wring it), while there he is not."

"*In straw.*" R. Adda b. Masna questioned Abayi: "May wool-flocks, in which (victuals) were deposited, be handled on Sabbath?" Abayi answered: "Because of a lack of straw,

* Wringing (in Hebrew, *Se'hitah*) is prohibited on the Sabbath.

would a man sacrifice a valuable lot of wool-flock?" (When placing victuals in straw no intention to make further use of the straw exists, and it becomes part of the pot itself; with wool-flocks the case is different, for they are intended for further use and therefore must not be handled on Sabbath.)

R. Hisda permitted the replacing of waste (fallen out) of a pillow on Sabbath.

R. Hanan b. Hisda objected to him from the following: "Untying the opening (for the neck) of a shirt is permitted on Sabbath, but cutting it is prohibited, and waste must not be placed into a pillow or bolster on a biblical feast day, much less on a Sabbath."

This presents no difficulty. Placing new waste in a pillow-case is not allowed, but replacing old waste is allowed. And so also we have learned plainly in a Boraitha, that when they fall out they may be replaced even on Sabbath, and much the more on a feast day.

R. Jehudah in the name of Rabh said: "Whosoever makes an opening (for the neck in an unfinished shirt) on Sabbath is liable to a sin-offering."

R. Kahana opposed, saying: What is the difference between an opening for the neck and a bunghead (in a barrel)? Rabha answered: A bunghead is not attached to the barrel (*i.e.*, it forms no part of it), but an opening for the neck is made by an incision in the shirt, and hence is part and parcel of same. In Sura the following doctrine was taught in the name of R. Hisda, and in Pumbeditha the same was taught in the name of R. Kahana or Rabha: "Who was the Tana in whose name the sages taught that the part and parcel of a thing is on a par with the thing itself?" Said R. Jehudah in the name of Rabh: "It is R. Meir (of the Mishna, Kelim, VIII.) who holds that the attachment built on a hearth is on a par with the hearth itself and becomes unclean when touched by an unclean thing."

"*When wet.*" A question was propounded: Naturally or artificially wet? Come and hear. The Mishna says: "Not with straw, nor with grape-skins, nor with wool-flocks, nor with grass when wet." It is right only if we accept the theory that they became wet, but should we venture to think them naturally wet, how is this to be imagined? Can wool-flocks be naturally wet? The sweaty wool under the hips may be meant. Did not R. Oshia teach we may deposit in dry cloth and dry fruit, but not in wet cloth or wet fruit? How is naturally wet

cloth to be imagined? This may also mean cloth made from the sweaty wool under the hips of the sheep.

MISHNA II.: It may be deposited in cloth, fruit, pigeon feathers, shavings, and fine flaxen tow. R. Jehudah forbids the use of fine, but permits the use of coarse flaxen tow.

GEMARA: "*Shavings*." A question was propounded: Does R. Jehudah forbid the use of fine *shavings* or fine flaxen tow? Come and hear. We have learned in a Boraitha, R. Jehudah says: Fine flaxen tow is the same as dung, which increases heat; therefore the conclusion is that he means flaxen tow.

MISHNA III.: It may be deposited (wrapped) in skins, and they may be handled; in shorn wool, and must not be handled. How can this be done? The lid is raised and it (the shorn wool) falls down. R. Elazar b. Azarya says: The vessel is bent sideways lest it be taken out and cannot be replaced, but the sages say it may be taken out and replaced.

GEMARA: A question was propounded by R. Jonathan b. Akhinayi, R. Jonathan b. Elazar, and R. Hanina b. Hama: Does the Mishna allude to skins belonging to private men only, hence skins belonging to an artisan, who is particular with them, may not be handled under any circumstances; or perhaps the Mishna allows even an artisan's skins? Answered R. Jonathan b. Elazar to them: It is reasonable to accept that it applies only to those belonging to private men but not to artisans, because they (the artisans) are particular. Said R. Hanina b. Hama to them: Thus said R. Ishmael b. Jossi: "My father was a tanner, and he said, 'Bring some skins here to sit on.'"

An objection was raised: Boards of private men may be handled, but not those of artisans (if, however, the intention is to serve a meal on them for guests both kinds may be handled)? With boards it is different. Even private men are particular with boards.

On this point the following Tanaim differ: Skins belonging to private men may be handled, but not those of artisans. R. Jossi says both kinds may be handled.

While they were sitting together another question was propounded by them: The forty less one principal acts of labor on Sabbath, where are they taken from? Said R. Hanina b. Hama: "From the acts of labor performed at the tabernacle." R. Jonathan b. Elazar, however, said: Thus said R. Simeon b. Jossi b. Laqunia: From the thirty-nine times the words "work," "his work," and "work of" are to be found in the Pentateuch.

R. Joseph questioned Rabba: Is the term "his work" which is found in the passage "and Joseph came into the house to do his work" [Gen. xxxix. 12] also of the number or not? Abayi answered him: "Let us bring the book and count," and he rejoined: "I am in doubt whether the verse 'and the work was enough' [Ex. xxxvi. 7] is of the number, and the former verse is to be explained 'he came in to do his business,' or whether the former is of the number and the latter is to be explained 'the task was completed.'" (Both verses cannot be counted among the thirty-nine, because if they are there will be forty in all.) This question remains unanswered.

It is proven by a Boraitha that the adduction of the thirty-nine acts is made from the acts performed at the tabernacle, for we were taught: One is culpable only for the performance of such work as was done at the building of the tabernacle. They have sown, but ye must not sow; they have harvested, but ye must not; they have loaded the boards from the ground upon wagons, but ye must remove nothing from public into private ground; they have unloaded from the wagons to the ground, but ye must not remove from private into public ground; they have transferred from one wagon into another, but ye must transfer nothing from private into private ground. "From private into private ground." What wrong is committed by that? Both Abayi and Rabha, and according to others R. Adda b. Ahabha, said: "From private into private ground by way of public ground."

"*In shorn wool and may not be handled.*" Rabha and Rabhin in the name of Rabbi (Jehudah Hanassi) said: "It is only taught, when not designated for the purpose of depositing in them, but if designated for that purpose they may be handled." Rabhina says that the teaching of the Mishna is applicable to shorn wool taken from stock (of a store).

The following Boraitha is in support of this: Shorn wool taken from stock is not to be handled, but if prepared by a private man for a purpose it may be handled.

Rabba b. b. Hana taught before Rabh: Palm branches, if cut off for use as fuel and finally intended for sitting purposes, must be tied together (before the Sabbath). R. Simeon b. Gamaliel said it needs not tying. He who taught this has himself declared that the Halakha prevails in accordance with R. Simeon b. Gamaliel.

It was taught: (In relation to sitting on palm branches cut

off for use as fuel) Rabh said (it must be) tied. Samuel said: The intention on the eve of Sabbath suffices; and R. Assi said; Sitting (on them before the Sabbath), even if not tied nor previously intended for sitting purposes on the Sabbath, is sufficient. It is clear that Rabh holds with the first teacher and Samuel holds with R. Simeon b. Gamaliel, but whom does R. Assi's opinion agree with? He is in accordance with the Tana of the following Boraitha: It is permitted to go out (on Sabbath) with a flax or wool plaster (on a wound) when dipped in oil and tied with a string, but it is not permitted when the plaster is not dipped in oil or tied with a string; but if one went out with it only a little before the Sabbath, even if not dipped in oil and tied, it is permissible. Said R. Ashi: "We were also taught in a Mishna in support of this; but who is the teacher that does not agree with R. Simeon b. Gamaliel?" It is R. Hanina b. Aqiba, for when R. Dimi came from Palestine he said in the name of Zera, quoting R. Hanina: R. Hanina b. Aqiba once went with his disciples to a place and found some palm branches tied together to be used as fuel; he said to his disciples: "Make up your minds to sit on them to-morrow." I do not know whether there was to be a wedding or a funeral that following day, but the inference from this narration is: Only in the case of a wedding or funeral, when people are busy (and could not tie them up), the intention is sufficient, but otherwise tying together is necessary.

R. Jehudah said: "One is permitted to carry in a box of sand on the Sabbath for the purpose (of covering up an unclean place) and use the remainder for any purpose whatever. Mar Zutra, in the name of Mar Zutra the Great, interpreted this—providing he singled out a corner for it. Said the rabbis before R. Papa: "Is this teaching (of the great Mar Zutra) in accord only with the opinion of R. Simeon b. Gamaliel, but not with that of the rabbis who require action rather than intention?" R. Papa answered: It may even be in accord with the rabbis, who require action only where it is possible, and this action (tying together or sitting on sand) is impossible (as reserving a corner for them is not considered an act, but an intention only).

R. Jehudah permits the use of the dust of incense on the Sabbath. R. Joseph permits poppy-seed waste. Rabha permits pepper dust and R. Shesheth *Barda*, to wash the face with. What is *Barda*? Said R. Joseph: A powder of one-third

aloe, one-third myrrh, and one-third violet. R. Nehemiah b. Joseph also permits Barda, provided it does not contain more than a third part of aloe.

R. Shesheth was asked if it was permitted to crush olives on Sabbath? He answered: "Is it permitted on week days?" He is of the opinion that the spoiling of food is not allowed.

Barda was brought to Ameimar, Mar Zutra, and R. Ashi. Ameimar and R. Ashi washed themselves with it, but Mar Zutra did not. They asked him: "Do you, Master, not hold with R. Shesheth, who permits the use of it?" Said R. Mordecai to them: Leave out the master in this question, for he does not even use Barda on week days. He holds with the following Boraitha: "One is permitted to scratch off crust of excrement and of wounds only for the purpose of relieving pain, but not for the purpose of beautifying the person." And the above-mentioned rabbis agree with the teaching of the following: One should wash his face, hands, and feet daily out of respect for his Creator, as it is written [Prov. xvi. 4]: "Every thing hath the Lord wrought for its destined end." *

"*The vessel is bent sideways*," etc. Said R. Aba in the name of R. Hyya b. Ashi, quoting Rabh: If the cavity formed by the vessel got out of shape it is not permitted to replace (the vessel). There is an objection from our Mishna: "And the sages say it may be taken out and replaced." How shall this be understood? If the cavity remained intact the rabbis did well by telling us that the replacing of the vessel was allowed; but if the cavity got out of shape, is it not self-evident that replacing is not permitted? Nay; they still maintain that the cavity did not get out of shape, and the controversy (in the case) is as regards precaution. One maintains that this precaution is to be taken (lest we replace the vessel when the cavity is out of shape), while the others contend this is not necessary.

R. Huna said: "A fragrant plant used after meals in place of burnt spices, if it was taken out of and replaced in the flower-pot before Sabbath, it may be taken out, used, and replaced on Sabbath, but not otherwise. Samuel said that the same is the case with a knife that was preserved between the bricks. Mar Zutra, according to others R. Ashi, said that a knife may be preserved between the branches of the root. And

* The expression in Hebrew is *lema'anekhu*; literally, "for his own purpose." Leeser translates for the purpose of the things created; the Talmud, however, takes it literally.

R. Mordecai said to Rabba that R. Qatina has objected to the above rabbis, who said that if it were not replaced before Sabbath it must not be used, from a Mishna (Kilaim, I. 9), which states plainly that it may be taken out on Sabbath. This question remains.

MISHNA IV.: (A vessel) not covered during daylight must not be covered after dark. If, after having been covered, it became uncovered, it is permitted to cover it again. A pitcher may be filled with cold victuals and put under a pillow (to keep it cool).

GEMARA: R. Jehudah in the name of Samuel said: "It is permitted to store cold victuals (to protect them from the sun)."
Said R. Joseph: "What news came he to teach? Have we not learned this in the above Mishna?" Abayi answered: "A great deal! From the Mishna I would infer that only such things as are not usually stored are permissible (for in that case no precaution lest one put warm victuals under a pillow or bolster for the purpose of generating heat is necessary); he informs us, however, that even such things as are usually stored are permissible also." R. Huna in the name of Rabbi, however, says: "It is prohibited." Were we not taught that Rabbi has permitted this? This presents no difficulty. In the former instance he did so when he was not as yet aware of the following decision of R. Ishmael b. Jossi. Rabbi at one time decided that it is forbidden to store cold victuals. Said R. Ishmael b. Jossi to him: "My father permitted it," whereupon Rabbi said: "If this sage has once permitted it, so shall it be done." Said R. Papa: Come ye and note the mutual respect: Had R. Jossi been alive, he would have had to show respect to Rabbi; as R. Ishmael, who succeeded his father in every respect, also has acknowledged Rabbi's superiority. Still Rabbi accepted his decision.

R. Na'hman said to his slave Doru: "Store some cold victuals for me and bring me warm water from a Gentile cook-shop." R. Ami heard this and was angry. Said R. Joseph: "What was the reason of his anger? Did not R. Na'hman act in accordance with the teachings of the great masters, Rabh and Samuel?" R. Jehudah in the name of Samuel said: It is permitted to store cold victuals, and R. Samuel b. R. Itz'hak said in the name of Rabh: Anything that may be consumed raw is not included in the prohibition relating to cooking by a Gentile; he (R. Ami), however, was of the opinion that, although it is

allowed, a man of note should not practise it (because the layman seeing such things of the scholar he might allow himself still more).

The rabbis taught: "Although the sages said it is not allowed to deposit (warm victuals) after dark, even in such receptacles as do not increase the heat, still, if already deposited, it is permitted to add more cover. How can this be done? R. Simeon b. Gamaliel says: "In cold weather the covering sheet may be taken off and a blanket substituted; in warm weather the blanket may be taken off and a sheet substituted." Furthermore said the same: "The sages prohibited (to deposit warm victuals) only in the same pan in which they were cooked, but if emptied into another pan it is permitted; and there is no fear of one coming to cook (on the Sabbath); for (the act of) emptying (the victuals) from the cooking-pan (into another) proves (that there is no such intention).

If one deposited a pot (containing victuals) in material that may be handled on the Sabbath, and covered it with the same, or even deposited it in non-permissible material, but covered it with permissible, he may take out the pot and replace it; but if he deposited it in non-permissible material and covered it with the same, or even deposited it in permissible, but covered it with non-permissible material, he *may* take *out* the pot, but can replace it only if the pot was but partly covered. Otherwise, he must not replace it at all.

It is permitted to put one cooking-pan upon another, and also one earthen pot upon another, but not an earthen pot upon a cooking-pan, or a cooking-pan upon an earthen pot. (Even on Sabbath) the cover of a pot may be fastened down with dough (kneaded on Friday before dusk). In the case of putting one pan or pot upon another, this may be done only to preserve the heat, but not for the purpose of heating the upper pot by means of the lower one.

The same as it is forbidden to store warm (victuals), so it is also forbidden to store cold (victuals) on the Sabbath; but Rabbi permitted the latter to be done. Even so is it prohibited to chop ice on Sabbath in order to obtain cold water, but ice may be put into a vessel or a pitcher without fear of the consequences.

CHAPTER V.

REGULATIONS CONCERNING WHAT MAY AND MAY NOT BE WORN BY ANIMALS ON THE SABBATH.

MISHNA 1: What gear may we let animals go about in and what not? * The male camel in a bridle; the female camel with a nose-ring; Lybian asses in a halter, and a horse in a collar. All (animals) that are used to collars may go out in and may be led by the collar. Such gear (when it becomes defiled) can be sprinkled and submerged without being removed from its (proper) place (on the animal).

GEMARA: R. Jehudah in the name of Samuel said: "Rabbi was asked, How is it when the reverse is the case? *i.e.*, when the female camel is bridled and the male camel is invested with a nose-ring? May they be allowed to go about? There is no question as to a bridle on a female camel, for it is considered a burden; as to a nose-ring on a male camel, shall we assume that it is merely an additional safeguard, and thus becomes permissible, or is it an unnecessary safeguard and hence not allowed?" R. Ishmael b. Jossi answered: "Thus my father said: Four animals may go about with a bridle on—the horse, the mule, the camel, and the ass." A Boraitha states: Lydda asses and camels may go about with a bridle on. The following Tana'im, however, differ as to this point (whether a superfluous safeguard is a burden or not): one maintains that no animal may go about burdened with a chain; but Hananya says a chain or anything else that is intended as a safeguard is permitted.

Said R. Huna b. Hyya in the name of Samuel: "The Halakha prevails according to Hananya."

Levi b. R. Huna b. Hyya and Rabba b. R. Huna once travelled together; arriving at an entrance, the former's ass ran ahead of the latter's. Rabba b. R. Huna became dejected (at the lack of respect shown him, supposing it to have been done intentionally). Thought Levi to himself: "I will pacify him

* See Exodus xx. 10 and Deut. v. 14, where it is prohibited to have cattle perform work on the Sabbath. The Mishna considers the carrying of burdens work and defines what gear constitutes a burden for cattle and what does not.

with the following question: Is it permitted to put a halter on an unmanageable ass like mine on the Sabbath?" Rejoined Rabba: "So said your father in the name of Samuel: 'The decision of Hananya prevails.'"

At the school of Menashyah it was taught: A goat with a bridle fastened to his horns is permitted to go about on Sabbath (but not if the bridle was simply tied to the horns, as it may slip off and a man may be forced to carry the bridle).

An objection was raised: "Were we not taught in a Mishna that it is not allowed to let a cow go about with a strap tied between her horns?"

Said R. Irmya b. Aba: On this point Rabh and Samuel differ; according to one it is prohibited at any rate, and according to the other, if for an ornament it is prohibited, but as a safeguard it is permitted. Said R. Joseph: "It seems that Samuel was the one who permitted it as a safeguard, as R. Huna said in his name the Halakha prevails according to Hananya." Said Abayi to R. Joseph: "On the contrary, it may be that Samuel is the one who forbids it at any rate, as R. Jehudah said above in his name: Rabbi was asked: How is it when the reverse is the case," etc. Does this not mean to exclude a nose-ring from a camel? But why should you prefer this latter saying to the former one? Because it was taught: "R. Hyya b. Ashi said in the name of Rabh that it is forbidden at any rate; and R. Hyya b. Abhin in the name of Samuel said: It is permitted as a safeguard."

An objection was raised from the following: If the owner tied the (red) heifer with a halter, she may nevertheless be used. Should you assume that this (halter) is a burden (how could she be used)? (Do not) the Scriptures say [Numbers, xix. 2]: "Upon which there was no yoke"? Answered Abayi: "(It is to be understood) when the owner leads her from one town to another, (the halter is a necessary safeguard, hence no burden)." Rabh said: "There is quite a difference in the case of the red heifer," as she is very valuable (and must be guarded). Rabhina said: "She must have a halter on account of her stubbornness."

"*The horse with a collar.*" What is meant by "go about" or led? R. Huna said: "It makes no difference whether the strap hangs loose on the animal's neck or is used as a rein; but Samuel said they may go about if led (by the strap) but not (with the strap) hanging loose."

A Boraitha teaches: "They may go about with the halter tied round their necks in order that they may be led whenever necessary." Said R. Joseph: "I have seen the calves of R. Huna going out on a Sabbath with their halters round their necks." R. Samuel b. Jehudah, when coming from Palestine, said in the name of R. Hanina that Rabbi's mules also went out on a Sabbath with their halters tied around their necks.

"*And are sprinkled,*" etc. Is this to say that they are subject to defilement? Does not a Mishna state [Kelim, XII. 8] that only rings worn by human beings are subject to defilement, but harness and all other rings are not? Said R. Itz'hak of Naph'ha*: The collar-ring having at one time been used by men for personal purposes and become defiled, still retains its defiled character; R. Joseph, however, maintains it is not necessary to claim this. The fact that the collar-ring is used by man for the purpose of guiding the animal lays it open to becoming defiled, as we have learned in the Boraitha which taught us: A metal whip is subject to defilement, for the reason that man uses it to manage the animal with.

"*And submerged without removing it from its place.*" Would this not constitute a case of "Chatzitzah" (intervention).† Said R. Ami: " (Intervention of the bridle between the neck and the water) is avoided by loosening the bridle." A Boraitha teaches: "Intervention is avoided by the size of the bridle."

MISHNA II.: The ass may go out with a rug fastened around him; rams may go out with leather bandages tied around their privates; sheep may go out with their tails tied up or down and wrapped (to preserve the fine wool); she-goats may go out with their udders tied up. R. Jossi forbids all this except sheep wrapped up. R. Jehudah says: She-goats may go out with their udders tied up to stop the lactation, but not to save the milk.

GEMARA: Said Samuel: The Mishna means: "Only when the (rug) is fastened on Sabbath eve." Said R. Na'hman: It seems to be so from the following Mishna: "An ass may not

* Naph'ha is Aramaic for "smith." According to the opinion of Dr. I. M. Wise, the reviser of this Tract in the first edition, Naph'ha refers to the city whence R. Itz'hak came. This was criticised, but we found the same was said by Frankel and many others.

† When any article of apparel, worn by a person or animal while bathing, intervenes between the body and the water, *i.e.*, bars the admission of the water to the body, it constitutes a case of "Chatzitzah."

go out with a rug unless fastened." How should this be understood? Shall we say that (the rug) is not fastened at all? Then it would be self-evident, lest it fall off and will have to be carried by a man. We must, therefore, assume that the Mishna's meaning of "not fastened" signifies "not fastened before the Sabbath." Hence Samuel's opinion has a good reason.

And it is also supported in the following Boraitha: "The ass may go out with a rug fastened before the Sabbath, but not with a saddle, even though fastened before." R. Simeon b. Gamaliel says: "Even with a saddle, if fastened before the Sabbath, provided, however, no stirrups are attached to the saddle and a crupper under the tail."

R. Assi b. Nathan questioned R. Hyya b. R. Ashi: Is it permitted to put a rug on an ass on the Sabbath?" "It is," was the answer. And to the question: "What is the difference (in the Law) between these two?" He was silent. (Misinterpreting the silence,) R. Assi objected: "A Boraitha teaches: It is not allowed to remove the saddle from the ass directly, but one may move it to and fro until it falls off; if you say it is forbidden to handle the saddle, is there any question as to putting it on?" Said R. Zera to him: "Leave him alone! He is of the opinion of his teacher (Rabh), in whose name R. Hyya b. R. Ashi related that he (Rabh) permitted putting a feed-bag on an animal on Sabbath." A feed-bag, which is nothing but an accommodation, is permitted; so much the more a rug, which is a relief! Samuel, however, permitted a rug, but prohibited a feed-bag. R. Hyya b. Joseph reported the opinion of Rabh to Samuel, whereupon the latter said: "If so said Abba, he knows nothing of the laws of Sabbath."

When R. Zera came (to Palestine), he heard R. Benjamin b. Japheth stating in the name of R. Johanan that it is permitted to put on a rug. He thanked him for it and, continuing, remarked: "Thus has the Arioch (King of Laws) in Babylon decided." Who is meant by the title (Arioch)? Samuel.

From the foregoing it is evident that all agree that it is permitted to cover an ass with a rug on Sabbath. But what is the point in which a saddle differs from the rug? It differs therein that a saddle may drop off (and involve the necessity of handling). R. Papa gave another reason: "To cover an ass with a rug is an act of relief, for it is said that an ass feels cold even in summer, but to remove a saddle from an ass's back in order to cool off the ass is not necessarily an act of relief."

An objection was raised. We have learned: "The horse shall not go out with a fox-tail (for a pompon) and calves with the feed-bags on public ground." Shall we not assume that (in the case of the calves) they may not go out on public ground, but they may on private ground, and it refers even to large calves (whose necks are long enough to reach the ground with their mouths easily); thus feed-bags are merely an accommodation? Nay; the permission to carry feed-bags applies only to small calves (whose necks are short and legs long, and to which reaching down to the ground with their mouths would entail a hardship) and must be considered as a necessary relief.

The master said: "She-goats must not go out with a bag attached to their udders." Is there not a Boraitha which teaches that they *may*? Said R. Jehudah: "This presents no difficulty. In the former case the bag is *not* tied fast, in the latter it *is* (and there is no reason for apprehension lest it drop off and will have to be carried)." Said R. Joseph: "Why, you have entirely done away with the teachers of our Mishna. There *is* a difference of opinion between the teachers in this very Mishna: 'She-goats may go out with a bag tied to their udders.'" R. Jossi forbids all except sheep with covers on to protect the wool. R. Jehudah says: "She-goats may go out with their udders tied up for the purpose of preventing lactation, but not for the purpose of saving the milk."

We have learned in a Boraitha: R. Jehudah related the case of she-goats which he saw in Antioch. Their udders were so large that bags had to be made for them in order to prevent their dragging on the ground and becoming mutilated. (These bags were worn also on the Sabbath.)

The rabbis taught: "It happened with one man whose wife died and left him a nursing child, he was so poor that he could not pay a wet-nurse. A miracle happened to him; his breasts opened and he nursed his child." Said R. Joseph: Come and see how great the man must have been that such a miracle was wrought for him. Said Abayi to him: On the contrary, Behold how bad the man must have been that the nature of mankind changed in him and nothing occurred to enable him to earn enough money to pay a nurse. Says R. Jehudah: Come and see how hard it is for heaven to change the fate of a man concerning his livelihood, that the nature of the world was changed, but not his fate. Said R. Na'hman: It is proven by this fact that

a miracle occurred, but he was not provided with means for paying a wet-nurse.

The rabbis taught "It happened once that a man wedded a woman with a mutilated hand, and did not discover it until she died." Said Rabh: "Behold how chaste this woman must have been, for even her husband did not discover it." R. Hyya retorted: "This is nothing! It is natural with women to hide their defects, but note the modesty of the man, who did not discover it in his wife."

"Rams may go out with (leather) bands around their privates." What kind of bands? Said R. Huna: "Hobbles." Ulla said they were leather bands tied around their breasts to prevent them from the attack of wolves. Do wolves attack only the males and never the females? It is because the males always go ahead of the flocks. Do wolves attack only the advance of a flock and never the rear? It is because the males are usually fat. Are there no fat sheep among the females? Moreover, how can the wolves know which is which? It is because the males generally lift their heads and look around cautiously. R. Na'hman b. Itz'hak said they wore leather bands tied around their privates to prevent them from having coition with the females. Whence this inference? From the last clause of the Mishna, "The sheep may go out with their tails tied up," in order that the males may have coition with them; hence we infer that the first clause is for the purpose of preventing them.

"She-goats may go out with a bag tied around their udders." It was taught: Rabh said that the Halakha prevails in accordance with R. Jehudah; and Samuel held it to be in accordance with R. Jossi. Others taught: Rabh and Samuel did not directly cite the opinions of the Tanaim just mentioned, but they themselves decreed as follows: Rabh held that she-goats may go out with their udders tied up for the purpose of preventing lactation, but not to save the milk. Samuel, however, prohibited this in both cases. Others again say: R. Jehudah b. Bathyra long ago decided the same as Rabh, but added that on account of the impossibility of determining what purpose the tying up of the udders would serve, it is entirely prohibited. Thereupon Samuel decided that the Halakha prevails with him. Rabbin upon his arrival in Babylon said that R. Johanan said that the Halakha prevails in accordance with the first Tana.

MISHNA III.: And what must (animals) not go about in ? The camel with a crupper, nor with hobbles on both legs, nor with the front leg hobbled with the hind. This law is applied to all other animals. It is not allowed to tie camels together with a rope and then lead them; but one is permitted to hold in his hand the several ropes on the camels and lead them, provided the ropes are not twisted into one.

GEMARA: A Boraitha in addition to this Mishna states: "If the crupper is fastened to the hump as well as to the tail of the camel, it may go about." Rabba b. R. Huna says: A camel may go about with a pad under its tail (to prevent friction).

"*One is not to tie camels.*" What is the reason ? Said R. Ashi: Because it looks like leading them to market.

"*But one is permitted to hold in his hand,*" etc. Said R. Ashi: This law was stated only concerning (Kilaim), and hence the teacher means to say, provided he does not tie or twist them. Samuel said: And' provided the cords do not protrude from his hand as much as the length of a span. Was it not taught at the school of Samuel, two spans ? Said Abayi: From the difference between Samuel himself and his school we infer that Samuel came to teach us how to practise. But did not a Boraitha state: Provided he lifts (the cords) from the ground one span (but there is no restriction as to the quantity protruding from his hands) ? The non-restriction of the quantity of cord applies only to the amount of cord used for the distance between the animal and the man's hand. (In that case the quantity is unlimited. The quantity of cord, however, protruding from the man's hand must not exceed one span; so also the distance from the ground to the cords must be at least one span.)

MISHNA IV.: The ass is not to go out with a rug, unless fastened, neither with a bell that has been muffled, nor with a collar on his neck, nor with ankle-boots. The hens are not to go out with cords tied to them, nor with straps on their feet. Rams are not to go out with carts tied to their tails; nor sheep with sneezing-wood; the calf with the reed yoke, nor the cow with the skin of a hedgehog (tied to the udder), nor with a strap (between her horns). The cow of R. Elazar b. Azarya went out with a strap between the horns against the approval of the rabbis.

GEMARA: "*Neither with a bell that has been muffled.*" For it looks like bringing it to market.

"*Nor with a collar on his neck.*" Said R. Huna: With a collar underneath his jowls. What was the collar intended for? To prevent irritation of any wounds that may have been on the neck.

"*Nor with ankle-boots.*" To prevent injury from kicking one foot against the other.

"*The hens with cords.*" As a distinguishing mark.

"*Nor with straps on their feet.*" To prevent damage arising from jumping.

"*The rams with carts.*" To prevent the ends of their tails from damage through trailing on the ground.

"*Nor sheep with sneezing-wood.*" (What is it?) Said R. Huna: "In seaports there is to be found a kind of tree called 'Hanun, which produces sneezing-wood, which when held under a sheep's nose produces sneezing, and while sneezing such vermin as may have lodged in the sheep's head are expelled. If such be the case, may rams not go out with it either? For rams sneezing-wood is not used at all. They butt with their heads, therefore vermin drops out of its own accord.

"*Nor the cow with the skin of the hedgehog,*" etc. To prevent leeches from sticking to the udder.

"*Nor with the strap between the horns.*" Why not? Either in accordance with Rabh, who forbids it at any rate, or in accordance with Samuel, who forbids it as an ornament.

"*The cow of R. Elazar b. Azarya,*" etc. Had he only one cow? Did not Rabh, or R. Jehudah in the name of Rabh, say that R. Elazar b. Azarya gave yearly as tithes from his herds as many as twelve thousand calves? We have learned (in a Boraitha): The cow in question was not his, but a neighboring woman's. It is only ascribed to him because he did not protest against it.

Rabh, R. Hanina, R. Jonathan, and R. Habiba [in the whole Section of Festivals, where the four names stand together, R. Jonathan must be read instead of R. Johanan] all said: He who has the power to protest against wrong in his house and does not do so, is responsible for (the transgressions of) every one in his house. In the city (where his protest would be recognized), he is responsible for the transgressions of every one of the inhabitants of the city; and if he is such a great man that his word would be respected in the whole world, he is punished for (transgressions of all) mankind. Said R. Papa: "And the Exilarchs are punished for the sins of all Israel." As R. Hanina

said: It is written: "The Eternal will enter into judgment with the elders of his people and with the princes thereof" [Isaiah, iii. 14]. If the princes sinned, what have the elders to do with it? The intent is to say: Because the elders did not protest against the princes.

R. Jehudah sat before Samuel, when a woman came in complaining, and Samuel paid no attention to her. Said R. Jehudah to him: "Is Master unaware of the passage: Whosoever stops his ears at cry of the poor, he also shall cry himself and not be heard"? [Prov. xxi. 13]. Samuel retorted: "Ingenious scholar! Your head-master (meaning himself) is on safe ground, but our Chief is responsible," Mar Uqba, being at that time Chief of the Judges (it was his affair), for it is written [Jerem. xxi. 12]: "O House of David! Thus hath said the Lord: Exercise justice on (every) morning, and deliver him that is robbed out of the hand of the oppressor, lest my fury go forth like fire, and burn so that none can quench it, because of the evil of your doings."

Said R. Zera to R. Simon: "Let Master reprove the Exilarch's retainers." He answered: "They care not for me." Rejoined R. Zera: Even if they do not care, reprove them anyhow; for R. Aha b. Hanina said: The Holy One, blessed be He, never issued a benevolent decree, which He subsequently reversed into malevolence, except in this sole instance, which is written [Ezekiel, ix. 41]: "And the Lord said unto him, Pass through the midst of the city, through the midst of Jerusalem, and inscribe a mark upon the foreheads," etc. Thus said the Holy One, blessed be He, to Gabriel: "Go and set the mark (the Hebrew letter Tabh) in ink upon the foreheads of the righteous, that the angels of destruction have no power over them; and the same mark in blood upon the foreheads of the wicked, that the angels of destruction may have power over them." The Party of Prosecution pleaded before Him in these terms: "Lord of the Universe, what is the difference between the two?" He answered: "Those are perfectly righteous and these completely wicked." Again the Party of Prosecution pleaded: "Lord of the Universe! It was in their power to protest (against wickedness), and they did not." And the Lord answered: "It is known to me that, had they protested, their protest would have been of no avail." But they pleaded once more: "Lord of the Universe! It is known to Thee; but was it known to them?" And thus it is written: "Slay utterly

old and young, both maids, little children, and women, and at my sanctuary shall ye begin." Then they began with the old men who were before the house" [Ezek. ix. 6]. And R. Joseph taught: "Do not read 'my sanctuary,' but 'my sanctified,' which means the men who have performed all the laws prescribed in the Torah, which begins with all the letters of the alphabet. And it is also written [ibid., ibid. 2]: "And behold, six men came from the direction of the upper gate . . . beside the copper altar." Was, then, the copper altar at that time? Was it not hidden already in the time of Solomon? It means that the Holy One, blessed be He, told them they shall begin from that place where they used to sing hymns before Him. And who are the six men (messengers)? Said R. Hisda: "Anger, wrath, rage, destruction, devastation, and ruin."

Why just the letter Tabh? Said R. Simeon b. Lakish: "The Tabh is the last letter on the seal of the Holy One, blessed be He; for R. Hanina said (the inscription on) the seal of the Holy One, blessed be He, is Emeth (truth) (and the last letter of the Hebrew word Emeth is a Tabh).

It being evident from the verse [Ezek. ix. 2] that Zechuth Aboth * no longer existed, at what time shall we assume that it ceased?

Said Rabh: From the time of the prophet Hosea b. Beëri, as it is written [Hosea, ii. 12]: "And no man will deliver her out of my hand," meaning that even the righteousness of the ancestors will be of no avail.

Samuel said: From the time of the King Chazael of Syria, as it is written [II Kings, xiii. 23]: "And the Lord became gracious unto them, and had mercy on them, and turned his regard unto them, because of his covenant with Abraham, Isaac, and Jacob, and would not destroy them, and he cast them not off from his presence until now." Thus, He will remember his covenant only "until now," but not after that.

R. Jehoshua b. Levi said: From the time of Elijah the prophet, as it is written [I Kings, xviii. 36]: "Elijah the prophet came near and said, O Lord, God of Abraham, of Isaac, and of Israel, *this day* let it be known that thou art God in Israel,"

* Zechuth Aboth is a term implying the benefits bestowed upon men in consideration of the virtues and righteousness of their ancestors, and is based upon the passage in the Bible: "Keeping kindness unto the thousandth generation," etc. [Ex. xxxiv. 7]; and also upon the verse Ex. xxxii. 13.

etc., and means to infer that only "this day" the Lord will remember Zechuth Aboth, and not after this day.

R. Johanan says: From the time of Hezekiah the King, as it is written [Isaiah, ix. 6]: "To establish it and to support it through justice and righteousness, from henceforth and unto eternity: the zeal of the Lord of Hosts will do this," implying that after that the favors of the Lord will not be bestowed by virtue of Zechuth Aboth, *but through* His zeal.

R. Ami said: Death is the result of sin, and affliction the result of transgression: death the result of sin, for it is written [Ezekiel, xviii. 20]: "The soul that sins, it shall die," etc.; affliction the result of transgression: for it is written [Psalms, lxxxix. 33]: "And I will visit their transgressions with a lash and their iniquity with stripes."

An objection was raised: One of the teachers said: The angels (once) said to the Holy One, blessed be He: "Lord of the Universe! Why didst Thou punish Adam with death?" The Lord answered: "Because I gave him a light commandment, and he failed to observe it." The angels again said unto Him: "Why did Moses and Aaron die? Did they not observe all the laws of the Torah?" And He answered [Eccl. ix. 2]: "The same fate befalls the righteous as the wicked." Hence death is not the result of sin! He (R. Ami) is in accordance with the Tana of the following Boraitha: R. Simeon b. Elazar said: Even the death of Moses and Aaron was the result of their sins, for it is written [Numb. xx. 12]: "Because you had no faith in me"; (and the inference thereof is) if they had had faith, they would not have died.

Another objection was raised: (There is a tradition:) Only four men died in consequence of original sin. They are Benjamin ben Jacob; Amram, the father of Moses; Jesse, the father of David; and Kilab ben David. Whose opinion does this Boraitha agree with? The Tana who related the legend of the angels holds that Moses and Aaron also died in consequence of original sin. So must be then in accordance with R. Simeon b. Elazar, as said above. Thus we see that although Moses and Aaron died on account of their own sins, still death without sin and affliction without transgression are possible; hence R. Ami's theory is objected to.

R. Samuel b. Nahmeni in the name of R. Jonathan said: "Whoever says that Reuben (the patriarch Jacob's son) sinned with his father's wife is in error, because it is written [Gen.

xxxv. 22]: "Now the sons of Jacob were twelve." This proves to us that they were all equal (in righteousness); but what does the verse [ibid., ibid.] which states that he *did* lie with Bilha, etc., signify? That Reuben deranged his father's bed, and the Scripture considers this equal to his having sinned with her. There is another Boraitha: Simeon b. Elazar said: That righteous man (Reuben) is innocent of the crime. The act with his father's wife was never consummated; as, is it possible that a man whose descendants will stand on the Mount Ebol and proclaim: "Cursed be he who lies with his father's wife" [Deut. xxvii. 20], would commit such a crime? But what does the above-cited verse mean? He (Reuben) resented the injustice done his mother and said: "When my mother's sister lived and proved a vexation to my mother, it was bearable; but to have my mother's servant prove a vexation to her, this is unbearable!" Therefore he removed the bed of Bilha from his father's bedroom (which the verse holds tantamount to lying with her). R. Samuel b. Nahmeni in the name of R. Jonathan said: He who maintains that the sons of Eli have sinned is nothing but in error, as it is written [I Samuel, i. 3]: ". . . two sons . . . priests of the Lord." (And if they would have sinned, the verse would not elevate them with such an honor.) [He holds with Rabh's theory farther on; however, he differs from him concerning 'Haphni, for the reason that he is mentioned together with Pinhas in the verse cited.]

Rabh said: Pinhas did not sin, as it is written: "And Ahiya, the son of Ahitub, Ichabad's brother, the son of Pinhas, son of Eli, was priest of the Lord at Shilah" [I Samuel, xiv. 3]. Is it possible that the Scriptures would describe minutely the pedigree of a sinner? Is it not written: "The Lord will cut off, unto the man that doeth this, son and grandson," etc. [Mal. ii. 12]. That was explained to mean, if he be simply an Israelite he shall have here no master among the teachers and no scholar among disciples, and if he is a descendant of priests, he shall have no son who may bring the offering. From this we must conclude that Pinhas is innocent of guilt. Is it not written, however, "sons of Belial" (and thus Pinhas is included)? It was because he should have protested against it, and did not, the Scripture considers it as if he had also sinned.

The same said again: He who thinks the sons of Samuel sinned, is also in error. It is written: "And they did not walk in his ways" [I Sam. viii. 3]. True, they did not walk in His

ways, but they sinned not. How, then, is the passage to be upheld: "And they but turned aside after lucre and took bribes" ? [ibid., ibid.]. They did not act as their father; for Samuel the righteous travelled through all Israel and dispensed justice in every city, as it is written: "And he went from year to year in circuit to Beth-El and Gilgal and Mizpah, and judged Israel" [ibid. vii. 6]; but they did not act in this way. They dwelt in their respective places in order to increase the fees of their messengers and scribes.

On this point the following Tanaim differ. R. Meir says: They (who were Levites themselves) claimed their priestly allowance personally (and thereby deprived the poor priests and Levites of their shares, for being also judges they were never refused). R. Jehudah says: They had commercial relations with private people (and were sometimes compelled to pervert justice). R. Aqiba says: They took tithes (to a greater extent than they were allowed to do) by force. R. Jossi says: They took by force the (priests') portions (shoulder-blades, jowls, and stomachs of a slaughtered animal).

He said again: "The same error is made concerning David." Said Rabb: Rabbi, who is a descendant of the house of David, endeavored to interpret favorably the passage: "Wherefore hast thou despised the word of the Lord *to do* what is evil in his eyes?" [II Samuel, xii. 9]. He said: This evil deed is different (in words and language from other evil deeds whereof mention is made in the Scriptures). In all other instances it says, "and *he has done*," but here it says, "*to do*." This implies that he "wanted to do" (but did not do). "Uriah the Hittite thou hast slain with the sword" [ibid., ibid.]. (As a rebel) he should have had him *tried* by the Sanhedrin, which he did not. "And his wife thou hast taken to thee for a wife." He had a right to her, for R. Samuel b. Nahmeni in the name of R. Jonathan said: Whoever went to war with David divorced his wife previously. "Him thou hast slain with the sword (used) for the children of Amon." As he will not be punished on account of the children of Amon, so will he also not be punished for the death of Uriah. What is the reason? He (Uriah) was a rebel.

Said Rabb: "Note well the life of David, and you find nothing blamable save the affair of Uriah, as it is written [I Kings, xv. 5]: "Save only in the matter of Uriah the Hittite."

Abayi the elder has contradicted the above statement of

Rabh from his own statement elsewhere that David accepted slander? This difficulty remains. What was it? That which is written [II Samuel, ix. 4]: "And the king said unto him, Where is he? And Ziba said unto the king, Behold, he is in the house of Machir, the son of 'Ammiël, in (b') Lo-debar"; farther on it is written [ibid. 5]: "And David the king sent, and had him taken out of the house of Machir, the son of 'Ammiël, from (m') Lo-debar." * Thus, when David found him "doing something (good)," whereas Ziba informed the King that he was "doing nothing (good)," hence David was convinced that Ziba was a liar; why, then, did David give heed to his slander afterwards, for it is written [ibid. xvi. 3]: "And the king said, And where is thy master's son? And Ziba said unto the king, Behold, he remaineth at Jerusalem; for he said, To-day will the house of Israel restore unto me the kingdom of my father." But whence the adduction that David accepted slander? From what is written further [ibid. 4]: "Then said the king to Ziba, Behold, thine shall be all that pertaineth to Mephibosheth. And Ziba said," etc.

Samuel said: David did not accept slander. He (himself) saw in Mephibosheth's conduct that which corroborated Ziba's calumny, as it is written [ibid. xix. 25]: "And Mephibosheth the (grand-)son of Saul came down to meet the king, and he had not dressed his feet, nor trimmed his beard, nor washed his clothes." (This was considered disrespect); further, it is written [ibid. 28]: "And he slandered thy servant unto my lord the king," etc.; and further [ibid. 31]: "And Mephibosheth said unto the king, Yea, let him take the whole, since that my lord the king is come (back) in peace unto his own house." Now, this last verse (read between the lines) really means: "I have anticipated your safe arrival home with anxiety, and since you act toward me in such a manner, I have nothing to complain of to you but to Him who brought you safely back."

R. Jehudah in the name of Rabh said: "Had David not given heed to slander, the kingdom of the house of David would never have been divided, neither would Israel have worshipped idols, nor would we have been exiled from our land."

The same rabbi said: He who believes Solomon guilty of

* The literal translation of the Hebrew word *Lo-debar* is: he does nothing (good); of *Mlo-debar*: he is very busy (doing something good). Upon the difference in the two literal meanings of the two words Rabh bases the untruth of Ziba's statement.

idolatry is in error. This theory agrees with R. Nathan, who points to a contradiction between the two following passages in the very same verse [I Kings, xi. 4]: "And it came to pass, at the time when Solomon was old, that his wives turned away his heart," etc.; and farther on [ibid., ibid.] it says: "Like the heart of David his father." While his heart was not as perfect as that of his father David, still he did not sin. Therefore it must be said that it means, his wives turned away his heart toward idolatry, but still he did not practise it. This is supported by the following Boraitha: R. Jossi said: It is written [II Kings, iii. 13]: "And the high places that were before Jerusalem, which were to the right of the mount of destruction, which Solomon the King of Israel had built for Ashtoreth, the abomination of the Zidonians," etc. Is it possible that neither Assa nor Jehosaphath had cleared them out before Josiah? Did not Assa and Jehosaphath abolish idolatry in Judea? It follows, then, that as Josiah is given credit by the verse in the Scripture for having abolished the worship of Ashtoreth, the abomination of the Zidonians, although at his time it had been out of existence for a long time, this was done merely because he (Josiah) had abolished other later forms of idolatry; the same rule is followed in the case of Solomon; while he himself did not build the Ashtoreth of the Zidonians, the fact that he did not prevent his wives from doing so makes him responsible in the same measure as if he had committed the deed himself. But is it not written [I Kings, xi. 6]: "And Solomon did what is evil in the eyes of the Lord"? This is also written merely because it was in his power to prevent the actions of his wives, and he did not do so; hence the Scripture ascribes the deed to him, as if he himself had committed it.

Said R. Jehudah in the name of Samuel: It would have been better for him (Solomon) to have been an actual hireling to idolatry than to be accused of doing what is evil in the eyes of the Lord.

Again R. Jehudah said in Samuel's name: At the time Solomon took in wedlock the daughter of Pharaoh, she brought to him about a thousand different musical instruments. Each of these was used for separate idols, which she named to him, and still he did not protest against it.

The same said again in the name of the same authority: At the time Solomon took in wedlock Pharaoh's daughter (the angel) Gabriel came down and planted a cane in the sea; on the

sand that accumulated around the cane a great city was afterward built; but in a Boraitha we were taught that the miracle occurred on the day that Jeroboam introduced the two golden calves, one each in Beth-El and Dan, and that great city was Italia of Greece.*

R. Samuel said: Whoever says Josiah sinned is also in error. It is written [II Kings, xxii. 2]: "And he did what was right in the eyes of the Lord and walked in the ways of David his father and turned not aside to the right or to the left." Is this not contradictory to the verse [II Kings, xxiii. 25], "that returned to the Lord with all his heart." How is the "returned" to be understood? He must have sinned in order to return? Nay; from this it must be inferred that after Josiah attained the age of eighteen, he refunded from his private purse all amounts paid by such as he had declared guilty (bound to pay) from the time he was eight years old (when he became king). This is the interpretation of "returned to the Lord."

However, this differs from Rabh's following statement: "None is greater among penitents than Josiah in his time and one in our own time. And who is *he*? Aba, the father of Jeremiah b. Aba. Others say Aha, the brother of Aba, father of Jeremiah b. Aba, for the aforesaid teacher said Aba and Aha were brothers. Said R. Joseph: There is yet another in our own time, and he is Ukban b. Ne'hemiah, the Exilarch.† "Once while studying," said R. Joseph, "I dozed off and saw in a dream an angel stretching out his hands and accepting his (Ukban's) repentance."

* Rashi added to this that the Romans took away this city from the Greeks, and therefore the Roman kingdom is called Italy; we, however, deem it an error, as we have found that such a city is in Greece.

† The text states: "And that is Nathan of Zuzitha"; and Rashi tried to explain the word Zuzitha "with sparks," or because the angel took him by the Zizith (locks) of his head. We have omitted this because it is proved by Abraham Krochmal in his "Remarks to the Talmud," article "The Chain of the Exilarch," that Ne'hemiah the Exilarch and Nathan the Exilarch were of two different times, many generations apart. (See there.)

CHAPTER VI.

REGULATIONS CONCERNING WHAT GARMENTS (SERVING AS ORNAMENTS) WOMEN MAY GO OUT WITH ON THE SABBATH.

MISHNA I.: In what (ornamental) apparel may a woman go out, and in what may she not go out? A woman is not allowed to go out (even in private ground) either with woollen or linen bands or with straps on her head to keep her hair in tresses (as a precaution lest she enter public ground and take off the bands to show to her friends, thereby becoming guilty of carrying movable property for a distance of four ells or more). Nor is she to bathe herself with the bands on unless loosened. Nor is she to go out with either Totaphoth or Sarbitin on, unless they are fastened;* nor with a hood in public ground, nor with gold ornaments, nor with nose-rings, nor with finger-rings that have no seal, nor with pins. But if she did go out with these things, she is not bound to bring a sin-offering (as they are ornaments and not burdens).

GEMARA: "*Bathing.*" Where is bathing referred to (and what has it to do with the Sabbath)? Said R. Na'hman b. Itz'hak in the name of Rabba b. Abuhu: The Mishna means to say: What is the reason that a woman is not allowed to go out with either woollen or linen bands? Because the sages have decided that she is not to bathe herself with them on, even on week days, unless loosened; therefore she shall not (go out with them on) on the Sabbath at all, lest it happen that she become in duty bound to bathe herself,† and, while untying her hair, be forced to carry the bands in public ground for a distance of four ells or more.

* In the Mishna the Hebrew word for "fastened" is "Tephurim," literally meaning "sewed" or "embroidered"; i.e., the Totaphoth and Sarbitin as worn by the wealthy were ornaments made of gold or silver with inscriptions engraved on them, but the poor made them of various colored materials (as explained in the Gemara farther on) and embroidered the inscriptions on them. The prohibition of the Mishna therefore refers only to the wearing of such ornaments before the inscriptions were either engraved or embroidered on them. Such is our explanation in our "History of Amulets," pp. 11-15.

† After menstruation. See Leviticus, xv.

R. Kahana questioned Rabh: "What about a hair-net?" Answered Rabh: "You mean to say a woven one? Everything woven has not been restricted." This was also taught in the name of R. Huna b. R. Joshua. According to others the same said: "I have seen that my sisters were not particular to take it off while bathing." And the difference between the two versions is when it was dirty; according to the first version, it does not matter, as everything woven was not restricted; and the second version, where particularity is the case, if they were dirty, they would certainly be particular to take them off.

An objection was raised from Mishna [Miqvaoth, IX. 8]: "When a person bathes, the following objects cause 'intervention' (Chatzitzah): Woollen and linen bands and headstraps (used by maidens)." R. Jehudah says woollen and hair bands do not cause "intervention," because water soaks through them. (Now we see that although woollen and linen bands are woven, yet they *are* an intervention.) Said R. Huna: "All this concerns only maidens." (And they are an intervention only because they are particular about it.)

R. Joseph in the name of R. Jehudah said that Samuel said that the Halakha prevails according to R. Jehudah in the case of hair bands only. Said Abayi: From the expression "the Halakha prevails" we must infer that there is a controversy between R. Jehudah and the Tana of the above Boraitha. (The Tana said nothing about hair bands.) Shall we assume that because R. Jehudah declares hair bands not to be objects of "intervention," he must have heard the previous Tana mention them? Even if such be the case, it is not probable that R. Jehudah heard that the Tana agrees with him on that point, and hence he says: "If he agrees with me on this point, why not in the other instances also?" Said R. Na'hman in the name of Samuel: Read, The sages agree with R. Jehudah with respect to hair bands.

This is supported by a Boraitha. Woollen bands cause intervention, but hair bands do not. R. Jehudah, however, said: "Neither of them causes intervention."

Said R. Na'hman b. Itz'hak: It seems to be so from the expression of our Mishna: "A woman may go out with hair bands, be they her own or her friends'." Whose opinion does this Mishna represent? Can we say R. Jehudah's? He permits even woollen bands. We must say it is in accordance with the above rabbis; hence they do not differ as regards hair bands.

"*Nor with Totaphoth.*" What are "Totaphoth"? Said R. Joseph: "A balm bandage for sanitary use (*Humrate digetiphta*)."*

Said Abayi to him: "Then let it be permitted as an amulet made by a reliable expert." (During Abayi's time this difficulty was not solved.) R. Jehudah, however, in the name of Abayi said:† "It is an Absayim" (a gold ornament). This is supported in the following Boraitha: "A woman may go out with a gilded hair-net, and Totaphoth or Sarbitin when fastened to the hair-net." What are Totaphoth and what Sarbitin? Said R. Abuhu: "The former are bands that reach from ear to ear, and the latter bands that reach from temple to temple." R. Huna said: "The poor make them of all kinds of colored material, and the rich make them of gold or silver."

"*Nor with a hood.*" Said R. Yanai: "I cannot understand what kind of a hood the Mishna means; is it a slave's hood that it prohibits and permits a woollen hood, or does it prohibit woollen hoods and so much more slaves' hoods? Said R. Abuhu: It seems that a woollen hood is meant. And so we have learned plainly in the following Boraitha: "A woman may go out with a hood and head ornament in her yard." R. Simeon b. Elazar says: With a hood even in a public ground. "It is a rule," said he, "that anything below the 'Shebha'ha' (hair-net) is permitted to be worn, but anything above it is not. Samuel, however, said the Mishna alludes to the slave's hood.

Did, indeed, Samuel say so? Did he not say the slave may go out with the mark (he wears) around his neck, but not with the mark on his clothes? This presents no difficulty. The former applies to the mark made for him by his master (in which case there is no fear of the slave removing and carrying it), while the latter applies to the mark made by himself. What meaning do you attach to Samuel's statement? If he permits the wearing of the mark on the slave's neck because the master made it and the slave will fear to remove it, could not the master also make the mark on the slave's clothes? Yea, but the slave might lose the mark, and for fear of his master he will fold up his coat and carry it on his shoulders (in public ground). And according to R. Itz'hak b. Joseph it is prohibited. This is also

* For the explanation of *Humrate digetiphta* see our "History of Amulets," p. 14.

† This R. Jehudah is probaby R. Jehudah of Diphta, for the R. Jehudah generally cited died on the day of Abayi's birth. See our "History of Amulets," etc.

supported by a Boraitha, which teaches us distinctly that the slave may go out with the mark on his neck, but not on his clothes. In like manner Samuel once said to R. Hanina b. Shila: "None of the rabbis that call on the Exilarch should go out with their insignia on their clothes (on the Sabbath) save you. He would not be angry with you were you to go to him without them (hence, not being a necessary burden, you may wear them or not, as you choose)."

The master said: "Not with a bell," etc. Why not? Lest it break off and one may carry it. Then why should the same not be feared in regard to a bell attached to his clothes? Here a bell is treated of that was made by an expert and was woven right in with the cloth. This is also in accord with what R. Huna b. R. Joshua said: "Everything that is woven they did not restrict."

"*Nor with a golden ornament.*" What was this golden ornament? Said Rabba b. b. Hana in the name of R. Johanan: "A golden (ornament with an engraving of the city of) Jerusalem on it," such as R. Aqiba made for his wife.

The rabbis taught: A woman shall not go out wearing a golden ornament; but if she did so, she becomes liable to bring a sin-offering. So is the decree of R. Meir, but the sages say: She must not go out wearing it; if she did, however, she is not culpable. But R. Eliezer said: A woman may go out wearing a golden ornament to commence with. Wherein do they differ? R. Meir holds it to be a burden, and the rabbis hold it to be an ornament; then why should she not wear it to commence with? Lest she take it off to show it to her friends and thus happen to carry it; but R. Eliezer reasons differently. Who generally go out with such valuable golden ornaments? Prominent women; and prominent women will not remove them for the purpose of exhibiting them to friends.

Rabh prohibits the wearing of a crown-shaped ornament, and Samuel permits it. Both agree that the wearing of a crown-shaped ornament is permissible, [as there is no fear that the woman will remove it; where they do differ, however, is as to a golden and jewelled ornament. The former holds that there is fear of her removing it in order to exhibit it, and thus probably happen to carry it, while the latter contends that as only prominent women wear such costly ornaments no fear need be entertained on that score.

Said R. Samuel b. b. Hana to R. Joseph: You distinctly

told us in the name of Rabh that an ornament in the shape of a crown may be worn.*

Levi† lectured in Neherdai that a crown-shaped ornament may be worn; whereupon twenty-four women in Neherdai went out with crown-shaped ornaments on.

Rabba b. Abuhu lectured the same in Mehutza, and eighteen women went out of one alley wearing those ornaments.

R. Jehudah in the name of Samuel said: "A belt may be worn." Some one said a leather belt (even if jewelled). Said R. Saphra: "Why! Even a golden belt jewelled, for is it not equal to a golden garment?" Said Rabbina to R. Ashi: "How is it with a belt worn over a sash?" Answered R. Ashi: "By this you mean two belts" (and this is prohibited). R. Ashi, however, said: "A sash may be worn only when it is securely fastened, but not otherwise."

"*Nor with a nose-ring.*" What is a nose-ring? It is a nose-band.

"*Nor with finger-rings,*" etc.; but if the ring have a seal it is prohibited, as it is not an ornament. Is this not contradicted from Kelim, XI. 8? The following ornaments of women are subject to defilement: Chains, nose-rings, rings, finger-rings either with or without a seal, and nose-bands. Said R. Na'hman b. Itz'hak: "You quote a contradiction in the laws of defilement as against the laws of Sabbath. As for defilement, the Torah requires an utensil [Numbers, xxxi. 20], and such it is; but as for Sabbath, it refers to a burden; hence a ring without a seal is an ornament, with a seal it is a burden (for women)."

"*Nor with a pin.*" For what purpose can a pin be used? R. Ada from Narsha explained it before R. Joseph: Women part their hair with it. Of what use is it on Sabbath? Said Rabha: On week days they wear a golden plate on their heads; the pin is used for parting the hair and holding down the plate; but on Sabbath the pin is put against the forehead.

MISHNA II.: One is not to go out with iron-riveted sandals, nor with one (iron-riveted shoe) unless he has a sore on his foot, nor with phylacteries, nor yet with an amulet unless made by a reliable expert, nor with a shield, helmet, or armor for the

* R. Joseph passed through a severe illness and at times forgot his own teachings; hence it sometimes occurred that he was reminded of them by his disciples.

† Here is omitted the legend about Levi, as the proper place for it is in Kethuboth, 103b, and it will be translated there.

legs; but if he has gone out (with either of these) he is not liable for a sin-offering.

GEMARA: "*Iron-riveted sandal.*" What is the reason of its being prohibited? Said Samuel: "It happened toward the close of the persecutions (of the Jews) that a party of men hid themselves in a cave with the understanding that after once entering no one was to go out. Suddenly they heard a voice on the outside of the cave, and thinking the enemies were upon them, they began crowding each other into the farthest recesses of the cave. During the panic that ensued more men were trampled to death by the iron-riveted sandals worn by the party than the enemies would have killed. At that time it was enacted that a man must not go out (on Sabbath) with iron-riveted sandals." If this be the reason, let it also be prohibited on week days? Because it occurred on a Sabbath! Then let it be allowed on a festival; why then is it stated that on a festival *it* must not be sent (Betzah, 26, Mishna)? And furthermore, why is it forbidden on Sabbath? Because the people usually assemble on that day; and the same is the case with a festival. But do they not assemble on a congregational fast—why then should it not be prohibited also then? When the above-mentioned happened it was a prohibited assembly, but all these assemblies are permitted. And even according to R. Hanina b. Aqiba, who said concerning defilement that this prohibition is only in the Jordan in a boat, as the case happened, it is because the Jordan is different in width and depth from other rivers; but Sabbath and a festival are alike as regards labor.

Said R. Jehudah in the name of Samuel: This (the prohibition of the sandals in question) is only with regard to such as are riveted for the sake of durability, but not with regard to such as are riveted for the sake of decoration. How many (rivets are considered to be for the latter purpose)? R. Johanan said five in each. R. Hanina said seven in each. Said R. Johanan to R. Samon b. Aba: "I will explain to you the difference between my opinion and that of R. Hanina. I mean two rivets on each side of the sandal and one in the centre, while he means three on each side and one in the centre. The Gemara declared that R. Hanina is in accordance with R. Nathan, who permits seven; and R. Johanan is in accordance with R. Nohorai, who permits only five. And Aipha said to Rabba b. b. Hana: "Ye who are the disciples of R. Johanan may act according to him; we, however, are acting in accordance with R.

Hanina." R. Huna questioned R. Ashi: "How is the law if there were five?" And he said: "Even seven is permitted." "And how is it if there were nine?" And he rejoined: "Even eight is prohibited. A certain shoemaker asked of R. Ami: "How is it if the sandal is sewed from the inside?" He answered: "I have heard that it is permitted, but I can give you no reason." Said R. Ashi: "Does master not know the reason? Being sewed from the inside, it is no longer a sandal but a shoe; and the rabbis' precaution was against the riveted sandal, but not in regard to shoes."

There is a Boraitha: One must not go out with an iron-riveted sandal and shall not walk in them from one room to another, not even from one bed to another (in the same room); but it may be handled to cover vessels with or to support one of the bed-stands with. R. Elazar b. Simeon prohibits even this, unless the majority of rivets fell out and but four or five remain. Rabbi limits the permission to seven (rivets). If the soles are made of leather and the uppers are riveted, it is permitted. If the rivets are made like hooks, or are flat-headed, or pointed, or pierce through the sandal to protect the sole, it is permitted.

R. Massna, others say R. Ahadboy b. Massna in the name of R. Massna, said: "The Halakha does not prevail in accordance with Elazar b. Simeon." Is this not self-evident? When one individual opinion conflicts with a majority, the opinion of the majority prevails. Lest one suppose that, because R. Elazar b. Simeon gave a reason for his statement, should it be accepted, he comes to teach us that it is not so.

Said R. Hyya: "Were I not called a Babylonian, who permits what is prohibited, I would permit considerably more. How *many*? In Pumbeditha they say twenty-four, and in Sura they say twenty-two." Said R. Na'hman b. Itz'hak: "It seems by your remark that on the road from Pumbeditha to Sura you lost two."

"*Nor with one*," etc. But if his foot is sore he may go out. On which foot may he wear the shoe? On the foot that is sore (for protection).

The rabbis taught: When one puts on his shoes he should commence with the right shoe; when he takes them ~~off~~ he should commence with the left. When one bathes he should wash the right side first; when he anoints himself he should anoint the right side first, and whoever anoints the whole body

should commence with the head, for the head is the king of all the members (of the body).

"*Nor with phylacteries;*" but if he went out with them on, he is not liable for a sin-offering. Said R. Saphra: This is not only in accordance with him who holds Sabbath is a day for (wearing) phylacteries, but it is even in accordance with him who holds that it is not. What is the reason? Because phylacteries are put on in the same manner as a garment.

"*And not with an amulet,*" etc. Said R. Papa: "Do not presume that both the maker and the amulet must be reliable; it is sufficient if the maker only is reliable." So it seems to be from the statement in the Mishna: "And not with an amulet that was not made by a reliable expert." It does not say with a reliable amulet.

The rabbis taught: Which are to be considered such? If they have cured three times, no matter whether they contained inscriptions (of mystic forms) or (certain) medicaments. If the amulet is for a sickness, be it serious or not, or if it is for one afflicted with epilepsy, or only serves as a preventive, one may fasten or unfasten it even in public ground, provided he does not fasten the amulet to a bracelet or a finger-ring, to go out with it in public ground, lest those who see it think that it is being worn as an ornament. Did not a Boraitha state that only such amulets as cured three different parties are reliable? This presents no difficulty. Here we are taught as to the reliability of the expert who made the amulet, while in the latter Boraitha we are taught as to the reliability of the amulet itself.

Said R. Papa: It is certain to me that where three different amulets were given to three different (human) sufferers at three different times (and a cure was effected), both the amulets and the expert who made them are reliable. Where three different amulets were given to three different sufferers only once, the expert is reliable, but not the amulets. Where one and the same amulet was given to three different sufferers, the amulet is reliable, but not the expert; but how is it with three different amulets given to *one* man for three different diseases? Certainly, the amulets are not reliable (for each cured only once), but how is it with the expert? Should he be considered reliable or not? If we say that the expert cured him, perhaps it was only the fate of the sufferer that he should be cured by a script? This question remains.

The schoolmen propounded a question: Is there any sanc-

tity in an amulet or not? For what purpose are we to know this? In order to enter a privy; if there is any sanctity in the amulet this would not be allowed, otherwise it would.

Come and hear. We have learned in a Mishna: "Not with an amulet unless made by a reliable expert." From this we see that if made by a reliable expert one may go out with it. Now, if we say that there is sanctity in the amulet, how can we say that one may go out with it? Perhaps he shall be compelled to enter a privy, he will have to take it off, and thus be forced to carry it four ells or more in public ground.

MISHNA *III*: A woman shall not go out with an ornamental needle (with a hole in), nor with a ring that has a seal, nor with a Kulear, nor with a Kabeleth, nor with a perfume bottle. And if she does, she is liable for a sin-offering. Such is the opinion of R. Meir. The sages, however, freed her in the case of the two latter.

GEMARA: Said Ulla: "With men it is (concerning a finger-ring) just the reverse." That is to say, Ulla is of the opinion that what is right for women is not right for men, and what is right for men is not right for women. Said R. Joseph: "Ulla is of the opinion that women form a class of their own." Rabha, however, says it often happens that a man gives his wife a ring with a seal on, to put away in a box, and she puts it on her finger until she comes to the box; again, it happens that a wife gives her husband a ring without a seal for the purpose of having him give it to a jeweller to repair, and until he comes to the jeweller he puts it on his finger. Thus it happens that a woman may wear a man's ring and a man a woman's (temporarily).

What is Kabeleth? Cachous (for purifying the breath). The rabbis taught: A woman must not go out with Kabeleth, and if she did so she is liable for a sin-offering. This is the opinion of R. Meir, but the sages say she should not go out with it, yet if she does she is not liable. R. Eliezer, however, says she may go out with it to commence with. Wherein do they differ? R. Meir holds that it is a burden, the sages that it is an ornament; and the reason that she should not go out with it is lest she take it off to show to her friends, and thus perchance carry it in her hand. R. Eliezer, however, permits it to be carried to commence with, because, said he, who generally carry such? Women whose breath emits a bad odor, and surely they will not take them off to show them, hence there is no apprehension that they will carry them four ells or more on public ground.

There is a Boraitha: "A woman must not go out with a key in her hand, nor with a box of cachous, nor with a perfume bottle; and if she goes out with them, she is liable for a sin-offering." So is the decree of R. Meir, but R. Eliezer freed her, provided the box *contains* cachous, and the bottle perfume; but if they are empty, she is liable (for then there is a burden). Said R. Ada b. Ahaba: "From this we may infer that one carrying less than the prescribed quantity of food in a vessel on public ground is culpable, as it states if there was no cachou or perfume, which is equal to a vessel containing less than the prescribed amount of food, she is liable. Hence it makes her liable even if less than the prescribed quantity. Said R. Ashi: Generally one may be freed, but here it is different; the box and the bottle themselves are considered a burden.

We read in the Scripture [Amos, vi. 6]: "And anoint themselves with the costliest of ointments." Said R. Jehudah in the name of Samuel: "This signifies perfumery."

R. Joseph objected: "R. Jehudah b. Baba said that after the destruction of the Temple at Jerusalem the sages prohibited even the use of perfumes, but the rabbis did not concur in the decree. If we say perfume used only for pleasure, why did not the rabbis concur?" Abayi answered: According to your mode of reasoning, even drinking wine from bowls (bocals) is prohibited, for it is written further [ibid., ibid.]: "Those that drink wine from bowls." R. Ami said, *that* certainly means bocals, but R. Assi claimed that it means they clinked glasses one with another. Still Rabba b. R. Huna once happened to be at the house of the Exilarch and drank wine out of a bocal, but was not rebuked. It is, therefore, thus to be understood: The rabbis restricted only such pleasures as were combined with rejoicing, but not pleasures unaccompanied with rejoicing.

Said R. Abuhu: Others say we were taught in a Boraitha: "Three things bring man to poverty: Urinating in front of one's bed when naked; carelessness in washing one's hands; and permitting one's wife to curse him in his presence." Said Rabha: "Urinating in front of one's bed should be understood to signify 'turning around so as to face the bed and then urinating,' but not turning in the opposite direction; and even when facing the bed it signifies only 'urinating on the *floor* in front of the bed and not in a urinal.'" Carelessness in washing one's hand signifies "not washing one's hands at all," but not insufficient washing, for R. Hisda said: "I washed my hands well

and plentifully and am plentifully rewarded." Permitting one's wife to curse him in his presence implies "for not bringing her jewelry," and *then* only when one is able to do so but does not.

Rahava said in the name of R. Jehudah: The trees of Jerusalem were cinnamon trees, and when used for fuel the odor extended over all the land of Israel; ever since the destruction of the second Temple the cinnamon trees disappeared; but a morsel as big as a barleycorn is still to be found in the treasury of the Kingdom of Zimzimai.

MISHNA IV.: One must not go out with a sword, nor with a bow, nor with a triangular shield, nor with a round one, nor with a spear; if he does so he is liable for a sin-offering. R. Eliezer says they are ornaments to him, but the sages say they are nothing but a stigma, for it is written [Isaiah, ii. 4]: "They shall beat their swords into ploughshares and their spears into pruning-knives; nation shall not lift up sword against nation, neither shall they learn war any more." Knee-buckles are clean and one may go out with them on the Sabbath. Stride chains are subject to defilement, and one must not go out with them on the Sabbath.

GEMARA: "*R. Eliezer says they are ornaments.*" There is a Boraitha: The sages said unto R. Eliezer: If the weapons are ornaments to man, why will they cease to exist in the post-messianic period? He answered: "They will exist then also." This is in accordance with the opinion of Samuel, who said there will be no difference between the present time and the post-messianic period save the obedience to temporal potentates, for it is written [Deut. xv. 11]: "For the needy will not cease out of the land."

Said Abayi, according to others R. Joseph, to R. Dimi or to R. Ivia, and according to still others, Abayi said directly to R. Joseph: What is the reason of R. Eliezer's theory regarding weapons? It is written [Psalms, xlv. 4]: "Gird thy sword upon thy thighs, O Most Mighty, with thy glory and thy majesty."

Said R. Kahana to Mar, the son of R. Huna: Is not this passage applied to the study of the Law (Torah)? And he answered: "Anything may be inferred from a passage; at the same time, the passage must not be deprived of its common sense." Said R. Kahana: "I am fourscore years old and have studied the six sections of the Mishna with their explanations through, and did not know until now that a scriptural passage

has first to be interpreted in its plainest form!" What information does he mean to convey to *us* by this assertion? That man has to study the Law through first, and then reason upon it.

R. Jeremiah in the name of R. Elazar said: Two scholars who debate in the Law (not for controversy's sake), the Holy One, blessed be He, causes them to prosper; moreover, they become exalted, for it is written [Psalms, xlv. 5], "be prosperous." But lest one say that this would be the case even if they (debate), not for the purpose (of studying the Law), therefore it says further [ibid., ibid.], "because of truth." Again, one might say that the same would be the case even if one became arrogant and conceited. Therefore it says further [ibid., ibid.], "and meekness and righteousness." And if they act humbly they will be rewarded with (the knowledge of) the Law, which was given with the right hand (of God), as it is further written [ibid.], "and thy right hand shall teach thee fearful things."

R. Na'hman b. Itz'hak says they will be rewarded with the knowledge of what is said of the right hand of the Law, for Rabha b. R. Shila, according to others R. Joseph b. Hama in the name of R. Shesheth, said: How is to be explained the passage [Proverbs, iii. 16]: "Length of days is in her right hand; and in her left riches and honor"? Shall one say that in the right hand is only length of days, but not riches and honor? Common sense does not dictate so; therefore it must be interpreted thus: For those who study the Torah in the right way there is long life, and so much the more riches and honor; but for those who study it *not* in the right way, riches and honor there may be, but not long life.

Said R. Jeremiah in the name of R. Simeon b. Lakish: Two scholars who quietly discourse on the Torah among themselves, the Holy One, blessed be He, hearkens unto them and listens to their desires, for it is written [Malachi, iii. 16]: "Then conversed they that fear the Lord one with the other," etc. *Conversed* means conversed quietly, as it is written [in Psalms, xlvii. 4]: "He will subdue (quiet) people under us." (*Subdue* and *converse* are expressed by the same terms in the two passages, hence the similitude.*) What is meant by the words "that thought upon His name"? Said R. Ami: "Even when

* The words *conversed* and *subdue* in the two passages are expressed in Hebrew by "Nidberu" and "Yadber." Both are derived from the root *Dibur* = to speak quietly.

one intended to observe a commandment, but was accidentally prevented and could not accomplish it, it is credited to him as if he had actually observed it." Thus the passage "thought upon His name" is interpreted.

Said R. Hanina b. Ide: Whosoever observes a commandment as prescribed, will not be the recipient of bad tidings, for it is written [Eccl. viii. 5]: "Whoso keepeth the commandment will experience no evil thing." R. Assi, others say R. Hanina, said: "Even if the Holy One, blessed be He, has so decreed it (that he shall experience evil things) the decree is annulled through the prayers of this man, as it is written [ibid. 4]: "Because the word of a king is powerful, and who may say unto him, what doest thou?" and this immediately followed by the passage: "Whoso keepeth the commandment will experience no evil thing.'"

R. Aba in the name of R. Simeon b. Lakish said: Two scholars who mutually instruct themselves in the Law, the Holy One, blessed be He, hearkens to their voices, for it is written [Song of Solomon, viii. 13]: "Thou that dwellest in the gardens, the companions listen for thy voice; oh, let me hear it"; but if they do not do so, they cause the Shekhina to move away from Israel, for further it is written [ibid. 14]: "Flee away, my beloved," etc.

The same in the name of the same authority said: The Holy One, blessed be He, *loves* two scholars who combine to study the Law, for it is written [Solomon's Song, ii. 4]: "And his banner over me was love." Said Rabha: Provided they know something of Law, but have no instructor to teach them at the place where they reside."

The same said again: "The man who lends his money is more deserving than the charitable man, and the most deserving of all is he who gives charity surreptitiously or invests money in partnership (with the poor)." Furthermore he said: "If thy teacher is jealous (for thy welfare) and as spiteful as a serpent (if thou neglect thy studies), carry him on thy shoulders (because from him thou wilt learn), and if an ignoramus plays the pious, do not live in his neighborhood."

R. Kahana, according to others R. Assi, and according to still others R. Abba in the name of R. Simeon b. Lakish, said: "Whoso raises a vicious dog in his house prevents charity to proceed therefrom (for the poor are afraid to go in), as it is written [Job, vi. 14]: "As though I were one who refuseth kind-

ness to a friend." ("As though I were one who refuseth" is expressed in Hebrew by one word, viz., *lamos*; in Greek *λαμος* means dog,* and hence R. Simeon's inference.) Said R. Na'h-man: "He even forsaketh the fear of the Lord," for it is written at the end of the verse [*ibid.*, *ibid.*]: "And forsaketh the fear of the Lord."

Once a woman went into a certain house to bake, and a dog, through barking at her, caused her to have a miscarriage. Said the landlord of the house "Fear him not, I have deprived him of his teeth and claws"; but the woman answered: "Throw thy favors to the dogs, the child is already gone!"

Said R. Huna: It is written [Eccl. xi. 9]: "Rejoice, oh young man, in thy childhood, and let thy heart cheer thee in the days of thy youthful vigor, and walk firmly in the ways of thy heart and in the direction in which thy eyes see; but know thou that concerning all these things God will bring thee into judgment." (Does not this passage contradict itself? Nay.) Up to the words "and know" are words of the misleader, and from there on are words of the good leader. Resh Lakish said up to "(and) know" the theoretical part of the law is meant, and from there on it speaks of good acts.

"*Knee-buckles are clean*," etc. Said R. Jehudah: This (birth) means arm-bandages. To this R. Joseph objected: "We have learned that a birth is (virtually) clean, and one may go out with it on the Sabbath. If it is an arm-band, how can that be? The latter is subject to defilement." It means that the birth is worn on the same part of the leg as the arm-bandage on the arm.

Rabbin and R. Huna sat before R. Jeremiah, who slumbered, and Rabbin said: "A birth is worn on one of the thighs and kebalim on both shins." But R. Huna said both are worn on both shins, but the chain attached to the birth on both shins is called kebalim, and the chain makes them a perfect vessel. At this point of the argument R. Jeremiah awoke and said: "I thank you. Even so I heard R. Johanan say." When R. Dimi came to Neherdai, he sent to tell the sages: My former information in the name of R. Johanan that the Tzitz was a woven thing was an error, as so was said in his name. Whence the adduction that any ornament is subject to becoming defiled? From the Tzitz, the golden plate on the

* R. Simeon b. Lakish was a Palestinian and knew the Greek language.

forehead of the High Priest. And whence the adduction that textile fabrics are also subject to becoming defiled? From the passage [Lev. xi. 32], "or" raiment, which includes any textile fabrics whatsoever.

The rabbis taught: "Any piece of textile fabric or any trifle of an ornament is subject to defilement." But how is it with an article which is half texture and half ornament? It is also subject to defilement. As for an ornament which is carried in a bag, the bag being of woven material becomes defiled and with it the ornament, but if the ornament was carried in a piece of cloth, the cloth remains undefiled. Is a piece of cloth not a textile fabric? Yea, but by that is meant that the bag, even if not made of textile fabric, becomes defiled, because it is attached to the garment. What is a bag used for? Said R. Johanan: Poor people use them for the purpose of putting some trifles in them and then hang them on the necks of their daughters.

It is written "And Moses was wroth with the officers of the host" [Numb. xxxi. 14]. Said R. Na'hman in the name of Rabba b. Abuhu: "Thus said Moses unto Israel: 'Have ye then returned to your first sin (that ye have let the females live)?'" They answered him [ibid. 49]: "Thy servants have taken the sum of the men of war who have been under our command, and there lacketh not one man of us" (implying that none had sinned). Said Moses again: "If such be the case, why need ye atonement?" They answered: "Though we have strengthened ourselves to keep aloof from sin, we could not put it out of our minds. We have therefore [ibid. 50] brought an oblation unto the Lord." On this the school of R. Ishmael taught: Why did the Israelites of that generation require forgiveness? Because they had feasted their eyes on strange women.

MISHNA V.: A woman may go out with plaits of hair, be they made of her own hair or of another woman or of an animal; with Totaphoth or Sarbitin if fastened.* With a hood or with a wig in her yard (private ground); with cotton wadding in her ear or in her shoe; or with cotton wadding prepared for her menstruation; with a grain of pepper or of salt, or with whatever else she may be accustomed to keep in her mouth, provided she does not put it in her mouth on the Sabbath to

* See note to preceding Mishna.

commence with; if it fell out of her mouth she must not replace it. As for a metal or golden tooth, Rabbi permits a woman to go out with it, but the sages prohibit it.

GEMARA: It has been taught: "Provided a young woman does not go out with (plaits of hair belonging to) an old woman; nor an old woman with plaits of hair belonging to a young woman." So far as an old woman is concerned, it would be nothing but right, for the plaits of a young woman would be a source of pride to her (and there is fear of her taking them off to show to others); but why should a young woman be prohibited to go out with plaits belonging to an old woman? They are a disgrace to her (and surely she would not take them off for exhibition)! The teacher while treating on plaits with respect to an old woman also makes mention of the case of a young woman (for the sake of antithesis).

"*With a hood or a wig in her yard.*" Said Rabh: "Everything prohibited by the sages to be worn on public ground must not be worn in the yard, save a hood and a wig." R. Anani b. Sasson in the name of R. Ishmael said: "Everything may be worn in the yard like a hood. But why does Rabh discriminate in favor of these objects?" Said Ulla: "In order that she may not become repulsive to her husband."

"*And with cotton in her ears or in her shoes.*" Romi b. Ezekiel taught only when tied to her ears or her shoes.

"*And cotton wadding prepared for her menstruation.*" "In this case," said Rabha, "even if it is not tied it may be worn, because, being disgusting, it will not be handled." R. Jeremiah b. R. Abba questioned Rabha: "How is it if the same was prepared with a handle?" And he answered: "Then it is also allowed." And so also it was taught by R. Na'hman b. Oshia in the name of R. Johanan.

R. Johanan went to the college with cotton wadding in his ears on Sabbath, and his colleagues objected to it. R. Joni went into unclaimed ground with it against the opinion of all his contemporaries.

"*With a grain of pepper or a grain of salt.*" The former to take away any bad odor of the breath and the latter as a remedy for toothache.

"*Or with whatever else she is accustomed to keep in her mouth,*" meaning ginger or cinnamon.

"*A metal or a gilt tooth,*" etc. Said R. Zera: They differ concerning a gold tooth only, for a silver tooth is unanimously

permitted. And so we have learned plainly in a Boraitha. Said Abayi: Rabbi, R. Eliezer, and R. Simeon b. Elazar, all three agree to the opinion that anything provoking disgust (or ridicule) a woman will not wear for show: Rabbi, as just cited; R. Eliezer, as he freed a woman bearing a box of cachous or a perfume bottle; R. Simeon b. Elazar, as we have learned in the following Boraitha: "Anything below the hair-net is permitted to be worn outside."

MISHNA VI.: Women may go out with a coin fastened to a swelling on their feet; little girls may go out with laces on and even with screws in their ears. Arabians may go out in their long veils and Medians in their mantillas; so may even all women go out, but the sages spoke of existing customs. She may fold her mantilla around a stone, nut, or a coin (used as buttons), provided she does it not especially on the Sabbath.

GEMARA: "*Little girls may go out with laces.*" The father of Samuel did not permit his daughters to go out with laces nor to sleep together; he made bathing-places for them during the month of Nissan, and curtains during the month of Tishri. "He did not permit them to go out with laces?" Were we not taught that girls may go out with laces? The daughters of Samuel's father wore colored (fancy) laces and (lest they take them off to show to others) he did not permit them to go out with them.

"*Fold her mantilla around a stone,*" etc. But did not the first part (of the Mishna) say that she may fold it, etc.? Said Abayi, the last part of the Mishna has reference to a coin (which is not permitted). Abayi questioned: May a woman fold her mantilla on Sabbath shrewdly around a nut for the purpose of bringing it to her little son? And this question is according to both; to him who permits subtilty in case of fire, and also according to him who forbids it. According to him who permits it, it may be that only in case of fire he permits, as if it were not allowed, he would extinguish it; but this is not the case here. And according to him who prohibits it, it may be that he does so because the clothing seller usually so bears the clothes; but here, as it is not the custom to bear it so, it may be that it is permitted? The question remains.

MISHNA VII.: The cripple may go out with his wooden leg; such is the decree of R. Meir, but R. Jossi prohibits it. If the wooden leg has a receptacle for pads, it is subject to

defilement. Crutches are subject to defilement by being sat or trodden upon;* but one may go out with them on Sabbath and enter the outer court (of the Temple). The chair and crutches of a paralytic are subject to defilement, and one must not go out with them on the Sabbath nor enter the outer court (of the Temple). Stilts are not subject to defilement, but nevertheless one must not go out with them on Sabbath.

GEMARA: Rabha said to R. Na'hman: How are we to accept the teaching of the Mishna? Did R. Meir permit the cripple to go out with a wooden leg on the Sabbath and R. Jossi prohibit his doing so, or *vice versa*? Answered R. Na'hman: "I know not." "And how shall the Halakha prevail?" Answered R. Na'hman again: "I know not." It was taught: Samuel and also R. Huna begin the Mishna: "A cripple shall not," etc. And R. Joseph said: "As both sages read the Mishna so, we shall do the same." Rabha b. Shira, however, opposed: "Was he not aware that when R. Hanon b. Rabha taught so to Hyya, the son of Rabh, the father showed him with the movement of his hands to change the names? In reality Samuel himself has also receded from the former teaching, and has corrected: "A cripple may go out," so is the decree of R. Meir. [Hamoṯ, 101a.]

"*And must not enter the outer court,*" etc. A Tana taught before R. Johanan that one *may* go in with them in the outer court. Said R. Johanan to him: I teach that a woman may perform the "Chalitza"† with them (hence they are considered shoes), and you say he may go in with them to the outer court. Go and teach the contrary.

MISHNA VIII.: Boys may go out with bands and princes with golden belts; so may every one else, but the sages adduce their instances from existing customs.

GEMARA: What kinds of bands? Said Ada Mari in the name of R. Na'hman b. Baruch, who said in the name of R. Ashi b. Abhin, quoting R. Jehudah: "Wreaths of Puah roots." Said Abayi: "My mother told me that three of such wreaths give relief (in sickness), five of them produce a complete cure, and seven of them are even proof against witchcraft."

Said R. Aha b. Jacob: "And this only if they (the wreaths)

* Wherever the expression "subject to defilement by being sat or trodden upon" occurs in the Talmud it refers to being sat or trodden upon by a person afflicted with venereal diseases.

† See the law of Chalitza [Deut. xxv. 9].

have never seen sun, moon, or rain; never heard a hammer fall or a cock crow or the fall of footsteps."

Said R. Na'hman b. Itz'hak: "Thy bread is cast upon the deep" (meaning the remedy is an impossibility).*

The rabbis taught: (Women) may go out with a Kutana stone (to prevent miscarriage) on the Sabbath. It was said in the name of R. Meir that they may even go out with the counterpoise of a Kutana stone, and not only such (women) as have already once miscarried, but even as a preventive to miscarriage, and not only when a woman is pregnant, but lest she become pregnant and miscarry. Said R. Jemar b. Shalmia in the name of Abayi: But the counterpoise must be an exact one and made in one piece.

MISHNA IX.: It is permitted to go out with eggs of grasshoppers or with the tooth of a fox or a nail from the gallows where a man was hanged, as medical remedies. Such is the decision of R. Meir, but the sages prohibit the using of these things even on week days, for fear of imitating the Amorites.†

GEMARA: The eggs of grasshoppers as a remedy for toothache; the tooth of a fox as a remedy for sleep, viz., the tooth of a live fox to prevent sleep and of a dead one to cause sleep; the nail from the gallows where a man was hanged as a remedy for swelling.

"*As medical remedies*," such is the decision of R. Meir. Abayi and Rabha both said: "Anything (intended) for a medical remedy, there is no apprehension of imitating the Amorites; hence, if not intended as a remedy there *is* apprehension of imitating the Amorites? But were we not taught that a tree which throws off its fruit, it is permitted to paint it and lay stones around it? It is right only to lay stones around it in order to weaken its strength, but what remedy is painting it? Is it not imitating the Amorites? (Nay) it is only that people may see it and pray for mercy. We have learned in a Boraitha: It is written [Leviticus, xiii. 45]: "Unclean, unclean, shall he call out." (To what purpose?) That one must make his troubles known to his fellow-men, that they may pray for his relief.

Rabhina said: The hanging up of a cluster of dates on a date

* The text continues with different quack remedies for sickness, melancholy, and other things which are neither important nor translatable, and therefore omitted.

† See Leviticus, xviii. 3 and 30, where the imitating of the customs of the Canaanites and Amorites is forbidden.

tree (as a sign that the tree throws off its fruit) is in accordance with the above-mentioned teacher.

If one says: " Kill this cock, for he crowed at night; or kill this hen, for she crowed like a cock; or I will drink and leave a little over," because of superstition, there is apprehension that he imitate the Amorites; but one may put a splinter of "Tuth"* or a piece of glass in a pot, that it may boil the quicker. The sages, however, prohibited pieces of glass as being dangerous. The rabbis taught: One may throw a handful of salt in a lamp that it may burn the brighter, or loam and fragments of earthenware that it may burn more slowly. The saying " to your health " at wine-drinking is no imitation of the customs of the Amorites. It happened that R. Aqiba gave a banquet in honor of his son, and at every cup that he drank he said: " To the wine in the mouth and to the health of the sages and their disciples."

* *Zilla*, according to the commentary of Malkhi Zedek, which means " a smooth shrubby herb, of the mustard family."

CHAPTER VII.

THE GENERAL RULE CONCERNING THE PRINCIPAL ACTS OF LABOR ON SABBATH.

MISHNA 1.: A general rule was laid down respecting the Sabbath. One who has entirely forgotten the principle of (keeping) the Sabbath and performed many kinds of work on many Sabbath days, is liable to bring but *one* sin-offering. He, however, who was aware of the principle of Sabbath, but (forgetting the day) committed many acts of labor on Sabbath days, is liable to bring a separate sin-offering for each and every Sabbath day (which he has violated). One who knew that it was Sabbath and performed many kinds of work on different Sabbath days (not knowing that such work was prohibited), is liable to bring a separate sin-offering for every principal act of labor committed. One who committed many acts all emanating from one principal act is liable for but one sin-offering.

GEMARA: What is the reason that the Mishna uses the expression "a general rule"? Shall we assume that it means to teach us a subordinate rule in the succeeding Mishna, and the same is the case with the Mishna concerning the Sabbatical year, where at first a general rule is taught and the subsequent Mishnas teach a subordinate rule? Why does the Mishna relating to tithes teach *one rule* and the succeeding Mishna *another*, but does not call the first rule a "general rule"? Said R. Jose b. Abbin: Sabbath and the Sabbatical years, in both of which there are *principals* and *derivatives*, he expresses a general rule; tithes, however, in which there are no principals and derivatives, no general rule was laid down. But did not Bar Kapara teach us a general rule also in tithes? It must be therefore explained thus: The subject of Sabbath is greater than Sabbatical, as the first applies to attached and detached things, while the Sabbatical applies only to attached ones. The subject of the latter, however, is greater than tithes, as it applies to human and cattle food; while tithes applies only to human food. And Bar Kapara teaches a general rule in tithes also,

because it is greater than peah (corner tithe), as the former applies also to figs and herbs, which is not the case with peah.

It was taught concerning the statement of the Mishna: He who forgot, etc., that Rabh and Samuel both said: Even a child that was captured by idolaters or a proselyte who remained among idolaters is regarded as one who was aware of the principle, but forgot it and is liable; and both R. Johanan and Resh Lakish said that the liability falls only upon him who was aware, but *subsequently* forgot; the child and the proselyte in question are considered as if they were never aware, and are free.

An objection was raised from the following: A general rule was laid down concerning the observation of the Sabbath. One who had entirely forgotten the principle of Sabbath, and had performed many kinds of work on many Sabbath days, is liable for but *one* sin-offering. How so? A child which was captured by idolaters and a proselyte remaining with idolaters, who had performed many acts of labor on different Sabbaths, are liable for but one sin-offering; and also for the blood or (prohibited) fats which he has consumed during the whole time, and even for worshipping idols during the whole time, he is liable for only one sin-offering. Munbaz, however, frees them entirely. And thus did he discuss before R. Aqiba: Since the intentional transgressor and the unintentional are both called sinners, I may say: As an intentional one cannot be called so unless he was aware that it is a sin, the same is the case with an unintentional, who cannot be called sinner unless he was at some time aware that this is a sin (it is true, then, the above must be considered as never having been aware of it). Said R. Aqiba to him: "I will make an amendment to your decree, as the intentional transgressor cannot be considered as such unless he is cognizant of his guilt *at the time of action*, so also should not the unintentional transgressor be considered as such unless he is cognizant *at the time of action*." Answered Munbaz: "So it is, and the more so after your amendment." Thereupon R. Aqiba replied: "According to *your* reasoning, one could not be called an unintentional transgressor, but an intentional." Hence it is plainly stated: "How so? A child," etc. This is only in accordance with Rabh and Samuel, and it contradicts R. Johanan and R. Simeon b. Lakish. They may say: "Is there not a Tana Munbaz, who freed them? We hold with him and with his reason, namely: It is written [Numb. xv. 29]: "A law shall be for you, for him that acteth through igno-

rance," and the next verse says [ibid. 30], "but the person that doeth aught with a high hand." The verse compares then the ignorant to him who has acted intentionally; and as the latter cannot be guilty unless he was aware of his sin, the same is the case with the ignorant, who cannot be considered guilty unless he was at some time aware of the sin.

Another objection was raised from a Mishna farther on: "Forty less one are the principal acts of labor." And deliberating for what purpose the number is taught, said R. Johanan: For that, if one performed them *all* through forgetfulness, he is liable for each of them. How is such a thing (as utter forgetfulness) to be imagined? We must assume that although cognizant of the (day being) Sabbath, one forgot which acts of labor (were prohibited). And this is correct only in accordance with R. Johanan, who holds: "If one is ignorant of what acts of labor constitute (sin punishable with) Karath (being 'cut off'), and commits one of those acts even intentionally, he is bound to bring a sin-offering only." And such an instance can be found in case one knows that those acts of labor were prohibited, at the same time being ignorant of that punishment which is Karath. But according to R. Simeon b. Lakish, who holds that one must be totally ignorant of both the punishment of Karath and what acts are prohibited on Sabbath, how can the above case be found? He was aware that Sabbath must be kept. But what was he aware of in the observance of Sabbath? He only knew of the law governing the going outside of the boundaries of the city.

But who is the Tana of the following Boraitha? The scriptural passage, "Him that acteth through ignorance," refers to one who was ignorant both of the (principle of) Sabbath and the prohibition of the acts of labor. One who was cognizant of both is referred to by the Scriptures as "the person that doeth aught with a high hand." If one, however, was cognizant of the (principle of) Sabbath, but not of the prohibition of the acts of labor, or *vice versa*, or even if he knew that the acts of labor were prohibited, but did not know that they involved culpability requiring a sin-offering (while he is not the scriptural man "that acteth through ignorance"), still he is culpable of a transgression requiring a sin-offering? It is Munbaz mentioned above.

R. Huna said: One who has been travelling in a desert and does not know what day is Sabbath, must count six days from the day (on which he realizes) that he has missed the Sabbath,

and observe the seventh. Hyya b. Rabh said: He must observe that very day and then continue his counting from that day. And what is the point of their differing? The former holds that one must act in accordance with the creation (which commenced six days before the Sabbath), while the latter holds that one must be guided by Adam's creation (on the eve of Sabbath). An objection was made: "If a man while travelling in a desert forgot when the Sabbath arrives, he must count 'one day to six' and then observe the seventh. Does this not mean he must count six days and then observe the seventh?" Nay; it may be said that it means that very day, and continue his counting from that day. If this be the case, why are we taught "he must count one to six"? It should be taught (plainly) he must observe a day and continue counting from that day. Moreover, we were taught in a Boraitha: "If one while travelling in the desert forgot when the Sabbath arrives, he must count six days and observe the seventh." The objection to R. Hyya b. Rabh is sustained.

Rabha said (referring to the traveller who forgot the Sabbath): "On every day, except the one on which he realizes that he has missed the Sabbath, he may perform enough labor to sustain himself." But one that should do nothing and die (of hunger)? Nay; only in case he provided himself with his necessities on the preceding day. Perhaps the preceding day was Sabbath. Therefore read: He may labor even on that day to sustain himself. In what respects is that day, then, to be distinguished from other days? By means of Kiddush and Habhdalah.*

Said Rabha again: "If he only recollects the number of days he has been travelling, he may labor all day on the eighth day of his journey, in any event" (for he surely did not start on his journey on a Sabbath). Is this not self-evident? Lest one say that one would not only not start out on the Sabbath, but also not on the day before Sabbath; hence, if he went out on the fifth day of the week, he is permitted to work on both the eighth and ninth days of his journey. Therefore he comes to teach us that only on the eighth day of his journey would he be permitted to work, for frequently one comes upon a caravan on Friday and starts out even on that day.

* Kiddush and Habhdalah are the benedictions recited at the commencement and termination of the Sabbath, the former over wine or bread and the latter only over some beverage.

"*One who has entirely forgotten,*" etc. Whence is this deduced? Said R. Na'hman in the name of Rabba b. Abuhu: "There are two verses in the Scripture, viz. [Exod. xxxi. 16]: 'And the children of Israel shall keep the Sabbath,' and [Lev. xix. 3]: 'And my Sabbaths shall ye keep.' How is this to be explained?" The first means the observance of the commandment of Sabbath generally, and the second means one observance of the commandment for each Sabbath.

"*One who knew (the principle of) Sabbath.*" What is the reason of a difference between the former and the latter part of the Mishna? Said R. Na'hman: For what transgression does the Scripture make one liable for a sin-offering? For what is done through ignorance? In the former part of the Mishna the case of one who was not aware that it was Sabbath is dealt with, and hence only one sin-offering is imposed, while in the latter the case dealt with is of one who was aware that it was Sabbath, but ignorant as to the acts of labor, hence a sin-offering for each act is prescribed.

"*Liable for a sin-offering,*" etc. Whence do we deduce the distinction between acts of labor? Said Samuel: It is written [Exod. xxxi. 14]: "Every one that defileth it shall be surely put to death." We see, then, that the Scripture has provided many deaths* for defiling the Sabbath. But does not the verse refer to one who violates the Sabbath wantonly? As it cannot be applied to an intentional violator, for it is already written [Exod. xxxv. 2]: "Whosoever doeth work thereon shall be put to death"; therefore apply it to an unintentional sinner. How, then, will you explain the words "put to death"? That is only the pecuniary equivalent (of being put to death) (viz., he shall bring a sin-offering which costs money). Why not advance the distinction between the acts of labor, as R. Nathan (does elsewhere)? Samuel is not of the opinion of R. Nathan, but of R. Jossi, who says that the additional commandment not to kindle a fire on the Sabbath was taught additionally for the special purpose of conveying to us that one who does kindle a fire is not to be punished either with Karath or stoning; for we have learned in a Boraitha: The additional commandment not to kindle a fire on the Sabbath was taught additionally for the special purpose of conveying to us that one who kindles a fire on the Sabbath is not to be punished either with Karath

* The literal translation of the passage Exod. xxxi. 14 is: "Every one that defileth it [the Sabbath], death shall he die."

or stoning. Such is the opinion of R. Jossi. R. Nathan says it is written for the sake of separation (from other acts). Let then the separation of acts of labor be adduced whence R. Jossi adduces them—in the following Boraitha: It is written [Lev. iv. 2]: "And do (of) any (one) of them," as follows: Sometimes one is only bound to bring one sin-offering for all transgressions, and sometimes one is bound to bring a sin-offering for each and every transgression separately.

Said R. Jossi b. Hanina: "Why does R. Jossi explain that passage thus? The verse should read 'one of them' (Achath mehenoh), but in reality it reads 'of one of them' (Meachath mehenoh), or it should read 'of one them' (Meachath henoh), but it reads 'of one of them.' Therefore he explains that 'sometimes one is equal to many and sometimes many equal one.' " *

Rabha questioned R. Na'hman: "How is it if one is ignorant of both (of the day being Sabbath and the prohibition of the acts of labor on that day)? Answered R. Na'hman: "Take one instance at a time. You say he was ignorant of the day being Sabbath; then he is bound to bring a sin-offering. How would it be if, on the contrary, I had said that he was ignorant of the prohibition of the acts of labor *first*? Would you say that he becomes liable to a sin-offering for each and every act performed?" Said R. Ashi: "Let us see from the man's actions. How would it be if one came to him and reminded him of its being Sabbath (without calling his attention to the fact that he was working)? If the man *immediately* stopped his work, it is clear that he had actually forgotten that it was Sabbath. If, however, the man was reminded by a third party that he was working (without having his attention called to the fact that it was Sabbath), and he immediately quit his work, it is evident that he was not cognizant of the prohibition of the acts of labor; hence he would become liable to bring a sin-offering for each and every act performed. Said Rabbina to R. Ashi: "What difference does it make? If one is reminded that it is Sabbath and he quits work, he becomes aware that it is Sabbath, and if he is reminded of his working he also becomes aware that the day is Sabbath; hence it makes no difference."

Rabha said (supposing the following case happened: "One reaped and ground the equivalent (in size) of a fig on a Sabbath,

* In that passage there is a superfluous Mem (the Hebrew prefix meaning *of or from*). Hence its literal translation is "of one of them."

without knowing that it was Sabbath, and on another Sabbath did the same thing, knowing it was Sabbath, but not knowing that such acts of labor were prohibited; then remembered that he had committed a transgression on the Sabbath through ignorance of the day being Sabbath, and took a sheep and set it aside for a sin-offering. Suddenly he recollected that he had also committed a transgression on the other Sabbath, through his ignorance of the prohibition of the acts of labor. What would the law be in such a case? I can say that the sheep set aside for a sin-offering for the first transgression suffices also for the second, although in reality two sin-offerings were required to atone for the second transgression. The one sin-offering would suffice, because it is in truth not brought for forgetting the Sabbath, but for reaping and grinding; the reaping in the first instance carries with it the reaping in the second, as also the grinding in the first instance carries with it the grinding in the second, and one sin-offering atones for all.

Assuming, however, that in the second instance (when he forgot about the prohibition of the acts of labor) he (at some later time) recollected only having reaped (but forgot that he also ground), and having set aside the sin-offering he became liable for on account of his transgression in the first instance (when he forgot about the Sabbath), he atones for the reaping and grinding on the first Sabbath and for the reaping on the second Sabbath, but not for the grinding on the second Sabbath; hence (after also recollected that he had ground) he must bring an additional sin-offering. Abayi, however, says: The one sin-offering atones for all, because the grinding, which he atones for in the first instance, also carries with it the grinding in the second instance. Why so? For the reason that in both instances the acts atoned for are analogous. (When a sin-offering was brought, a confession was made. In citing the sin committed in the first instance grinding was mentioned and applies also to the grinding in the second instance. Therefore no additional sin-offering is necessary.)

It was taught: If one has eaten tallow (which is prohibited) on two different occasions, and at both times the tallow was the equivalent (in size) of an olive (or larger); and afterward he was reminded of the first occasion, and later on of the second occasion also, what is the law in his case? R. Johanan says: He must bring two sin-offerings. Why so? Because he recollected the transgressions at different times. Resh Lakish,

however, says: He need bring only one sin-offering. What is R. Johanan's reason? Because it is written [Lev. iv. 28]: "For his sin, which he hath committed," and he adduces therefrom that for every sin committed one must bring a separate sin-offering, and Resh Lakish holds according to the passage [ibid. 26], "Concerning his sin, and it shall be forgiven him," and claims that it being one and the same sin, only one sin-offering is sufficient. But what will Resh Lakish do with the verse, "For his sin which he hath committed"? That refers to the sin-offering which had already been brought, and therefore could not apply to a later sin. And what about R. Johanan and the passage, "Concerning his sin, and it shall be forgiven"? R. Johanan explains this as follows: If a man ate tallow equivalent (in size) to an olive and a half, and later ate another piece the size of half an olive. Afterward he recollected having eaten tallow, but thought that it was the size of one olive, might some not say that the remaining piece eaten in the first instance should be added to the piece eaten in the second instance, and thus constitute another piece the equivalent (in size) to an olive, and make him liable for another sin-offering? Therefore the passage which means: After once having obtained forgiveness for the transgression on the first occasion the second cannot be counted in with the first.

It was taught: If one intended to pick up a thing detached (for instance, a knife that had fallen in a row of vegetables), and while doing so (accidentally) cut off one of the growing vegetables, he is free.* If, however, he intended to cut something lying on (but not attached to) the ground, and instead cut off something growing out of (attached to) the ground, Rabha

* In the Tract Khiroth the reason of the man's non-culpability is explained as follows: It is written [Lev. iv. 23], "If now his sin *wherein* he has sinned come to his knowledge," and this should be supplemented with "but not the sin which he had not in mind to commit at all." Whence we see plainly that the Scriptures designate as an unintentional sinner only one who knows *wherein* he has sinned; for instance, if he became aware that it was Sabbath, or that the acts performed by him were prohibited. In our case, however, where a man intended to pick up a thing but accidentally *cut* a thing, it is evident that no intention to cut existed in the man's mind, and the intent of the "*wherein* he has sinned" in the Scriptures does not apply to him. Rabha goes further and says that even if one actually accomplished an act he had in mind and which was permissible on the Sabbath, but at the same time accidentally committed a prohibited act (as illustrated in the above instance), even in such a case the scriptural "*wherein* he has sinned" cannot apply, nor can he be accounted the scriptural unintentional sinner who is liable for a sin-offering. Abayi, however, differs with him, as will be seen farther on.

declares him free, because no intention to cut off the growing object existed in the mind of the man; but Abayi declares him culpable for the reason that, while the man did not intend to cut off what he really did, still the intention to cut was prevalent in the man's mind, and he really did cut; hence he is what the Scriptures refer to as "one who acteth unintentionally."

It was also taught: One who intended to throw (from private ground into public) only for a distance of two ells, but threw four, is freed by Rabha, for the reason that the original intention was to throw within a permissible distance (throwing for a distance of two ells only was permitted); but Abayi held him culpable, for the reason that the act originally intended was accomplished. If one threw in public ground mistaking it for private, Rabh holds him free (for the same reason as before), and Abayi holds him culpable (also for the same reason as he gave in the previous case). Both instances though analogous are necessary. In the first instance (of cutting), where Rabh holds the offender not culpable, the intention to cut off what was prohibited did not exist, but in the second instance (throwing four ells), it could not be accomplished without (carrying out the intention of) throwing for two ells, and passing the two ells (the object landing at a distance of four). Now, lest one might say that Rabha coincides with the opinion of Abayi, and from the latter instance it might be assumed that the offender intended to throw two, but threw four ells, hence Rabha holds him not culpable, for the intention to throw four ells did not exist; but if one threw four ells in what he thought was private ground, and which turned out to be public ground, the intention was carried out, for the object thrown reached its desired destination, and therefore lest one say that in *this* case Rabha coincides with Abayi, the two instances are illustrated, and we are informed that not even in this case does Rabha agree with Abayi.

MISHNA II.: The principal acts of labor (prohibited on the Sabbath) are forty less one—viz.: Sowing, ploughing, reaping, binding into sheaves, threshing, winnowing, fruit-cleaning, grinding, sifting, kneading, baking, wool-shearing, bleaching, combing, dyeing, spinning, warping, making two spindle-trees, weaving two threads, separating two threads (in the warp), tying a knot, untying a knot, sewing on with two stitches, tearing in order to sew together with two stitches, hunting deer, slaughtering the same, skinning them, salting them, preparing the

hide, scraping the hair off, cutting it, writing two (single) letters (characters), erasing in order to write two letters, building, demolishing (in order to rebuild), kindling, extinguishing (fire), hammering, transferring from one place into another. These are the principal acts of labor—forty less one.

GEMARA: For what purpose is the number (so distinctly) given? (They are enumerated.) Said R. Johanan: If one labored through total ignorance of the (laws governing the) Sabbath, he must bring a sin-offering for every act of labor performed.

"*Sowing, ploughing.*" Let us see: Ploughing being always done before sowing, let it be taught first. The Tana (who taught as in the Mishna) is a Palestinian, and in his country they sow first and then plough. Some one taught that sowing, pruning, planting, transplanting, and grafting are all one and the same kind of labor. What would he inform us thereby? That if one performs many acts of labor, all of the same class, he is liable for but one sin-offering.

Said R. Aha in the name of R. Hyya b. Ashi, quoting R. Ami: "One who prunes is guilty of planting, and one who plants, transplants, or grafts is guilty of sowing." Of sowing and not of planting? I mean to say of sowing also.

Said R. Kahana: One who prunes and uses the branches for fuel is liable for two sin-offerings, one for reaping and one for planting. Said R. Joseph: One who mows alfalfa (hay) is guilty of mowing and planting both. Said Abayi: One who mows clover hay (which sheds its seed when mowed) is liable (for a sin-offering) for mowing and sowing.

"*Ploughing.*" There is a Boraitha: Ploughing, digging, furrowing, are one and the same kind of labor. R. Shesheth said: One who removes a knoll of earth in a house becomes liable for building, and if in a field he is liable for ploughing. Rabha said: Filling up a hole in the house makes one liable for building, and in the field for ploughing. R. Aba said: Digging (the same hole) on Sabbath for the purpose of making use of the earth alone is free even according to R. Jehudah, who said that the performance of an unnecessary act of labor makes one culpable. He refers to labor that improves an object and not to that which spoils it.

"*Mowing.*" There is a Boraitha: Reaping, vintaging, selecting dates, olives, and figs are all one and the same kind of labor.

"*Binding into sheaves.*" Rabha said: One who gathers salt from salt works is guilty of the act of binding into sheaves. Abayi, however, said that binding into sheaves applies only to produce of the soil.

"*Threshing.*" There is a Boraitha: Threshing, carding, and hackling belong to one and the same class of labor.

"*Threshing, winnowing, fruit-cleaning,*" etc. Is not winnowing, fruit-cleaning, and sifting one and the same class of labor? Abayi and Rabha both said: "Acts of labor executed during the construction of the tabernacle are enumerated separately, though they are of an analogous nature." Let pounding then also be enumerated (as labor, inasmuch as the spices for incense had to be pounded). Said Abayi: (It is true! This is also one of the acts of labor performed at the construction of the tabernacle.) But as the poor people do not pound their grain, generally using it in its natural state, it is not included in the principal acts of labor. Rabha, however, said: "The Mishna should be understood in the sense Rabbi expounded it: The principal acts of labor are forty less one. Should pounding be included, there would be forty even." Let then one of the principal acts (enumerated in the Mishna) be stricken out and substituted by pounding. Hence it is best to accept Abayi's reason.

The rabbis taught: If there are several kinds of food before a man on the Sabbath, he may select such as he desires and even set it aside, but he must not separate the good from the spoilt. If he does this, he is liable for a sin-offering. How is this to be understood? R. Hamnuna explained it thus: "One may select the good from the spoilt for immediate or later consumption, but he must not pick out the spoilt, leaving the good for later consumption. If he does this, he is liable." Abayi opposed: "Is there anything mentioned (in the Mishna) about separating the good from the spoilt?" He therefore explained the Boraitha as follows: "Food may be selected for immediate consumption and setting aside, but not for later consumption. If this is done, it is considered the same as storing it, and involves the liability." This was reported to Rabha by the rabbis, and he said: Na'hmeni (Abayi) has explained it correctly.

When two kinds of food were before a man and he selected part of one kind and ate it, then selected part of the other kind and set it aside, R. Ashi learned in the Boraitha that the man is free, but R. Jeremiah of Diphti learned that he is culpable.

Is there not a Boraitha which teaches that he is? This presents no difficulty. R. Ashi refers to food served in a basket or a bowl, but R. Jeremiah learned that the man sifted the food in a sieve.

When R. Dimi came to Babylon he related: It happened on a Sabbath, when R. Bibhi's turn came to entertain the disciples, that R. Ami and R. Assi arrived. R. Bibhi placed before them a basket filled with fruit (together with the leaves and sprigs), and I am not aware what his reason was. Was he of the opinion that it is forbidden to separate food from trash, or was it his liberality?

Hyzkiyah said: "One who shells pressed lupines (on the Sabbath) is culpable." Does this mean to say that it is forbidden to separate food from trash? Nay; there is quite a difference where pressed lupines are concerned; they must be scalded just seven times and immediately shelled, for if they are not immediately shelled they become putrid; therefore to shell them is equal to separating trash from good food.

"*Grinding.*" Said R. Papa: To chop beets is the same as to grind. Splitting wood for kindling is the same as grinding. Said R. Ashi: Splitting leather is the same class of work as cutting by measure (if he is particular about it).

"*Kneading, baking.*" R. Papa said: "The Tana of the Mishna omitted the cooking of spices that took place in the tabernacle and instead of that taught about baking." It is because the Tana follows the order of baking (first comes kneading, then baking, and cooking is included in the latter).

"*Wool-shearing, bleaching.*" Rabba b. b. Hana in the name of R. Johanan said: Spinning wool from a live animal on the Sabbath makes one liable for three sin-offerings; one for shearing, one for carding, and one for spinning. R. Kahana, however, said: This is not the way shearing, carding, and spinning are done (hence he is not at all culpable).

If one plucked quills, cut off their tops, and singed them on both sides, the rabbis taught that he is liable for three sin-offerings.

"*Tying, untying.*" What kind of tying and untying was done at the construction of the tabernacle? Rabha, others say R. Ilayi, said: This is the way of the (snail) fishers; to untie their nets from one load and tie them on another.

"*Sewing on with two stitches.*" But two stitches do not hold (hence it cannot be called work)? Said Rabba b. b. Hana

in the name of R. Johanan: Provided two knots are made, one at each end.

"Tearing in order to sew together with two stitches." Was there any tearing done at the tabernacle? Both Rabba and R. Zera said: When a curtain became moth-eaten, they tore out the moth-eaten part and sewed it together.

R. Zutra b. Tobiah in the name of Rabh said: "To rip a seam on the Sabbath makes one liable; to learn from a magician is a sin involving capital punishment; one who knows the science of astronomy and does not make use of it, is not worth being spoken of." What is a magician? Rabh says a "wizard." Samuel says a "blasphemer." R. Simeon b. Pazi in the name of R. Joshua b. Levi said: Whoever knows the science of astronomy, and does not occupy himself with it is the party alluded to [Isaiah, v. 12]: "But the deeds of the Lord they regard not and the works of his hands they behold not." Said Samuel b. Na'hmeni in the name of R. Jonathan: "Whence the adduction that we are bound to learn astronomy?" From the passage [Deut. iv. 6]: "Keep, therefore, and do them, for this is your wisdom and your understanding before the eyes of the nations." And what kind of wisdom is before the eyes of the nations? You must say that it is astronomy.

"Hunting deer." The rabbis taught: To catch a slug and squeeze it so that it bleed is a transgression involving only a sin-offering. R. Jehudah says, involving two sin-offerings, for R. Jehudah holds that squeezing comes in the class of threshing, but the rabbis told him that squeezing is not threshing. What reason do the rabbis give for their opinion? Said Rabha: Their reason is that threshing can only be applied to produce of the soil.

"Slaughtering." Under which category? Rabh said "dyeing," and Samuel said "taking life." Said Rabh: "I said something which may seem absurd, and so as to prevent future generations from deriding me I will give a reason for what I said: Butchers are in the habit of coloring the throat of the carcasses with blood, in order that people may see (that the meat is still fresh) and be induced to buy."

"Salting the hide," etc. Is not salting a hide preparing it? Both R. Johanan and Resh Lakish said: "Strike out one of them in the Mishna and substitute it with 'marking.'"

"Scraping the hair off," etc. R. Aha b. Hanina said: To polish a floor on the Sabbath is a transgression of the same

order as scraping off the hair of the hide. Said R. Hyya b. Abba: R. Ashi told me three things in the name of R. Joshua b. Levi: Sawing rafters on the Sabbath (that they may be equal in size and pointed) makes one liable the same as "cutting." Daubing a plaster on a piece of cloth makes one liable the same as "scraping hair off." Smoothing a stone makes one culpable of "hammering." R. Simeon b. Kisma in the name of R. Simeon b. Lakish, said: Painting pictures on vessels or blowing out glassware makes one culpable the same as hammering. R. Jehudah said: Removing a border from cloth also makes one as culpable as hammering; but only in case one is particular about having the border remain on his cloth.

"*Writing two letters.*" The rabbis taught: "If one wrote one large letter instead of two small ones, he is not guilty of any transgression; but to erase a large letter, in the place of which two small letters can be written, makes one liable for a sin-offering (for the erasing is done with the intent to write, and two small letters are evidently needed). Said R. Mena'hem b. Jossi: "This is the only case where the law is more rigorous with erasing than with writing."

"*Building, demolishing,*" etc. Both Rabba and R. Zera said: All work which is done in the last stages is considered the same as hammering (which is generally the finishing work).

"*These are the principal acts of labor.*" "These," to exclude a derivation of the same kind as the principal when it is done with the principal together, and as to which R. Eliezer makes one liable for the derivation also.

"*Less one,*" to exclude the extension of the warp or the woof, which R. Jehudah added to the principal acts; but the rabbis said: Extending the warp is included in warping and extending the woof is included in weaving.

MISHNA III.: And there is also another rule which was laid down: Whosoever carries out on the Sabbath such things as are fit and proper to be stored and in such a quantity as is usually stored, is liable; but whatever is not fit and proper to be stored, nor in such a quantity as is generally stored, only *he* who would store *this* is liable (because the storing shows that for him it is valuable).

GEMARA: "*Whatever is not fit and proper.*" Said R. Elazar: The latter part of the Mishna is not in accordance with R. Simeon b. Elazar, who said in the following Boraitha: "There is a rule that all which is *not* fit and proper to be stored nor in

such a quantity as is generally stored, if held by one man fit and another man has carried it out, the latter becomes liable for the intention of the owner."

MISHNA IV.: It is forbidden to carry about chopped straw in quantities of a cow's mouthful, stalks in quantities of a camel's mouthful, stubble in quantities of a lamb's mouthful, herbs in quantities of a kid's mouthful, leek and onion leaves, if fresh, equal in size to a dried fig, and if dry in quantities of a kid's mouthful. The different kinds of fodder are, however, not to be counted together, as the prescribed quantities are not equal for all.

GEMARA: "*Chopped straw.*" What kind? Said R. Jehudah: "Pease stalks." When Rabhin came to Babylon he said thus: There is no diversity of opinion concerning the carrying out of straw in quantities of a cow's mouthful for a camel, as all agree that in such a case one is liable; the point of their differing is concerning the carrying out of stalks (which is not fit food for a cow) in quantities of a cow's mouthful for a cow. R. Johanan frees him, as he holds that unfit food cannot be regarded as nutrition; and Resh Lakish makes him liable, as he holds that even such is considered nutrition.

"*Stubble in quantities of a lamb's mouthful.*" But does not a Boraitha state "the size of a dried fig"? Both quantities are equal.

"*Leek and onion leaves, if fresh,*" etc. Said R. Jossi b. Hanina: Inferior food is not to be counted in with superior (in order to make out the prescribed quantity). Superior food, however, may be counted with the inferior (in order to complete the prescribed quantity).

MISHNA V.: The carrying out of an article of food the size of a dried fig makes one liable. And the different kinds of them are to be counted together, for the prescribed quantity is the same for all kinds, with the exception of husks, kernels, and stalks; likewise bran, both coarse and fine. R. Jehudah says that the husks of lentils are not excepted, because they are boiled with the lentils and are counted in the same (as food).

GEMARA: "*Except bran,*" etc. Is not fine as well as coarse bran to be counted in (the same as food)? Is there not a Mishna concerning the separation of the first dough, that one is bound to separate the first dough made of flour mixed with its fine or coarse bran? Answered Abayi: "This is no contradiction. Poor people only generally use such mixed flour (when Sabbath is concerned something possessing real value is always spoken of)."

"The husks of lentils are not excepted," etc. Husks of lentils only, and not of beans? Did not a Boraitha state that R. Jehudah said, "husks of beans and lentils"? This presents no difficulty. The Mishna refers to husks of new lentils and the Boraitha refers to old lentils and beans. And why not old ones? Said R. Abuhu: Because they (the husks of lentils and beans) are black and when dished up look like flies in a bowl (they are *not* eaten with the food and therefore are not counted in).

CHAPTER VIII.

REGULATIONS CONCERNING THE PRESCRIBED QUANTITIES OF VICTUALS AND BEVERAGES WHICH MUST NOT BE CARRIED ABOUT ON THE SABBATH.

MISHNA I. : The prescribed quantities (of victuals and beverages) prohibited to be carried about on the Sabbath (are as follows): Sufficient wine in a goblet, which with the addition of a certain quantity of water would make a full goblet of wine (fit to drink); * milk to the quantity of a mouthful, honey sufficient to cover a wound with, oil sufficient to anoint a small limb with, and water in quantities sufficient for a medical bath for the eyes. For all other liquids and also of whatever can be poured out, the prescribed quantity is a quarter of a lug (about a quart). R. Simeon says: The prescribed quantities for the liquids enumerated in this Mishna are also a quarter of a lug, and the various prescribed quantities specified apply only to those who store such liquids.

GEMARA: A Boraitha, in addition to this Mishna, states: "The quantity which suffices for a good goblet of wine." What is to be understood by a good goblet? The goblet used in benediction † after meals.

R. Na'hman in the name of R. Abuhu said: "A goblet used at benediction after meals must contain no less than a fourth of a quarter lug (of pure wine), so that when mixed with water the prescribed quantity (a quarter lug) will be made." Said Rabha: We have learned this in our Mishna: "Sufficient wine in a goblet, which with addition of water would make a full goblet"—commented on by the Boraitha to mean "which would make a good goblet." From the close of the Mishna we learn: "For all other liquids the prescribed quantity is a quarter of a lug." [And] he is in accordance with his theory elsewhere, that wine which is not strong enough to be mixed with three parts of water is not

* The wines used in Palestine were so strong that they had to be mixed with water in order to make them fit to drink.

† At the benediction after meals a goblet possessing certain qualities and which is called a goblet of benediction must be used, as ordained in the Tract Benedictions.

considered wine at all. Said Abayi: "There are two objections to this: Firstly, there is a Mishna that wine fit to drink is such as has been mixed with two-thirds water, like the wine of Sharon; secondly, do you think that the water in the pitcher (intended for mixing with the wine) is counted in?" Rejoined Rabha: The first objection does not hold good, as Sharon wine is an exception, which although weak is nevertheless good; or it may be that there the particularity is the color, which is not changed by an addition of two-thirds; but concerning taste, I say that only one which can bear three-fourths of water is considered. As to the second objection, concerning water in the pitcher, it is also nothing as concerning Sabbath. The quality and not the quantity is considered, and the wine in question is of that quality.

There is a Boraitha that the prescribed quantity for the extract of wine is the size of an olive. So said R. Nathan. And R. Joseph said that R. Jehudah agrees with him in a Mishna, Tract Nidah (which will be translated there).

The rabbis taught: The prescribed quantity for animal milk is the equivalent of a mouthful; for human milk and the white of an egg, as much as is used for the preparation of a salve for a sore eye; when mixed with water, the prescribed quantity is as much as is used to bathe both eyes with.

"Honey sufficient to cover a wound with." A Boraitha states: "Sufficient to cover the mouth of a wound with."

Said R. Jehudah in the name of Rabh: The Holy One, blessed be He, has created nothing useless in the world. He created the snail as a remedy for a sore, the fly for the sting of a wasp, the mosquito for the bite of a serpent, the serpent for the mange, and the lizard for the bite of a scorpion.

The rabbis taught: There are five terrors through which the strong succumb to the weak. The Maphgia terrorizes the lion,* the mosquito the elephant, the lizard the scorpion, the swallow the eagle, and the kilbith (a small fish) the whale. Said R. Jehudah in the name of Rabh: Is any similarity to be found in the Scripture? [Amos, v. 9]: "That causeth wasting to prevail against the strong."

R. Zera once met R. Jehudah standing at the door of his (R. Jehudah's) father-in-law in a very cheerful mood, and disposed to answer a whole world full of questions. He asked

* Maphgia is a species of insect, unknown to us at the present day, of which Rashi said that it was a small animal whose voice was so strong that when a lion hears it, he is afraid of it, taking it for a very great animal.

him: "What is the reason that (in a flock) the she-goats generally go ahead of the sheep?" And he answered: "In accordance with the Creation: At first darkness, then light" (she-goats are generally dark and lambs [or sheep] white). "Why are she-goats not covered with a tail?" asked the former again. And he answered: "Those who cover us are (in turn) covered, and those that do not cover us are not covered." (Because sheep provide us with wool, they are also provided with cover.) "Why has a camel a short tail?" "Because it feeds on thorns (in order that the thorns may not catch in its tail)."

And "Why has an ox a long tail?" "Because he grazes in plains and must protect himself from the gnats." "Why are the feelers of a locust soft?" "Because the locusts swarm in fields; were their feelers hard, the locusts would be blinded by losing them in knocking against trees, for Samuel said, all that is necessary to blind a locust is to tear off his feelers." "What is the reason that the lower eyelids of a hen are turned up (and cover the upper eyelids)?" "Because a hen soars to her roost and (in a house full of smoke) she might be blinded by the smoke from below."

The rabbis taught the following: "Three creatures grow stronger as they grow older, viz.: Fishes, serpents, and swine."

"*Oil sufficient to anoint a small limb with,*" i.e., a little finger. At the school of R. Janai it was thus explained: "It means the smallest limb of a one-day-old infant." And the same was said by R. Simeon b. Elazar.

"*Water sufficient for a medical bath for the eyes.*" Said Abayi: Let us see! Of an article which is very often used for one purpose and seldom for another, the rabbis always leniently permitted the maximum quantity to be used, as the prescribed quantity, of the article much in use. Again, when an article is used alike for several purposes, the rabbis restrict the prescribed quantity to its minimum: (to be more explicit) wine is frequently used as a beverage and only at times as a medicament; hence the rabbis regard it solely as a beverage (and determine the maximum quantity); the same is the case with milk; honey, however, which is used to a greater extent as a medicine than for nutritive purposes, is regarded as a medicine and therefore restricted to the prescribed quantity for medicines (which is a smaller quantity than a beverage). What is the reason, then, that the rabbis restrict water, which is certainly more of a beverage than a medicament, to the minimum quantity? Rabha answered: They

hold with the opinion of Samuel, who declared that all liquids used as medicine for the eyes inflame and blind, except water, which soothes and does not blind (and in this case the Mishna has reference to one who carried about water on the Sabbath as a medicament for the eyes).

"For all other liquids, the prescribed quantity is a quarter of a lug." The rabbis taught: For blood and all other liquids the prescribed quantity is a quarter of a lug. R. Simeon b. Elazar said the prescribed quantity for blood is as much as is used to apply to one eye; because that quantity is used when the eye is afflicted with a cataract.

All these prescribed quantities apply only to those who carry (the victuals or beverages) about. To those, however, who store them (the victuals or beverages) the carrying of even the least imaginable quantity is prohibited (because from his storing them we see that he considers them valuable); but R. Simeon says all these prescribed quantities apply to such as stored (victuals and beverages and hence considered them valuable); but as for persons who only carried them out, for all beverages (whether used also for medical purposes or not) if carried out in any quantities less than a quarter of a lug there is no culpability.

The former teacher said that "those prescribed quantities only refer to those who carry out," but to "those who store them the carrying of even the least imaginable quantity is prohibited." Is the one who stores not also a carrier (he is culpable for carrying and not for storing)?

Answered Abayi: The Boraitha treats of a case where a master ordered his retainer to clear off the table. If the retainer removed something of value to everybody from the table, it constituted a quantity which must not be carried about on the Sabbath. If the thing was of value only to the master and the retainer carried it out, he (the retainer) is culpable, in spite of the fact that the thing was of value to his master alone. (Hence he is called one who stores, and not a carrier) for it signifies that the thing is worth storing.

Again, the former teacher said: "And the sages agree with R. Simeon that the prescribed quantity of slops is a quarter of a lug." Of what use are slops? Said R. Jehudah: "To prepare mortar with." But were we not taught that the prescribed quantity for mortar is only as much as suffices to make the mouth of a bellows-pipe with? Aye, but for the purpose of preparing mortar, a man would not trouble himself to carry out so small

a quantity as is sufficient to make a mouth of a bellows-pipe, hence a quarter of a lug would be the least that would be carried out to make mortar with.

MISHNA II.: The prescribed quantity for rope is as much as suffices to make a handle for a basket; for reeds, as much as suffices to hang a fine or coarse sieve thereon: R. Jehudah says: As much as is sufficient to take the measure of a child's shoe; for paper, as much as suffices to write a toll-bill on—a toll-bill itself must *not* be carried out; the prescribed quantity for paper that has been erased is as much as will wrap the top of a perfume bottle. The prescribed quantity for vellum is as much as suffices for the covering of an amulet; for parchment, as much as suffices for the writing of the smallest portion of the phylacteries, which is "Hear, O Israel"; for ink, as much as is necessary for the writing of two letters (characters); for paint, as much as will paint one eye. The prescribed quantity for (bird) lime is as much as will suffice to put on a lime twig; for pitch or sulphur, as much as will cover a hole (in a quicksilver tube); for wax, as much as will fill up a small leakage (in a utensil); for loam, as much as suffices to make an orifice for a pair of bellows used by goldsmiths; R. Jehudah says the prescribed quantity for loam is as much as will make a stand for a goldsmith's crucible; for clay, as much as will cover the mouth of a goldsmith's crucible; for lime, as much as will cover the little finger of a maiden; R. Jehudah says for lime the prescribed quantity is as much as will cover the temple of a maiden; R. Nehemiah says as much as will cover the back part of a maiden's temple.

GEMARA: "*For paper, as much as suffices to write a toll-bill on.*" There is a Boraitha: "The legal size of a toll-bill is a piece of paper large enough to contain two letters." Is this not contradictory to the Boraitha which says that the carrying out of a piece of blank paper large enough for two letters of ordinary size to be written on makes one liable? Answered R. Shesheth: "The two letters referred to by the Mishna are the letters used by the toll-master (usually extra large letters). Rabha, however, said that the piece of paper referred to is large enough for two letters and has a margin by which it can be held.

The rabbis taught: If one carry out on the Sabbath an unpaid promissory note he is liable, but not so for a paid one. But R. Jehudah said: The same is the case with a paid-up note, for its value lies therein, that the owner may show it to a prospective creditor in order to prove promptness of former payments. What

is the point of their differing? Said R. Joseph: "They differ if it is allowed to preserve a paid note. According to the rabbis it is prohibited, and according to R. Jehudah it may be done.*

"*For vellum is as much as suffices to make a cover for an amulet.*" Rabha questioned R. Na'hman: "Of what size?" and the latter answered: "As we were taught in the Mishna, as much as will suffice to make a cover for an amulet." And what is the size in regard to tanning? The same quantity. And where do you take this from? From the Mishna farther on, that gives the same quantity for wool preparing to be woven and for already woven. The same is here as it is for tanning; the quantity is the same as if already tanned. (The further discussion is repeated in many places, and each is translated in its proper place.)

"*Parchment as much as suffices to write thereon the smallest portion,*" etc. Is this not a contradiction to the Boraitha which teaches that the prescribed quantity for parchment and double parchment (δο-ξέστος) is as much as suffices to write a Mezuzah (inscription on the door-posts) on? The Mezuzah mentioned in the Boraitha refers to the Mezuzah contained in the phylacteries. Does the Boraitha call phylacteries Mezuzah? Yea, it does elsewhere. But since the latter part of the Boraitha teaches explicitly that the prescribed quantity for parchment is as much as is required for writing the smallest portion of the phylacteries, which is "Hear, O Israel," is it not to be assumed that in the former part of the Boraitha a Mezuzah proper is meant? Read: What is the prescribed quantity for parchment and double parchment? For the latter as much as is required for the writing of a Mezuzah; and the former, for the writing of the smallest portion of the phylacteries, which is "Hear, O Israel."

Rabh said: "Double parchment is the same as parchment. The same as we may write the portions of the phylacteries on parchment, so may we also write them on double parchment." Were we not taught "*parchment* sufficient," etc., which certainly does not mean double parchment? Nay, it is only a better observance to write on parchment than on double parchment.

"*For ink,*" etc. A Boraitha adds: The prescribed quantity for dry ink is as much as will suffice for the writing of two letters; for prepared ink as much as a quill or stub will require to write the two letters with. Said Rabha: For carrying out suffi-

* Abayi and Rabba also discuss the same note, but this is repeated in the Third Gate, in whose translation we are now engaged, and is, therefore, omitted here.

cient ink for two letters and writing the two letters while carrying the ink, one is culpable; for the writing is equivalent to depositing a thing in a place. But for carrying out sufficient ink for one letter only, and writing that letter while carrying the ink, afterward carrying out another quantity of ink sufficient for one letter and writing the other letter while carrying the ink, one is not culpable; for by the time the second letter was written (the ink of the first letter dried out and) the prescribed quantity of ink was not visible. Again Rabha said: For carrying out food to the size of one-half of a dried fig, laying it down, and then carrying out another quantity of like size (one is not culpable), for it is considered as if the first quantity had been consumed by fire. But why should it be thus considered? Is it not lying there yet? He means to say: If one picked up the first before he laid down the second, the first is to be considered as if consumed by fire, and hence one is not culpable.

"*For paint,*" etc. Is it not a fact that people never dye one eye only? Said R. Huna: Modest women veil one eye and only paint the other. To this explanation some one objected, viz.: For paint as a remedy the prescribed quantity is as much as will dye one eye, said R. Simeon b. Elazar, but as a means for beautifying the prescribed quantity is as much as will dye two eyes. Hillel, the son of R. Samuel b. Nahmeni, explained it by saying that R. Simeon b. Elazar referred to country damsels who dye both eyes.

"*For bird lime as much as is sufficient to put on a lime twig.*" There is a Boraitha: As much as is sufficient to put on a twig for the purpose of catching birds.

"*For pitch and sulphur,*" etc. A Boraitha states: Sufficient to fill up a hole in a quicksilver tube.

"*For loam,*" etc. A Boraitha states: Sufficient to fill up the cracks in a small stove.

"*For clay,*" etc. The rabbis taught: It is prohibited to carry out hair for the purpose of mixing it with clay used to cover a goldsmith's bellows-pipe with.

"*For lime,*" etc. A Boraitha states: To cover the smallest finger of a damsel. Said R. Jehudah in the name of Rabh: Daughters of Israel, when they become of age, and they have not yet developed the signs of puberty, the poor smear their bodies with lime, the rich ones with fine meal, and princesses with myrrh oil. What is myrrh oil? *στακτη*. And R. Jeremiah b. Aba said: Olive oil from olives which were only one-

third ripe. There is a Boraitha: R. Jehudah said: It is called (in Menachoth) *anphiknun* (*ομφανιον*); and why do they anoint with this? Because it removes the hair and makes the complexion clear. R. Bibi had such a daughter and he anointed her with the same, each member of her body separately; and finally one of the prominent men paid him four hundred zuz and married her. He had a Gentile neighbor who also had such a daughter, and he anointed her whole body at one time, and she died; said he: "R. Bibi has murdered my daughter." Said R. Na'hman: "R. Bibi, who used to drink beer, his daughter needed the anointing, but our daughters do not need it, for we do not drink beer."

"*As much as is sufficient to cover*," etc. What is meant by Kalkub and Andiphi? Said Rabh: The temple, and the hair between it and the ear. Are we to understand from the Mishna that the prescribed quantity permitted by R. Jehudah is larger than that of the rabbis? Is it not a fact that the rabbis allow the larger prescribed quantity? Aye; R. Jehudah allows a larger quantity than R. Nehemiah, but still a smaller quantity than the rabbis. Or it is possible that an Andiphi means a forehead, from the following narration: "It happened that a Galilean once came to Babylon and was requested to lecture on metaphysics. The Galilean consented and began: I will interpret to you something in the style of R. Nehemiah. Meanwhile a wasp flew out of the wall, stung him on the Andiphi (forehead) and the Galilean died on the spot. It was said that he died a merited death."*

MISHNA III.: For sealing-wax the prescribed quantity is as much as is required for the sealing of a bale of goods, so is the decree of R. Aqiba; the sages, however, say for the sealing of a letter. For dung or fine sand as much as is required to fertilize (the soil around) a cabbage stalk, according to R. Aqiba, and to the sages as much as is required to fertilize (the soil around) a leek stalk. For coarse sand as much as is required to fill a trowel, for reed as much as is required to make a writing-pen from, or should it be thick or split, as much as is required to fry the softest beaten egg with, (which) mixed with oil, (lies) in a hot shell.

GEMARA: "*Sufficient to fill a trowel*." A Boraitha states: (For coarse sand the prescribed quantity is) as much as is required

* A Mishna teaches elsewhere that it is a sin to lecture on metaphysics, outside of the university.

to fill the trowel of a plasterer. Who is the Tana that holds that sand is an improvement on plaster? Said R. Hisda: R. Jehudah of a Boraitha (Baba Bathra, 60b); Rabha, however, said it may be also in accordance with the rabbis, as they hold that the spoiling (of the whiteness) of the plaster (through the admixture of sand) is an improvement of its durability.

"For reed as much as is required to make a writing-pen." A Boraitha teaches: A pen that reaches the joints of the fingers.

"Or should it be thick." A Boraitha teaches: To fry a beaten egg mixed with oil. Said Mar b. Rabhina to his son: "Didst thou ever hear what is understood by the softest egg?" He answered that R. Shesheth said it was a hen's egg. Why does the Mishna call it a light (soft) egg? Because the sages found that no eggs are cooked as quickly as pullets' eggs. Why is it that all other prescribed quantities prohibited to be carried out on the Sabbath are of the size of a dried fig, and here the quantity is of the size of an egg? Answered R. Na'hman: "Even here is meant the quantity of a dried fig from an egg."

MISHNA IV.: The quantity of a bone is that large enough to be made into a spoon—R. Jehudah says large enough to be made into a key; glass of sufficient size to be used for scraping off the points of a weaver's spindles; a splinter or a stone large enough to throw at a bird—R. Elazar b. Jacob says to throw at an animal.

GEMARA: Is it to be understood from the Mishna that the prescribed quantity allowed by R. Jehudah is larger than that allowed by the rabbis? Is it not a fact that the rabbis allow the larger? Said Ulla: (R. Jehudah refers to) the tooth of a key.

"Glass of sufficient size," etc. A Boraitha states: Sufficient glass to cut two threads at once.

"A splinter," etc. Said R. Na'hman in the name of R. Johanan: "Provided it is large enough to hurt." But how large should it be? R. Elazar b. Jacob teaches in a Boraitha: The weight of ten zuz.

Zunin once entered the college and questioned the teachers. "What is the prescribed quantity for gravel used in privy for toilet purposes?" He was answered: "The equivalent in quantity to the size of an olive, a nut, or an egg." Said he: "It would then be necessary to carry along a scale." So they deliberated, and decided that the quantity should be a handful.

Rabba b. R. Shilla asked of R. Hisda: "Is it permitted to carry up gravel to the roof (for the purpose cited above, as it is

extra trouble, which is prohibited on the Sabbath)?" He answered: "Precious is the honor of man. For honor's sake, even a direct scriptural commandment may be circumvented!"

Said R. Johanan: It is forbidden to use fragments of earthenware for toilet purposes (after doing one's necessities) on the Sabbath. What is the reason? Is it to say because it is dangerous, then it should be forbidden also on week days; or is it to say because of witchcraft, it would also be prohibited on week days? What then is the reason? Is it because it may remove the hair (from the posterior)? Would this not be an act performed without intention (and work done unintentionally, he is of the opinion is permissible)? R. Nathan b. Ashia answered: A great man made the assertion; we have to find, therefore, a reason for it. There is no doubt whatever that fragments of earthenware are prohibited to be used on week days, when some other things can easily be obtained; but on Sabbath, if nothing else happens to be on hand, nor may be bought, the fragments might be considered as utensils; and, lest one might be inclined to think that for this reason they would be permitted to be used, he informs us that they are not. Can witchcraft be exercised through the agency of fragments? Aye; for the following proves it:

R. Hisda and Rabba b. R. Hana once travelled in a ship, and a matron who wanted to go on the same ship asked their permission to sit down near them, which they refused. She pronounced a certain word and the ship stood still, but they in turn pronounced a certain word and the ship moved on. She then said: "It grieves me sorely that I cannot inflict some punishment on you, seeing that you use no fragments for toilet purposes, nor do you kill the vermin in garments, nor do you pull out vegetables from a bundle (but cut the bundle first)." (Hence it may be seen that fragments can be used as a means for the exercise of witchcraft.)

R. Huna said to his son Rabba: Why do you not go more frequently to R. Hisda, who expounds the law so pointedly? Answered the son: "Of what use would it be? He never taught me but mere worldly knowledge, such as, for instance: Not to sit down to excrementize with a jerk nor to force myself too much, lest the intestines come out and endanger life." R. Huna then rejoined: "Thou sayest 'mere worldly knowledge.' He is interested in the life of the people, and you call it mere worldly knowledge. So much the more should you go to him."

R. Hisda and Rabbina differ as to the consequences of one withholding to perform his necessities. One is of the opinion that foul breath is the result, while the other holds that the entire body assumes a bad odor. The opinion of the latter is supported by the following Boraitha: "He who takes nourishment while in need of performing his necessities is compared to a stove in which a fire was built without previously removing the ashes, which is invariably the cause of a bad smell. One who feels like performing his necessities, but cannot do so, R. Hisda advises that he keep on sitting down and getting up until able. R. Hanan from Neherdai advises him to look for another place, but the rabbis say the sole remedy is to think of nothing else."

The rabbis taught: One who is about to eat a hearty meal should walk ten times four ells or four times ten ells, then perform a (natural) necessity, and after that go in and sit down to the meal.

MISHNA V.: The prescribed quantity of fragments (of earthenware) is the size of such as are placed between two boards, is the decree of R. Jehudah. R. Meir says, of a size sufficient to stir a fire with. R. Jossi, of a size to receive (hold) a quarter of a lug. Said R. Meir: Although no positive proof for my assertion can be found in the Scripture, still a vague reference can be deduced from the passage [Isaiah, xxx. 14]: "So that there cannot be found among their fragments a sherd to rake fire from a hearth." Said R. Jossi: "Therefrom you would adduce your proof? It says immediately after that [ibid., ibid.], 'and to draw water from a pit.'"

GEMARA: We must assume that the prescribed quantity allowed by R. Jossi is larger than that allowed by R. Meir; but the scriptural text shows that R. Meir allows the larger; because, is it possible that the prophet will curse them with a larger object after having cursed them with a smaller? Said Abayi: R. Meir also means a fragment used to stir a big fire with; hence his fragment is larger than R. Jossi's.

"Said R. Jossi," etc. Is not R. Jossi's answer correct? What could R. Meir rejoin? R. Meir might say that the prophet intends to convey that not only shall they not have anything of the least value left, but they shall not even have anything that is as valueless as a piece of fragment big enough to contain a drop of water.

CHAPTER IX.

RABBI AQIBA'S REGULATIONS ON DIFFERENT SUBJECTS.

MISHNA I. : R. Aqiba said: Whence do we deduce that one who carries an idol is as unclean (ritually) as a woman suffering from menstruation? From the passage [Isaiah, xxx. 23]: "Thou wilt cast them away as a filthy thing.* 'Get thee hence!' wilt thou say unto them." Thus, in the same manner as a woman suffering from menstruation causes (ritual) uncleanness, so does also an idol.

GEMARA: Rabba said: The passage mentioned in the Mishna should be interpreted thus: "Estrange† them from thyself as a stranger; Get thee hence, say unto him, but tell him not to come in!" Further Rabba said: It is unanimously conceded that the carrying of idols causes (ritual) uncleanness and hence it is compared to menstruation, but there is a dissenting opinion among the rabbis concerning a stone (used as a pedestal for an idol or upon which a woman suffering from menstruation chanced to sit) beneath which there were utensils. R. Aqiba holds that idols are regarded the same as menstruating women and the vessels beneath the stone become defiled (for the reason that the stone is the basis of the idol, and the former becomes part of the idol, and hence everything beneath it becomes defiled), but the rabbis regard an idol as a reptile, *i.e.*, as a reptile lying upon a large stone (in which case any utensils chancing to be beneath the stone do not become defiled). This decree is unanimously conceded.

R. Ahadbou b. Ami asked: What about an idol smaller in size than an olive? R. Joseph objected to this question: What is the purpose of the query? Does it refer to the prohibition of idolatry? Even an idol the size of a fly, like the idol of the

* The Hebrew term used for "filthy thing" in the passage is "Davah," and in Leviticus, xx. 18, Davah is translated, "a woman suffering from her separation (menstruation)."

† The word "Tizrom" (cast them away) Rabba holds to be a derivation from the word "Zar" (strange) and not from "Zarah" (cast away).

Ekronites, which was called Zebub * (fly) is also prohibited; for we are taught it is written in the passage [Judges, viii. 33]: "And they made themselves Baal-berith for a god"; by Baal-berith is meant the Zebub (fly) idol of Ekron, and every idolater (at that time) made an image of his idol in miniature in order to keep it constantly at hand and to be able at any time to take it out, embrace, and kiss it; hence there is no question as to size. Nay, the query of R. Ahadbou is in regard to causing defilement? Either it is regarded as a reptile and defiles, even if only of the size of a lentil, or it is considered as a corpse and causes defilement if it is the size of an olive. (A part of a corpse the size of an olive causes the person touching it to become defiled.) Answered R. Ivia, and according to others Rabba b. Ulla: "Come and hear the following Boraitha: 'No defilement is caused by idols smaller than olives, for it is written [II Kings, xxiii. 6]: "And cast its powder upon the graves of the children of the people."'" (The adduction is) that as a corpse cannot cause defilement by a part less than the size of an olive, the same is the case with idols, which are regarded as corpses.

MISHNA II.: (R. Aqiba says again:) Whence the adduction that a ship, though a wooden vessel, is not subject to defilement? From the passage [Prov. xxx. 19]: "The way of a ship is in the heart of the sea."

GEMARA: It is certain † that R. Aqiba intends to convey to us that the reason the passage cited in the above Mishna informs us of a fact known to all is because the sense is to be construed thus: In the same manner as the sea is not subject to defilement, so also a ship can never become defiled.

There is a Boraitha: Hananyah said: We make the adduction from a sack (which is subject to defilement) that everything which can be carried after the manner of a sack, sometimes full and at other times empty, is subject to defilement, except a ship, which cannot be carried at all, full or empty. What are the points of difference in the two adductions (of R. Aqiba and Hananyah)? They are concerning a small (river) boat. One holds that all boats (ships) must be regarded as the sea itself (hence not subject to defilement), while the other is of the opinion that a small (river) boat must be regarded as a sack because it is

* See II Kings, i. 2.

† The term "it is certain" (peshitah) is generally used by the Gemara in the sense of the question, "Is it not self-evident?" In the above case, however, it is intended for an explanation of the reason for R. Aqiba's adduction. See Rashi.

carried to the place whence it is launched and hence is subject to defilement; as R. Hanina b. Aqa'bbia said: Why did the rabbis say that a small (river) boat is subject to defilement? Because it is usually loaded in the dry dock and then carried into the river.

Rabbi Johanan in the name of Rabbi said: "One should not absent himself from the college even for one hour. Behold, this teaching (concerning a river boat) has been taught in the schools for many years and no one knew the reason for it until R. Hanina b. Aqa'bbia came and explained it."

R. Jonathan said: One should never absent himself from the house of learning or abstain from learning the law, even when at the point of death, for it is written [Num. xix. 14]: "This is the law, when a man dieth in his tent"; (*i.e.*) even at the point of death man must occupy himself with the study of the law. Resh Lakish, however, adduces from the same verse that one does not retain (in memory) the law, unless he is ready to die for it.

MISHNA III.: (R. Aqiba said:) Whence do we adduce that in a patch of ground six spans long by six spans wide five different kinds of seed may be planted—one kind each in each of the four corners and one in the centre of the patch? From the passage [Isaiah, lxi. 11]: "For as the earth bringeth forth her growth, and as a garden causeth what is sown therein to spring forth." (We see then) it is not written "as a garden causeth *its seed* to spring forth," but *what is sown therein*.

GEMARA: How is this to be understood from that passage? Said R. Jehudah: The passage cited in the above Mishna is to be thus explained: "The earth *bringeth forth* her growth." "Bringeth forth" (which is in the singular) can be counted for "one" (kind of seed). Her "growth" (also singular) can also be counted for "one." (Now we have two.) "What is grown therein" (evidently plural) can be counted for two more (making four), and "to spring forth" (in the singular again) can be counted as one, making five in all; and (as far as the six spans square are concerned) the rabbis are quite certain (through tradition) that five different kinds of seed in a patch six spans square do not interfere with one another. But whence do we know that the assurance of the rabbis can be depended upon? Answered R. Hyya b. Aba in the name of R. Johanan, from the passage [Deut. xix. 14]: "Thou shalt not remove the landmark of thy neighbor, which they of old time have set," which is to be explained: "Thou shalt not go beyond what is limited by those

of old." But what have those of old limited? Answered R. Samuel bar Na'hmeni in the name of R. Jonathan: "It is written [Gen. xxxvi. 20]: "These are the sons of Seir the Chorite, who inhabited the land." Only they inhabited the land? Did the rest of mankind inhabit heaven? It simply means to state that they made the earth inhabitable by their knowledge of agriculture and their experience as to what ground is adapted for the planting of olive trees, vines, date trees, etc.

R. Assi said: "The teaching of R. Aqiba in the Mishna refers to a patch of ground six spans square, excluding the corners."

Rabh said: "The above Mishna has reference only to an isolated patch (or furrow) of ground, but in a furrow surrounded by others one can *not* sow five kinds of grain, (as it is necessary to have a space of three spans dividing one kind from the other). Are there not corners, however, (to the furrow)?" The school of Rabh explained, in the name of Rabh, that reference is made to furrows into the corners of which grain had been sown.

Samuel, however, said, even in a furrow surrounded by other furrows. But will not the seeds interfere one with another? Samuel refers to furrows which are planted alternately from north to east and from south to west.*

MISHNA IV.: (R. Aqiba says again): Whence the adduction that a woman, from whom seed of copulation † escapes only on the third day (after lying with her husband), is unclean? From the passage [Exodus, xix. 15]: "And he said unto the people, Be ready against the third day. Approach not unto a woman." Whence the adduction that a child may be bathed on the third day of its circumcision, even if that day fall on a Sabbath? From the passage [Gen. xxxiv. 25]: "And it came to pass on the third day, when they were sore." Whence the adduction that a string of crimson wool must be tied on the head of the goat that was to be sent away? ‡ From the passage [Isaiah, i. 18]: "Though they should be red like crimson, they shall become (white) like wool." Whence do we adduce that anointing one's self on the Day of Atonement is equal to drinking? Although no positive proof is apparent, still a reference

* Rashi declares this to be the best possible explanation of Samuel's opinion, and says that many others offered many different explanations, none of which are comprehensible.

† See Leviticus, xv. 16, 17, 18, and *ibid.* xlii. 4.

‡ See Lev. xvi. 21.

can be adduced from the passage [Psalms, cix. 18]: "And it cometh like water on his body and oil into his bones."

GEMARA: The first part of the Mishna (treating of a woman) is not in accordance with the opinion of R. Elazar b. Azaryah, who declares her (the woman) clean in that case; the second part of the Mishna, however, (treating of bathing on the third day after circumcision) is in direct accord with his own words (as will be seen in Chapter XIX.). Therefore some rabbis claim that the first part of the Mishna reads clean instead of unclean, *i.e.*, that the whole Mishna is according to the opinion of R. Elazar b. Azaryah, but other rabbis claim that the first part of the Mishna is according to the opinion of other Tanaim, who differ with Elazar b. Azaryah (and the word unclean is correct).

"*And they shall be ready against the third day*" [Ex. xix. 11]. R. Ada b. Ahbha said: "Moses went up (to the Mount Sinai) at daybreak, and descended the following break of day." He went up at break of day, as it is written [Ex. xxxiv. 4]: "And Moses rose up early in the morning and went up unto Mount Sinai." He descended on the following daybreak, as it is written [ibid. xix. 24]: "Go, get thee *down*, and then shalt thou come *up*, thou, and Aaron with thee." We see that the Scripture compares the descending to the ascending, and as the ascending was early in the morning, so was also the descending early in the morning.

The rabbis taught: The decalogue was given to Israel on the sixth day of the (third) month, but R. Jossi said on the seventh day.

Said Rabba: All agree that on the first day of the (third) month the Israelites arrived at the wilderness of Sinai. It is adduced from the analogy of the word "this"; [Ex. xix. 1] "on *this* day they arrived at the wilderness of Sinai," and [Ex. xii. 2] "*this* month to be to you the first of months." As in the latter instance the "this" referred to the first, so does it also in the former; furthermore (he said), all agree that the law was given to Israel on a Sabbath; this is to be adduced from the analogy of the word "remember" [Ex. xx. 8]: "*Remember* the Sabbath day to keep it holy"; and [ibid. iii. 3]: "*Remember* this day on which ye came out from Egypt." As in the latter instance the very day of their coming out of Egypt is referred to, so is it also in the former instance. Where the rabbis do differ is what day was the first of the month. R. Jossi holds

that the first of the month was set on the first of the week, and on that day no commandments were given, because the children of Israel were tired from their long journey. On the second day (of the week) the Lord said to them: "Ye shall be unto me a kingdom of priests" [Ex. xix. 1]. On the third of the week he commanded them to keep away from the mountain. On the fourth to separate themselves from their wives. The rabbis, however, hold that the first of the month was set on the second of the week; that on that day nothing was commanded the Israelites, they being tired; on the third the cited passage [Ex. xix. 1] was said; on the fourth day they were to keep away from the mountain, and on the fifth to separate themselves from their wives.

An objection was raised: It is written [Ex. xix. 10]: "Go unto the people, and sanctify them to-day and to-morrow." Is this not contradictory to the statement of R. Jossi (in whose opinion the sanctification lasted three days)? R. Jossi may explain this thus: "Moses added one day upon his own authority," as we have learned in a Boraitha: "Three things were done by Moses upon his own authority, and the Holy One, blessed be He, agreed thereto. They are: He added one day (to the period of sanctification), he separated himself from a woman, and he broke the tablets into pieces." "He added one day upon his own authority." What was his object? The Lord said unto him: "To-day and to-morrow," and he construed the words as follows: "To-day must be equal (in duration) to to-morrow; as to-morrow includes the night, so must to-day; the night, however, having already passed, another day must be added in order to make up for the lost night." Whence do we know that the Lord agreed to this? Because the Shekhina did not appear on Mount Sinai until the Sabbath morn. What was the object of Moses in separating himself from a woman? He applied the order given the Israelites (to separate themselves from their wives) to himself in a so much larger degree (*i.e.*, the order having been issued to the Israelites for the reason that they would shortly hear the word of the Lord, it would be so much more proper for him, who frequently was spoken to by the Lord, to separate himself *entirely* from a woman). And whence do we know that the Lord agreed to this also? It is written [Deut. v. 27 and 28]: "Go, say to them, Return you unto your tents. But as for thee, remain thou here by me." And what was his object in breaking the tablets? He thought: "As concerning the

Passover sacrifice, which is only one of the six hundred and thirteen commandments, it is written [Ex. xii. 43]: 'No stranger shall eat thereof,' how can I give the tablets, which contain all the commandments, to the children of Israel, who are now all renegades?" And whence do we know that the Holy One, blessed be He, agreed even to this? It is written [Ex. xxxiv. 1]: "And the Lord said unto Moses, Hew thyself two tables of stone like unto the first; and I will write upon these tables the words which were on the first tables which thou didst break." Said Resh Lakish: "'Which thou didst break' really means, 'which thou didst break rightfully.'"

Another objection was raised: It is written [Ex. xix. 11]: "And they shall be ready against the third day." According to R. Jossi it should be the fourth day. This is no objection! as it is said above that Moses added another day upon his own authority. Come and hear another objection: "The sixth means the sixth of the week and of the month." Is this not contradictory to the statement of the rabbis, who say: "The first of the month was the second day of the week?" Yea, (it may be that) this Boraitha holds to the opinion of R. Jossi.

Come and hear: On the fourteenth day of the month of Nissan, during which (month) the Israelites went out of Egypt, they killed the Passover sacrifice and on the fifteenth day they went out. On the night before that the first-born of the Egyptians were beaten. That day (the fifteenth) was the fifth of the week. Now, if the fifteenth of Nissan was the fifth of the week, we must certainly say that the first of the next month (Iar) was Sabbath and the first day of the following month (Sivan) was the first day of the week. Is this not contradictory to the statement of the rabbis, that the first day of the month was the second day of the week? The rabbis might have assumed that the month of Iar was an intercalary month.

Said R. Habibi of 'Huzunah to R. Ashi: Come and hear: It is written [Ex. xl. 17]: "And it came to pass in the first month in the second year, on the first of the month, that the tabernacle was reared up," and a Boraitha teaches that this day was crowned tenfold, viz.: "That day was the first of the six days of the creation; the first of the days on which the first prince presented his offering before the altar; the first of the days on which the priests (Aaron and sons) did their work in the sanctuary; the first day on which the children of Israel brought their sacrifices into the tabernacle; the first of the days

on which the heavenly fire descended upon the altar; the first of the days on which the priests were permitted to eat the sacrifices in the tabernacle; the first of the days on which the Shekhina appeared in the tabernacle; the first day on which Aaron the High Priest blessed the Israelites in the tabernacle; the first of the days on which sacrifices were no more permitted to be brought on the high places outside of the tabernacle, and the first day of the first of the months." Now, if the first day of this year was the first day of the week, we must say the first of Nissan of the preceding year fell on the fourth day of the week, because we have learned in another Boraitha: "Anonymous teachers say that there can be not more than four days' difference between one New Year's day and another." If a leap year intervened, then there may be a difference of five days. Is this not contradictory to the opinion of both the rabbis and R. Jossi? According to R. Jossi there were seven short months (of twenty-nine days) in that year, but according to the rabbis there were eight such months, (consequently the difference from the last year was only in two days,) as this year was an extraordinary one. (And the first day of the month Iar of the last year was on Friday.)

Another objection was raised: We have learned in the Tract Seder Aulim that on the fourteenth day of the month of Nissan, during which (month) the Israelites went out of Egypt, they killed the Passover sacrifice; on the fifteenth they went out, and that day was Friday. Now, if the first of the month of Nissan of that year was Friday, we must say that the first day of the following (Iar) month was on the first day of the week and the first of the succeeding month (Sivan) was on Monday. Is this not contradictory with R. Jossi? R. Jossi will then say that this Boraitha is in accordance with the opinion of the rabbis.

Come and hear another objection: R. Jossi says: "On the second day Moses went up on the Mount Sinai and came back. The same he did on the third day, but on the fourth day, when he came back, he remained." Came back and remained? Whence did he come back—it does not say that he went up at all? Say, then, on the fourth day he went up, came back, and remained. On the fifth he built an altar and offered a sacrifice. On the sixth he had no time. Shall we assume that he had no time because on that day the Israelites received the Torah? (If we say that the second refers to the second day of the week,

it must be a fact that the Torah was given on Friday, and would this not be a contradiction to his [R. Jossi's] own opinion ?) Nay; he had no time because the Sabbath was at hand.

A Galilean lectured in the presence of R. Hisda: Praised be the merciful God, who gave a triple law (the Pentateuch, Prophets, and Hagiographa) to a triple people (Kahanites, Levites, and Israelites) through a man who was the third child of his parents (Miriam, Aaron, and Moses), on the third day of sanctification and in the third month. We see from this that the Galilean held in accordance with the teachings of the rabbis.

It is written [Ex. xix. 17]: "And they placed themselves at the foot of the mount." Said R. Abhdimi b. Hama b. Hassa: "It appears from this passage that the Holy One, blessed be He, inclined the mountain toward the children of Israel and gave them the choice of either accepting the Torah or being buried right under the mountain." Said R. Aha b. Jacob: "This would accord us the right to protest against any punishment inflicted upon us for violating the law. (For we were compelled to accept it.)" Said Rabha: Although (at that time they were compelled to accept it), at the time of Ahasuerus (King of Persia) they accepted it voluntarily. For it is written [Esther, ix. 27]: "The Jews confirmed it as a duty, and took upon themselves and upon their seed." And it is to be explained: "They took upon themselves voluntarily what at one time they were compelled to accept." R. Simai lectured: "At that time, when Israel answered to the information of Moses, 'We will do and we will obey,' six hundred thousand angels had furnished to every one of Israel two crowns: one for the answer 'We will do,' and one for the answer 'We will obey.' Thereafter when Israel sinned (with the Golden Calf) twelve hundred thousand destroying angels descended and took them away; as it is written [Exodus, xxxiii. 6]: 'The children of Israel then stripped themselves of their ornaments (they wore) from (the time they were at) Mount Horeb.'" Said R. Hami b. R. Hanina: "For in the same passage it may be deduced that in the same place where they were furnished they were taken away from them." Said R. Johanan: All of them were given as a reward to Moses, as immediately after the verse cited it is written: "And Moses took the tent," etc. Said Resh Lakish: We hope, however, that the Holy One, blessed be He, will return them to us, as it is written [Isaiah, xxxv. 10]: "And the ransomed of the Lord shall return, and come to Zion with song, with everlasting joy upon their

head." The expression everlasting means that it was already upon their heads at the time of reception of the Torah.

R. Elazar said: At the time the Israelites said "We will do" and afterward "We will obey" a heavenly voice (Bath-kol) was heard, which said unto them: "Who unfolded unto my children this mystery known only to the angels?" For it is written [Psalms, ciii. 20]: "Bless the Lord, ye his angels, mighty in strength, that execute his word, hearkening unto the voice of his word," and from this we see that only angels can execute first and then obey.

A Sadducee once noticed Rabha studying and observed that he in his absent-mindedness held his (Rabha's) finger underneath his knee and pressed it so hard that blood spurted from the finger. Said the Sadducee* to him: "Impetuous people, whose mouths precede your ears! Ye are still of the same vehemence! Ye must first hear the Torah before you accept it and not accept without knowing its prescriptions!" Answered Rabha: We who are upright men trusted Him, as it is said of us [Proverbs, xi. 3]: "The integrity of the upright guideth them," but to those men who are continually fault-finding the latter part of the same verse [ibid., ibid.] can be applied, viz.: "But the cunning of the treacherous destroyeth them."

R. Samuel b. Na'hmeni in the name of R. Jonathan said: It is written [Solomon's Song, iv. 9]: 'Thou hast ravished my heart, O my sister, (my) bride! thou hast ravished my heart with one of thy eyes.' This means: When thou didst but receive the Torah, it was with one of thy eyes. When thou wilt obey it, it will be with both of thy eyes.

R. Johanan said: It is written [Psalms, lxviii. 12]: "The Lord gave (happy) tidings; they are published by female messengers, a numerous host." This implies that every word emanating from the mighty God was heralded in seventy languages. The school of R. Ishmael, however, (adduced the same from another passage): It is written [Jeremiah, xxiii. 29]: "Is not thus my word like the fire? saith the Lord, and like a hammer that shivereth the rock?" As the hammer that strikes emits a multitude of sparks, so is every word emanating from the Holy One, blessed be He, heralded in seventy different languages.

* It is not meant a real Sadducee, as they did not yet exist in Rabha's time, but one of the other sects which opposed the oral law; and the name may be here a correction of the censor instead of *Akum*, as there are many such corrections of the censor. It may also be another sect for which the name Sadducee was borrowed.

R. Hananel b. Papa said: It is written [Proverbs, viii. 6]: "Hear! for of noble things will I speak." Why are the words of the Torah compared to a noble? To inform us that inasmuch as a noble has in his power the disposal over life and death, so have also the words of the Torah. This is similar to what Rabha said: To those who walk in the right ways of the law, it is an elixir of life, but to those who pursue not the right way, it is the poison of death.

R. Jehoshua b. Levi said: It is written [Solomon's Song, i. 12]: "A bundle of myrrh is my friend unto me, that resteth on my bosom." Said the Congregation of Israel: "Lord of the Universe! Although my friend chastiseth * me, still he resteth on my bosom!"

The same rabbi said: "It is written [Solomon's Song, v. 13]: "His cheeks are as a bed of spices, as turrets of sweet perfumes." Every word emanating from the Holy One, blessed be He, fills the whole world with the aroma of spices. If the world was filled with the aroma arising from the first word, where could the second word go? The Holy One, blessed be He, sent forth a wind from His store, which cleared off the aroma of each word, as it is written [ibid.]: "His lips like lilies, dropping with fluid myrrh." Do not read *Shoshanim* (lilies) but *Sheshonim* (learned men). The same said again that from each word which came from the Holy One, blessed be He, the soul of Israel was going out, as it is written [ibid., ibid. 6]: "My soul had failed me while he was speaking." But the Holy One, blessed be He, has let down the dew with which He will in the future make the resurrection and bring them to life; as it is written [Psalms, lxxviii. 10]: "Rain of beneficence didst thou pour down, O God!"

He also said: When Moses ascended into Heaven, said the angels before the Holy One, blessed be He, "Lord of the Universe! What has one born of a woman to do among us?"

The Lord answered: "He came to receive the Torah." Said the angels again: "Wouldst Thou give a precious thing that Thou hast preserved since nine hundred and seventy-four generations before the creation of the world to a being of flesh and blood? (It is written [Psalms, viii. 5]): What is the mortal, that thou rememberest him? and the son of man, that thou thinkest of him?" Said the Holy One, blessed be He, unto

* The Hebrew term for bundle is *Tzor*, and for oppressor is *Tzoror*; hence R. Johanan interprets *Tzor* as if it were *Tzoror*.

Moses: "Give thou them an answer!" Answered Moses before the Lord: "Lord of the Universe! What is written in the law, which Thou gavest unto me?" [Ex. xx. 2]. "I am the Lord, thy God, who have brought thee out of the land of Egypt." Moses then said to the angels: Were ye in Egypt? Have ye served Pharaoh? Of what use can the Torah be unto you? Further, what is written in the Torah [ibid. 3]: "Thou shalt have no other gods before me." Are ye among the nations that worship idols? And furthermore, what is written in the Torah? [ibid. 8]: "Remember the Sabbath day to keep it holy." Do ye any labor on the week-days? [Ibid. 7]: "Thou shalt not take the name of the Lord thy God in vain." Are ye merchants, that ye must swear? [Ibid. 13]: "Honor thy father and thy mother." Have ye fathers and mothers to honor? [Ibid. 12]: "Thou shalt not kill," etc. Is there any jealousy among you? Have ye any evil intent?

Then the angels confessed and praised the Holy One, blessed be He, as it is written [Psalms, viii. 10]: "O Eternal One, our Lord, how excellent is thy name on all the earth!" but the ending of the verse [ibid. 2], "Thou who hast set thy majesty above the heavens," is not cited in this verse. Then every one of the angels befriended Moses and each of them disclosed some mystery to him, as it is written [Psalms, lxxviii. 19]: "Thou didst ascend on high, lead away captives, receive gifts among men," which means that because at first the angels called Moses one born of a woman (man), they at the close gave him gifts, and even the Angel of Death disclosed a mystery to him, as it is written [Num. xvii. 12 and 13]: "And he put on the incense, and made an atonement for the people. And he stood between the dead and the living." Now if the Angel of Death had not disclosed unto Moses this mystery, how could he have imparted it to Aaron?

Said R. Jehoshua b. Levi again: When Moses descended from Heaven, Satan came before the Holy One, blessed be He, and said: "Lord of the universe! Where is the Torah?" And the Lord answered: "I have given it to the earth." Satan descended to earth and said to it: "Where is the Torah?" And the earth answered [Job, xxviii. 23]: "God (alone) understandeth her way, and he knoweth her place." Satan then went to the sea, and the sea said: "She is not with me." He then went to the deep, and the deep answered: "Not in me is she," as it is written [ibid. 14]: "The deep saith, Not in me is she;

and the sea saith, She is not with me." [Ibid. 22]: "Perdition and death say: With our ears have we heard a report of her." Satan then ascended before the Holy One, blessed be He, and said: "Lord of the Universe! I have looked for the Torah on the whole earth and could not find it." Then said the Lord unto him: "Go unto the son of Amram." And Satan went to Moses and said to him: "Where is the Torah which the Holy One, blessed be He, gave unto thee?" And Moses answered: "Who am I, that the Holy One, blessed be He, should give me the Torah?" Said the Lord unto Moses: "Moses, art thou a liar?" Said Moses before the Lord: "Lord of the Universe! Shall I claim that Thou hast given unto me a precious thing which Thou didst fondle every day?" Said the Holy One, blessed be He, unto Moses: "Because thou hast humbled thyself, the Torah shall bear thy name," as it is written [Malachi, iii. 22]: "Remember ye the law of Moses my servant."

The same rabbi said again: When Moses ascended unto Heaven (and he was silent), the Lord said unto him: "Moses, is there no peace in thy city?" And Moses answered: "Is it then proper that a slave should salute his Master?" Said the Lord: "Still thou shouldst have wished me well." Then said Moses before the Lord [Numbers, xiv. 17]: "And now, I beseech thee, let the greatness of the power of the Lord be made manifest as thou hast spoken."

"*A string of crimson wool*," etc. Did not the passage say (Kashanim) * "like years" and not like crimson, for were it like crimson it would read Kashani? Said R. Itz'hak: "The passage is thus to be explained: The Lord said unto Israel: If your sins all lie before me as the years that have passed since the creation, they shall nevertheless become white as snow."

Rabha lectured: It is written [Isaiah, i. 18]: "Go now,† and let us reason together, said the Lord." It should not read "go now" but "come now," and not "saith the Lord" but "said the Lord." The passage should be explained: In the future the Lord will say unto Israel: Go to your ancestors and they shall rebuke you; and Israel will say before the Lord: Lord of the

* *Shanah* in Hebrew means year (*Shanim*, plural, years). *Shany* means crimson, but the latter is used only once (Prov. xxxi. 21) in plural; the former, however, is generally used in plural, as, *for many years*. As here it is in plural (*Kashanim*) he declares it *like years*.

† In Isaac Leeser's translation of the Bible, which we use in Biblical citations, this passage is rendered "Come now," but the literal translation is "Go now."

Universe, to whom shall we go? Shall we go to Abraham, to whom Thou hast said: "Know of a surety that thy seed shall be a stranger in a land which is not theirs, and they will make them serve," and he did not pray for us? Shall we go to Isaac, who, when blessing Esau, said [Gen. xxvii. 40]: "And it shall come to pass that when thou shalt have the dominion thou canst break his yoke from off thy neck," and he also did not pray for us? Shall we go to Jacob, to whom Thou didst say [Gen. xlv. 4]: "I will go down with thee into Egypt," and not even he prayed for us? To whom shall we go now? Then the Lord will say unto Israel: "Inasmuch as ye have attached yourselves to me, though your sins should be as scarlet, they shall become white as snow."

Said R. Samuel b. Na'hmeni in the name of R. Jonathan: It is written [Isaiah, lxiii. 16]: "For Thou art our Father; for Abraham knoweth nothing of us, and Israel recognizeth us not; Thou, O Lord, art our Father, our Redeemer from everlasting is thy name." In the future the Holy One, blessed be He, will say to Abraham: "Thy children have sinned before me," and Abraham will answer: "Let them be wiped off (the face of the earth) for the sake of the holiness of Thy name." The Holy One, blessed be He, will then say: "I shall tell this to Jacob, who had trouble in rearing his own children; perhaps he will pay for the present generation." The Lord said to Jacob: "Thy children have sinned before me," and Jacob gave the same reply as Abraham. Then said the Lord: "Not with the aged can feeling be found, nor with the young wise counsel." The Lord then said to Isaac: "Thy children have sinned before me." Then said Isaac before the Lord: "Creator of the universe! Thou sayest my children, are they not Thine? When they answered before Thee, 'We will do,' and (then) 'obey,' Thou calledst them 'My son, my first-born,' and now they are my children and not Thine! And furthermore, how long a time have they sinned before Thee? Let us see; what is the duration of a man's life? Only seventy years. Take off the twenty years that Thou dost not punish for sin and only fifty remain. Take off the nights and only twenty-five full years remain. Deduct again twelve years and six months spent in praying, eating, and in the performance of other necessities, only twelve and one-half years remain. If Thou wilt bear the whole it is well, but if not let me bear half and Thou the other half. If Thou wilt say that I must bear the whole, did I not sacrifice myself for Thee?"

Then Israel said (unto Isaac): "For thou (alone) art our father." Said Isaac unto them: "Instead of praising me, praise ye the Holy One, blessed be He," and he pointed them on high with his finger. "There is the Lord!" Then they lifted up their eyes unto Heaven and said: Thou, O Lord, art our Father, our Redeemer from everlasting is Thy name.

R. Hyya b. Aba said in the name of R. Johanan: "Jacob deserved to go down into Egypt in iron shackles (because that is the usual way of going into exile), but his merits precluded such a thing, as it is written: "With human cords I ever drew them forward, with leading-strings of love; and I was to them as those that lift off the yoke from their jaws, and I held out unto them food" [Hosea, xi. 4].

MISHNA V.: The prescribed quantity for wood is as much as suffices to cook an (easily boiled) egg; for spices as much as would suffice to spice such an egg—and the different spices are counted together; nut-shells, pomegranate peel, isatis, and cochineal, as much as suffices to dye the edge of a small piece of cloth; alum, native carbonate of soda, Cimolia chalk, vegetable soap, as much as suffices to wash the edge of a small piece of cloth. R. Jehudah says as much as will suffice to remove a blood stain.

GEMARA: Have we not learned this already? Reeds, split, as much as will suffice to cook an egg? In that case we must assume that the reeds could not be used for any other purpose, but wood which can be put to a multitude of uses, as, for instance, to make the handle for a key, (should be limited to a smaller quantity). He comes to teach us that the same quantity also applies in this case.

"*Nut-shells*," etc. Is this not a contradiction to what we have learned elsewhere, that dyes may not be carried in quantities sufficient to exhibit a sample of the color in the market? Said R. Na'hman in the name of Rabba b. Abuhu: "Because one will not take the trouble to make dye sufficient only for a sample."

"*Native carbonate*," etc. A Boraitha in addition to this states, that coming from Alexandria but not from Anphantrin.

"*Vegetable soap*" (Ashleg). Said Samuel: "I have inquired of a number of seafaring men and they have told me that the name for it is Ashalgeh; it is found in the shells of a pearl-oyster and it is extracted with iron needles."

MISHNA VI.: The prescribed quantity for (aromatic) pepper

(pimento) is the least possible amount; for tar it is the same; for different kinds of spices and metals it is also the same; for the stone and the earth of the altar, torn pieces of the scroll of laws or its cover, it is also the same, because such things are generally preserved by men. R. Jehudah said: The same quantity applies to everything pertaining to the worship of idols, because it is written [Deut. xiii. 18]: "And there shall not cleave to thy hand aught of the devoted things."

GEMARA: To what use can such a small quantity of pepper be put? It may be used by one whose breath is foul.

"*For tar.*" For what purpose can tar in so small a quantity be used? It may be used by one who has the sickness Tzilchathah (an illness where only one-half of the head aches).

"*For different kinds of spices.*" The rabbis taught: The prescribed quantity both for aromatic spices as well as for ill-smelling oils is the same (least possible quantity); for purple dye also the same, and for roses only one rosebud.

"*And metals.*" Of what use are they? We have learned, R. Simon b. Elazar said: They can be used to make a goad.

"*The torn pieces of the scroll of laws.*" Said R. Jehudah: Book-worms, silk-worms, vine-worms, date-worms, and pomegranate-worms are all dangerous to human life. There was a disciple sitting before R. Johanan eating dates, and the disciple said to him: "Rabbi, there are thorns in the dates." Said the rabbi: "The date-worm (Pah) has killed this man."

MISHNA VII.: One who carries the chest of a spice dealer is liable for one sin-offering only, although there may be many spices in the chest. The prescribed quantity for garden seeds is the equivalent in size to a dried fig. R. Jehudah b. Bathyra said: Five different seeds. The prescribed quantity for cucumber seeds are two, for pumpkin seeds the same, for Egyptian beans the same; a living locust (which may be eaten), be it ever so small, must not be carried, but dead locusts may be carried in quantities less than a dried fig. The prescribed quantity for vineyard birds * living or dead is the smallest possible quantity, because they were preserved for medicinal purposes. R. Jehudah said: One must not carry out a living locust, (which must *not* be eaten), be it ever so small, because such locusts were kept as playthings for small children.

GEMARA: "Cucumber seeds." The rabbis taught: The

* None of the commentators can explain what kind of birds is meant.

prescribed quantity for seeds used for planting is two, but for seeds used for food it is the equivalent of a pig's mouthful. How much is a pig's mouthful? The seeds of one cucumber. For cucumber seeds used as fuel the prescribed quantity is as much as will suffice to cook an egg; for cucumber seeds used as counters (for figures) only two. Anonymous teachers say five.

The rabbis taught: One who carries two hairs from the tail of a horse or a cow is culpable, because the hairs are always preserved for making nets. The prescribed quantity for hog bristles is only one; for willows (used for wickerwork) two; for tree-bark* one strip.

"*R. Jehudah says: A locust (which must not be eaten),*" etc. Why did not the first Tana of the Mishna mention this? Because in his opinion it is forbidden to carry it even on week-days, lest one eat it. If such is the case, why should an eatable locust be allowed to be carried? Did not R. Kahana stand before Rabh and a small locust lighted on his lips: Rabh said to him. (R. Kahana), Take it away, lest people say that thou hast eaten it and thou hast violated the commandment [Leviticus, xi. 43]: "Ye shall not make yourselves abominable with any creeping thing that creepeth"? Nay; there was no fear that the locust would be eaten alive, but they apprehended lest it die and then be eaten. (An eatable locust would not matter, but an uneatable locust would be a violation of the law.) If that is the case, why does R. Jehudah permit this? R. Jehudah holds that there is no fear of the locust being eaten when dead, as the child will mourn its death.

* Rashi declares in his commentary that he does not know what it is nor for what purpose it is used. See Aruch.

CHAPTER X.

FURTHER REGULATIONS CONCERNING THE PRESCRIBED QUANTITY OF THINGS TO BE STORED.

MISHNA 1. One who had stored anything for planting, sampling, or medicinal purposes (before the Sabbath) and carried some of it out (into public ground) on the Sabbath, be it ever so small a quantity, is liable for a sin-offering. Any one else, however, is culpable only then if (he carried out) the prescribed quantity. Even the one who had stored is culpable only for the prescribed quantity, if he brought the thing carried out by him back (to private ground).

GEMARA: For what purpose is it said in the Mishna, "One who stored anything"? Would it not be sufficient to say, "One who carried out things intended for planting, sampling, or medicinal purposes, be the quantity ever so small, is culpable"? Said Abayi: The Mishna treats of the case of a man who, after storing the thing, forgot for what purpose he had stored it, and then carried it out into the street for any purpose whatever. Lest one say that the original intention (to store it) is abolished, and now the thing carried out has for him only the same value as for others, and he would be culpable only for carrying out the regularly prescribed quantity, it comes to teach us that one who commits a deed executes his original intention.

R. Jehudah said in the name of **Samuel**: **R. Meir** declares one who carried out only a single wheat grain, intended for sowing, culpable. Is this not self-evident? The Mishna taught: "Be it ever so small." One might presume that the term "be it ever so small" denotes something smaller than a dried fig but not smaller than an olive. **R. Meir** therefore informs us (that it refers even to one wheat grain). **R. Itz'hak**, the son of **R. Jehudah**, opposed this: "(We see that) the Mishna declares one culpable for an act originally intended to be performed, but now, supposing a man intended to carry out his entire household at once; is he then not culpable until he had accomplished the entire task, even if he had carried out part of it?" The answer

was: If a man has an absurd intention it is abolished by the law, and he is culpable for carrying out the prescribed quantity.

"*Any one else, however,*" etc. Our Mishna is not in accordance with that of R. Simeon b. Elazar (on page 145).

Rabha in the name of R. Na'hman said: "If one carried out a thing the size of a dried fig with the intention of eating it, but changed his mind in the meantime and then intended to sow it, or, on the contrary, first intended to sow it and then to eat it, he is culpable. Is this not self-evident? The prescribed quantity for both eating and sowing was carried. Lest one say that the removing and the depositing of a thing must be done with the very same intention in order to make one culpable, which is not so in this case, he comes to teach us that *he is* culpable.

"*If he brought the thing,*" etc. Is this not self-evident? (for he did not sow it, we then see that his original intention is abolished). Said Abayi: "The Mishna speaks of a case where the man took the thing brought from his house, and threw it into the place where his full supply was kept, and the place where he threw it remained conspicuous. Lest one say, if the place is conspicuous, his original intention is not yet abolished, because he took the same thing again, it comes to teach us that the throwing of the thing among his other supplies annulled his original intention.

MISHNA II.: If one intended to carry out victuals and deposited them on the doorstep, whether he afterward carried them out (into the street) himself, or this was done by some one else, he is not culpable, because he did not accomplish the deed at one time. If one deposited a basket of fruit on the outside doorstep, even if the bulk of the fruit was on the outside (in the street), he is not culpable, unless he carried out the entire basket (into the street).

GEMARA: What kind of a doorstep does the Mishna have reference to? Should we assume that the doorstep was public ground, how can the man be not culpable? He carried out from private into public ground. Should we assume that the doorstep was private ground, why does the Mishna teach that if *he* carried it out (into the street), or any one else, he is not culpable? It is again a case of carrying out from private into public ground? We must therefore assume that the doorstep was unclaimed ground, and it comes to teach us that only when the victuals were deposited on the unclaimed ground the man is not culpable, but if they had been carried out from private

into public ground, even by way of unclaimed ground, he is culpable. And the Mishna does not agree with the opinion of Ben Azai, of the following Boraitha: "One who carries out from his store into the market by way of the alley is culpable, but Ben Azai says he is not."

"*If one deposited a basket of fruit,*" etc. Said Hyzkiyah: The case in question treats only of a basket filled with cucumbers and beets, but if full of mustard seeds he is culpable. From this we see that Hyzkiyah considers a vessel no support * (*i.e.*, the cucumbers are encircled by the basket and need no support), but the mustard seeds, which are heaped up, are outside of the basket proper and not supported by it; therefore, when the basket with mustard seeds is carried outside, part of the mustard seeds are already on the outside and the carrier is culpable. R. Johanan, however, says, even if the basket contained mustard seeds, he is also not culpable. Thence we see that R. Johanan *does* consider a vessel a support. Said R. Zera: "How is it with the Mishna? It is neither of the opinion of Hyzkiyah nor of R. Johanan." Hyzkiyah may explain it in accordance with his theory and R. Johanan with *his* own. Hyzkiyah explains the Mishna, which said "unless he carries out the entire basket." This is the case if the basket is filled with cucumbers and beets, but if filled with mustard seeds it is equal to putting out the entire basket into the street, and he is culpable, but R. Johanan explained the Mishna thus: Although the bulk of the fruit is on the outside, or even if all the fruit were on the outside, the man would not be culpable unless the entire basket was put on the outside. So also said Rabha: The Mishna treats only of a basket filled with cucumbers and beets, but if filled with mustard seeds the man is culpable. Whence we see that he does not consider a vessel a support. Abayi, however, said: Even if the basket contained mustard seeds, the man is also not culpable. Whence we see that he *does* consider a vessel a support. Shall we say that Abayi adopted the system of Rabha and Rabha of Abayi, or Abayi contradicts himself and Rabha does the same? As it was taught: One who carried out fruit into public ground, Abayi said, is culpable only if he carried it out with his hand (although the body remained in public ground), but if in a vessel he is not culpable. (Why? Because Abayi does not consider the body a support to the hand, in spite of the fact that the

* The Talmudical term for "support" is "Agad," literally "bind." In the above the sense demands its rendition by "support."

hand is attached to the body, but if he carried out the fruit in a vessel and part of the vessel still remained in private ground, he is not culpable.) And Rabha says, on the contrary: If he carried the fruit out in his hand he is not culpable (because he considers the body a support and the hand is part of the body), but if he carried it out in a vessel he is culpable (because, although the vessel is still in private ground, some of the fruit is in public ground). The answer is: Reverse the case. (Say Abayi's statement should be Rabha's and Rabha's Abayi's).

MISHNA III.: One who carries out anything in the right or in the left hand or in his bosom or on his shoulder is culpable, as so was the manner in which the sons of Kehath carried (their burdens).^{*} But one who carries out a thing on the back of his hand or with his foot, with his mouth, with his elbow, with his ear, with his hair, with his waist bag, the opening of which is at the bottom, or between his belt and his shirt, with the edge of his shirt, with his shoe or sandal, is not culpable, because he carries it in an unusual manner.

GEMARA: R. Elazar said: "One who carries out a burden ten spans above the ground [not on his shoulder, but in the air] is culpable, because in this manner the sons of Kehath carried their burdens." Whence do we know that the sons of Kehath carried their burdens in this way? It is written [Numb. iii. 26]: "Which is by the tabernacle and by the altar round about." Hence he compares the tabernacle to the altar. As the tabernacle was ten ells, so was also the altar ten ells; and whence do we know that the tabernacle itself was ten ells? Because it is written [Ex. xxvi. 16]: "Ten ells shall be the length of the boards." Or we may say that we know that the sons of Kehath carried their burdens in this manner from the ark, as the Master said: The ark was nine spans high, and with the cover, which was one span higher, it was ten. Experience is to the effect that when a burden was carried on the shoulders by means of poles, one-third of the burden was above the poles and two-thirds below; then as the ark was ten spans high and one-third of it was carried above the shoulders, it was certainly more than ten spans above the ground.

But let it be inferred from Moses himself, of whom it is said elsewhere that he was very tall. With Moses the case is differ-

^{*} Numb. iv.

ent; as the Master said elsewhere that the Shekhina does not rest upon a man unless he is a scholar, a strong, rich, or tall man.

It was taught: One who carries a burden on his head is not culpable. And if one will say that the inhabitants of the city of Hutzal do so, we may assume that their deed is abolished by the rest of mankind, who do not carry burdens on their heads.

MISHNA IV.: One who intends to carry something in front, but the thing moved to his back, is not culpable, but if he intends to carry it on his back and it moves to the front he is. Of a truth it was said: A woman who wears a girdle, whether she carries something in the front or in the back of it, is culpable, because the girdle invariably turns around. R. Jehudah says the same rule applies to letter-carriers.

GEMARA: Where is the difference? The main object (here is the intention). And in either case his intention was not carried out; why is he not culpable if the thing moved from the front to the back and culpable if it moved from the back to the front? Said R. Elazar: "Divide the Mishna into two parts. The second part was not taught by the same Tana as the first." Said R. Ashi: "This is no question at all. Perhaps the Mishna may be explained thus: Not only did the man intend to carry it on his back and did so, which would make him culpable, because his intention was carried out, but even if he intended to carry it on his back and it moved to the front, in which case his intention was not carried out, lest one say that then he is not culpable, it comes to teach us that when one intends to preserve the thing with little safety, and it occurs that he has done so with a proper safety, he is benefited by it; hence he is culpable."

"Of a truth it was said." There is a Boraitha: Wherever it is said "Of a truth it was said," it is to be considered that so the Halakha prevails.

"R. Jehudah says the same rule applies to letter-carriers." A Boraitha in addition to it states that so it is because the carriers of the government usually do so.

MISHNA V.: One who carries out a large loaf of bread into public ground is culpable. If two persons do this together they are both innocent, provided it could be done by one of them; if, however, they did so because it could not be done by one, both are culpable. R. Simeon, however, declares them not culpable.

GEMARA: Said R. Jehudah in the name of Rabh, according to others Abayi said, and still others say that it was learned in a Boraitha: "If of both men who carried the loaf, either was able

to carry it himself, R. Meir makes them both culpable, but R. Jehudah and R. Simeon declare them both innocent. If, of the two, neither was able (to do it himself), R. Jehudah and R. Meir declare them culpable and R. Simeon declares them free. If one of the two, however, was able, and the other unable, all agree that the able man is culpable." Whence is all this deduced? From what the rabbis taught: It is written [Lev. iv. 2]: "If any person sin," etc., *i.e.*, if he committed the whole deed but not a part of it. How so? If two persons held one pitchfork and threw grain with it, or a weaver's spindle and wove with it, or a quill and wrote with it, or a reed and carried it into public ground, one might say that they are culpable. It is written [*ibid.*]: "If any person sin," etc. But if two persons held a date-press, or a log, and carried them out into public ground, R. Jehudah says, if one of the two was not able to carry it himself and they both carried it, they are both culpable, but if either of them was able, both are not culpable. R. Simeon says, even if one alone is not able to carry it and they carried it out together, they are also free. For only referring to such an instance the Scriptures say: "If *any* person," etc., and it is plain that one is culpable if he performs work alone, but if two persons did one thing they are both free.

The master said: If one of the two was able to perform the work alone and the other unable, all agree that he is culpable. Which of them was culpable? R. Hisda said, the one who was able. As to the one who was unable, why should he be so? What did he? Said R. Hamnuna to R. Hisda: "Why not? Did he not assist the one who was able? Answered R. Hisda: Assisting is not of consequence (because if he alone is not able to perform the work himself, his assistance is of no value). Said R. Zbid in the name of Rabha: "We have also learned in a Boraitha in support of this argument: If one suffering from a venereal disease rides an animal, the feet of which are encased in four pieces of cloth, the pieces of cloth are not subject to defilement, for the reason that the animal is able to stand on three feet." Why are they not subject to defilement? Was not one foot a help to the other three? Hence we must assume that one of the feet must be regarded as a help to the other three; a mere help, however, not having any legal consequence cannot become defiled, and as it is impossible to determine which one of the three feet is to be regarded as a help, all four pieces of cloth encasing them are not subject to defilement.

Again the master said: If either of the two were able, R.

Meir holds them both to be culpable. The schoolmen propounded a question: "Must the object carried out by them be of double the prescribed size, *i.e.*, a prescribed size for each of them, in order to make them culpable, or does the prescribed size for one man suffice to make them both culpable? R. Hisda and R. Hamnuna (both answered): One of them held that one prescribed size suffices, and the other that it must be double in order to make them culpable, (and it is known which of them held to the former opinion and which to the latter). Said R. Ashi: "We have also learned in a Boraitha: 'Two men who carried out a reed used by a weaver (into the street) are both culpable.' Why so? Was not double the prescribed quantity necessary in order to make both culpable? Hence we must assume that the Boraitha holds one prescribed quantity to be sufficient." Said R. Aha, the son of Rabba, to R. Ashi: "What proof do you derive from this Boraitha? Perhaps it refers to a reed that was of sufficient size to cook an egg for one and another for the other?" R. Ashi answered: If such were the case, the Boraitha would say merely a "reed" and not a "reed used by a weaver." Said R. Aha again: "Perhaps the Boraitha refers to a reed of sufficient size to weave a napkin each for both of them? Therefore it were better to say that from this Boraitha we can derive no support either for one opinion or the other."

A certain scholar taught in the presence of R. Na'hman: "Two men who carried out a reed used by a weaver (into the street) are both not culpable." R. Simeon, however, declares them culpable. How can this be? (Is this not contrary to R. Simeon's usage?) Read then (on the contrary), the scholars said they are culpable and R. Simeon said they are not.

MISHNA VII.: If one carry victuals of less than the prescribed quantity in a vessel (out into the street) he is not culpable even of (carrying) the vessel, for the vessel is of no consequence to the victuals. If he carried a person on a litter he is not culpable even of (carrying) the litter, because the litter is of no consequence to the person. If he carried a corpse on a cot he is culpable. The same is the case if (he carries) a part of the corpse of the size of an olive or of a carcass the size of an olive and of a reptile the size of a lentil. R. Simeon declares all of them free.

GEMARA: The rabbis taught: "If a man carry out victuals of the prescribed quantity in a vessel, he is culpable of carrying the victuals, but not of (carrying) the vessel, because the vessel is of no consequence to the victuals; but if the victuals are such that

they cannot be carried otherwise than in a vessel, he is culpable of (carrying) the vessel also." Shall we assume from this teaching that if one ate two pieces of tallow each the size of an olive at different times through forgetfulness (and was not reminded of his sin between both times of eating), he is bound to bring two sin-offerings? Said R. Ashi: In the case of the man who is culpable of (carrying) both the victuals and the vessel, it must be assumed that he carried them through forgetfulness and was subsequently reminded of having carried only one of them (but forgot about the other); later he was reminded of having carried the other also, and according to the opinion of the teacher of this Boraitha, he is culpable and bound to bring two sin-offerings, one for each time he was reminded. The same difference of opinion exists here as we have seen existed between R. Johanan and R. Simeon b. Lakish (in the chapter concerning the general rule of Sabbath).

"If he carried a person in a litter," etc. Shall we assume that the Mishna is in accordance with R. Nathan and not with the rabbis of the following Boraitha? "If one carried out an animal or a bird (into the street), whether alive or slaughtered, he is liable." R. Nathan, however, says: "For (carrying out) a slaughtered (animal or bird) he is culpable, but not for one that is alive, because a live creature carries itself." Said Rabha: "It may be said the Mishna is in accordance with the rabbis of the Boraitha cited, as they differ with R. Nathan only concerning animals or birds, which usually struggle to get loose and thus become a burden; but concerning a person, who is carried and agrees to being carried, and virtually carries himself, the rabbis yield to R. Nathan."

Said R. Ada b. Ahba to Rabha: How will, in your opinion, the statement in our Mishna be made plain: "Ben Bathyra permits the selling of a horse to a Gentile, and a Boraitha, in addition to this, states that the reason that Ben Bathyra permits this is because the Gentile will not perform any work with the horse on a Sabbath that would involve the liability of a sin-offering (for a horse is used for riding only, and when a person rides a horse the person virtually carries himself, and hence is no burden to the horse), and R. Johanan says that Ben Bathyra and R. Nathan said (practically) the same thing." Now, if in your opinion the rabbis differ with R. Nathan only in the matter of animals and birds, because when carried they struggle for freedom, but agree with him in the matter of a person, why does R. Johanan say that only Ben Bathyra and R. Nathan say the same thing? Did not the

rabbis also admit this? (The answer was :) R. Johanan said that Ben Bathyra in permitting a horse to be sold to a Gentile referred to one which was used only for carrying falcons. Are there then such horses? Yea; they are to be found at the Zaidons'.*

R. Johanan said: Even R. Nathan holds a man culpable if he carries a person, animal, or bird that is bound.

"If he carried a corpse," etc. Said Rabba b. b. Hana in the name of R. Johanan, and the same was said by R. Joseph in the name of R. Simeon b. Lakish: R. Simeon frees one, even if he carries out a corpse for burial. Said Rabha: "Even R. Simeon concedes that if one carry out a spade to dig a grave with, or a scroll to read from, he is culpable." Is this not self-evident? Should we then assume that according to R. Simeon's opinion even this kind of labor is not labor for its own sake, how can we find any labor for its own sake which in the opinion of R. Simeon would involve the liability of a sin-offering? Lest one say that R. Simeon does not hold a man culpable for carrying a thing unless the work done with the thing is both for the man's sake and also for the sake of the thing itself—for instance, if the spade was needed for digging and also had to be sharpened, or the scroll had to be examined and used for reading—hence he informs us that such is not the case.

There was a corpse in Drokra† and R. Na'hman b. Itz'hak permitted it to be carried out into unclaimed ground. Said R. Johanan, the brother of Mar, son of Rabhina, to R. Na'hman b. Itz'hak: "According to which Tana's opinion do you act? According to R. Simeon? Did R. Simeon allow this? He only stated that the act does not involve the liability of a sin-offering, but he did not permit it to start with?" R. Na'hman answered: By the Lord! You yourself, and even R. Jehudah, would allow this to be done the same as I did; did I say that it was to be carried into public ground? I said unclaimed ground! Do not forget that this was also for the sake of the honor due a human being, of which it is said: "*Precious is the honor of man, and for its sake even a direct commandment of the Scripture may be circumvented!*"

MISHNA VII.: One who pares his finger-nails, either by —

* The text reads *Vaidon*; Luria corrects this to read Zaidon, as we have adopted, which means a falconer's horse. Hai, the Gaon, however corrects it Bazaidon, because a falconer in the Persian language is Baz, and one who occupies himself by hunting for birds is called Bazaidon.

† Name of a city.

means of his nails or by means of his teeth; also one who plucks hair from his head, beard, or lip; also a woman who braids her hair, or paints her eyebrows, or parts her hair, is, according to R. Eliezer, culpable. The sages, however, declare this to be (prohibited only by rabbinical law) as a precautionary measure.

GEMARA: Said R. Elazar: "The difference of opinion exists only in the case of paring the finger-nails by means of the nails, but if taken off with an instrument (all agree) that he is culpable." Is this not self-evident? Is it not plainly written in the Mishna, if he pares his finger-nails, one by means of the others? One might think that the difference of opinion is also concerning an instrument, and the reason the Mishna does not mention an instrument is only to show the firmness of R. Eliezer in prohibiting the paring of finger-nails even with one's own nails. He informs us that the difference of opinion is concerning the nails only. R. Elazar said furthermore: "The difference of opinion is only concerning a man's paring his own finger-nails, but if he pared another's all agree that he is not culpable. (The reason for this is because when paring one's own finger-nails a man can make them look as if trimmed with an instrument, but when trimming another's this is not possible.)" Is this not self-evident? Did not the Mishna say plainly: "His own finger-nails"? Nay. One might think that according to the opinion of R. Eliezer the trimming of another's finger-nails also makes one culpable, but the Mishna, stating plainly "his own finger-nails," intends only to show the firmness of the rabbis in making not culpable even those who pare their own nails; therefore he informs that such is not the case.

"Also one who plucks hair from his head," etc. There is a Boraitha: "One who cuts off a scissorsful of hair from his head on the Sabbath is culpable." How much is a scissorsful supposed to be? Two hairs. R. Eliezer says: "One." The rabbis agree with R. Eliezer that in case one gray hair is plucked from a number of black hairs a man is culpable even for one, and not only on Sabbath but even on week days it is also prohibited, as it is written [Deut. xxii. 5]: "And a man shall not put on a woman's garment."

We have learned in a Boraitha, R. Simeon b. Elazar said: "If a finger-nail become separated from the finger of its own accord, a man may remove the adhering part, providing the greater part of the nail was separated. He may do this with his fingers, but not with an instrument. If he did it, however, with an instru-

ment, he is not liable for a sin-offering. If the smaller part only was separated, he may not remove it. If he did so, however, with his fingers, he is not culpable, but with an instrument he is. Said R. Jehudah: "The Halakha prevails in accordance with R. Simeon b. Elazar." Said Rabba b. b. Hana in the name of R. Johanan "Provided the nail was bent upward and was troublesome."

"Also a woman who braids her hair," etc. In what category can her work be counted? Said R. Abuhu: "It was explained to me by R. Jossi b. Hanina: 'Painting the eyebrows comes in the class of work enumerated as dyeing, braiding, and parting the hair in the class of building.'" Is this the manner of building? Yea; as R. Simeon b. Menassia taught: It is written [Gen. ii. 22]: "And the Lord God formed * the rib which he had taken from the man." From this may be adduced that the Holy One, blessed be He, braided the hair of Eve and brought her to Adam. For in the seaports hair braiding and dressing is called building.

We have learned in a Boraitha, R. Simeon b. Elazar said: "Braiding the hair, painting the eyebrows, and parting the hair, if done for herself, does not make her culpable (because it cannot be properly termed building); but if done for another it does make her culpable." Furthermore, R. Simeon b. Elazar said in the name of R. Eliezer: "A woman shall not put red dye on her face, because that constitutes painting."

The rabbis taught: If one milked a cow and then made cheese of the milk to the size of a dried fig; if he swept a floor or dampened a floor (to lay the dust); or if he removed honeycombs from a beehive, his case is as follows: If he performed these acts unintentionally on Sabbath, he is bound to bring a sin-offering, and if he did all this intentionally on a biblical feast-day, he shall receive forty stripes. Such is the opinion of R. Eliezer, but the sages said: "All this is only prohibited by rabbinical law as a precautionary measure." (Says the Gemara:) Now the ordinance having prevailed according to the opinion of R. Simeon, all these acts are not prohibited at all.

MISHNA VIII.: One who plucks something from a perforated flower-pot is culpable; from a flower-pot that is not perforated he is not culpable. R. Simeon held him not culpable in both cases.

Abayi put a contradictory question to Rabha, according to others R. Hyya b. Rabh to his father Rabh: "The Mishna states

* The Hebrew word for "formed" is "Vayiven," literally "built."

that R. Simeon holds one not culpable in either case. From this we see well that to R. Simeon a perforated or a solid flower-pot is one and the same thing. We have learned in another Boraitha : R. Simeon said that there is no difference between a perforated and a solid flower-pot except to make the seeds grown in the flower-pot subject to defilement (*i.e.*, in a solid flower-pot the seeds are not accounted as seeds). Hence there is a difference between the pots in the opinion of R. Simeon." The answer was: In all cases except defilement R. Simeon regards seeds in either a perforated or a solid flower-pot as loose (*i.e.*, detached from the ground). In the case of defilement, however, it is different, because the Scriptures themselves added a special provision regarding defilement of seeds, as it is written [Lev. xi. 37]: "And if any part of their carcass fall upon any sowing-seed which hath been sown, it shall be clean."

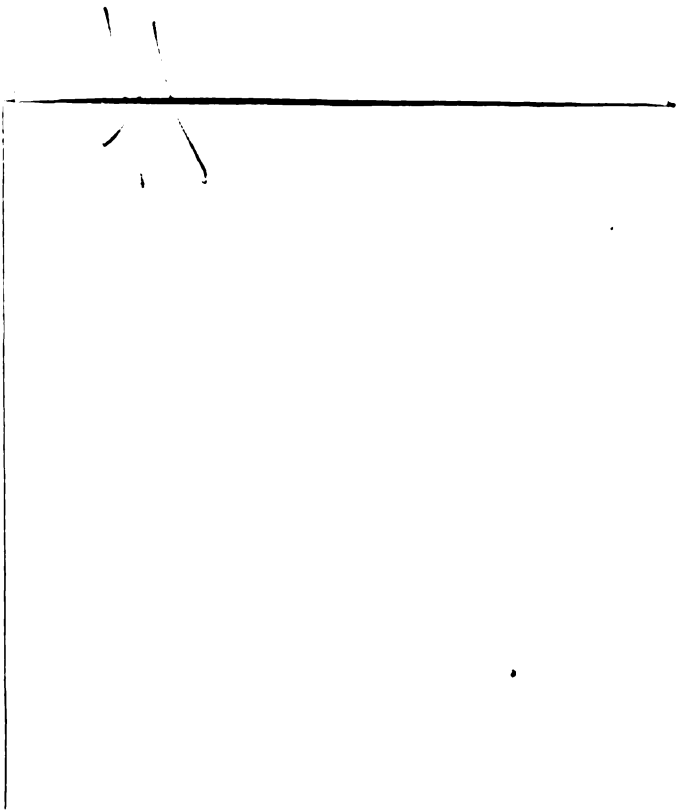
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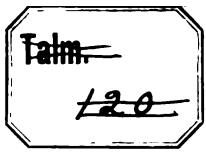
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BY

MICHAEL L. RODKINSON

Revised by

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EXPLANATORY REMARKS.

In our translation we adopted these principles :

1. *Tenan* of the original—We have learned in a Mishna ; *Tania*—We have learned in a Boraitha ; *Itemar*—It was taught.
2. Questions are indicated by the interrogation point, and are immediately followed by the answers, without being so marked.
3. When in the original there occur two statements separated by the phrase, *Lishna achrena* or *Waibayith Aema* (literally, "otherwise interpreted"), we translate only the second.
4. As the pages of the original are indicated in our new Hebrew edition, it is not deemed necessary to mark them in the English edition, this being only a translation from the latter.

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* We would call the attention of the reader to the appendix of this volume, which will prove interesting to the general reader and present something heretofore unpublished to the student of the Talmud.

TRACT SABBATH.

CHAPTER XI.

REGULATIONS CONCERNING THROWING FROM ONE GROUND INTO ANOTHER.

MISHNA: One who throws a thing from private into public or from public into private ground is culpable. From private into private ground, by way of public ground, R. Aqiba holds him to be culpable, but the sages declare him free. How so? If two balconies face each other across a street, one who transfers or throws something from one into the other is free; if the two balconies, however, are in the same building, he who transfers a thing from one into the other is culpable, but he who throws is free; because the work of the Levites (in the tabernacle) was as follows: From two wagons facing each other in public ground boards were transferred, but not thrown from one into the other.

GEMARA: Let us see! Throwing is but the offspring of transferring. Where is transfer itself mentioned in the Scriptures? Said R. Johanan: "It is written [Ex. xxxvi. 6]: 'And Moses gave the command and they caused it to be proclaimed throughout the camp,' etc. Where was Moses sitting? In the quarters of the Levites. The quarters of the Levites was public ground (because all the people were received there by Moses). And Moses said unto Israel: 'Ye shall not transfer anything from your quarters (which was private ground) into these quarters.' " We have found, then, transfer from within, but where do we find transfer from without? It is a logical conclusion, that transfer from within is the same as transfer from without. Still he calls transfer from within the principal act and transfer from without but the offspring. Now, if transferring from within and transferring from without involve the same degree of culpability, why does he call the one

a principal and the other an offspring? For the following reason: If one commit two principal acts of labor, or two offsprings of two different acts of labor, he becomes bound to bring two sin-offerings; but if he commits one principal act and one offspring of the same act of labor, he becomes bound to bring only one sin-offering.

Whence do we know that if one throw a thing four ells in public ground he is culpable? All that is said about four ells in public ground is traditional.

R. Jehudah said in the name of Samuel: The wood-gatherer's sin [mentioned in Numbers xv. 32-35] consisted in carrying four ells in public ground. We learned in a Boraitha, however, that he pulled out sticks growing in the ground. R. Aha b. R. Jacob said: He gathered the sticks and bound them into bundles. What difference is there in the acts? (Why this dissension?) The difference is, as we were taught in the name of Rabh, who says: "I found a mysterious paper in the possession of my uncle, R. Hyya, upon which was written: 'Aissi ben Jehudah said: The principal acts of labor are forty less one. One of them does not involve culpability. R. Jehudah holds, that carrying in public ground is not this one act and the Boraitha holds that pulling out of the ground is not that one, and R. Aha b. R. Jacob holds that binding into bundles is not the act which involves culpability.' Each one of these three was certain that if a man committed any of the acts mentioned by each he was undoubtedly culpable."

The rabbis taught: The name of the wood-gatherer was Zelophchad, and so it is written [Numb. xv. 32]: "And while the children of Israel were in the *wilderness* they found a man," etc., and further on [ibid. xxvii. 3] it is written: "Our father died in the *wilderness*," etc., etc., "but in his own sin he died," etc., an analogy of the word *wilderness*. As by "our father" is meant Zelophchad, so also the name of the wood-gatherer was Zelophchad. So said R. Aqiba. Said to him R. Jehudah b. Bathyra: "Aqiba! Whether your statement be true or false, you will have to answer for it at the time of the divine judgment; for if it be true, you disclosed the name of the man whom the Scriptures desired to shield, and thus you brought him into infamy, and if it be false you slandered a man who was upright." The same case occurred in the following: It is written [Numb. xii. 9]: "And the anger of the Lord was kindled against them," etc. From this we learn that Aaron also became

leprous. So said R. Aqiba. Said to him R. Jehudah b. Bathyra: "Aqiba! Whether your statement be true or false, you will have to answer for it at the divine judgment; for if it be true, you disclosed a thing the Scriptures desired to conceal, and thus you brought infamy upon Aaron, and if it be false, you slandered a man who was upright." But the Scriptures say: "And the anger of the Lord was kindled against *them*." This signifies *only* that Aaron was included among those against whom the anger of the Lord was kindled.

We have learned in a Boraitha according to the opinion of R. Aqiba: "Aaron also became leprous, as it is written: 'And Aaron turned toward Miriam, and behold she was leprous,' which implies that at the moment when he turned toward Miriam he was cured of *his* leprosy and perceived it in Miriam."

Said Resh Lakish: He who suspects an innocent man is punished in the flesh, as it is written [Ex. iv. 1]: "But behold, they will not believe me," and it was known to the Holy One, blessed be He, that Israel will believe, and the Lord said unto Moses: "They are believers and they are children of believers, but thou, I know, wilt finally not believe." They are believers, as it is written [ibid. iv. 31]: "And the people believed." They are children of believers, as it is written [Gen. xv. 6]: "And he believed in the Lord." Thou wilt finally not believe, as it is written [Numb. xx. 12]: "Moses and Aaron, because ye have not confided in me;" and whence do we know that he was punished in the flesh, as it is written [Ex. iv. 6]: "And the Lord said furthermore unto him, Do put thy hand into thy bosom; and he put his hand into his bosom; and when he took it out, behold, his hand was leprous, white as snow."

Rabha said, according to others, R. Jose b. Hanina: Reward for merit, destined for a man, comes to him more quickly and in a greater degree than retribution for wickedness, for in the case of Moses we see it written [Exod. iv. 6]: "And he put his hand into his bosom; and when he took it out, behold, his hand was leprous, white as snow." But the reward was, as it is written [ibid. 7], "And when he pulled it out of his bosom, behold, it was turned again as his other flesh." The reason that the verse repeats "pulled it *out of his bosom*," is to show, that the hand had become cured while in the bosom (and thus the reward was given more quickly and effectively). It is written [Ex. vii. 12]: "Aaron's staff swallowed up their staves." Said R. Elazar: "This was a miracle within a miracle, for Aaron's staff

did not swallow up the staves (of the Egyptian magicians), which had become serpents, while it was itself a serpent, but after it was become a staff again."

"*From private ground into private ground,*" etc. Rabha propounded a question: "Shall we assume that the point of difference is in the opinion relating to whether the surrounding of a thing by the atmosphere of a certain place makes the thing equal to being deposited in that place or not?" And if this is the point of difference, it must follow that the Mishna treats of a case where the object thrown was at no time above ten spans from the ground (because above ten spans no public ground exists). Those who deem it a culpable act, do so, because they hold that the object, being surrounded by the air of the public ground, through which it passed, makes it equal to being deposited therein, while those who do not deem it a culpable act are not of this opinion; but if the object thrown was above ten spans from the ground, do both sides agree that the thrower is not culpable? Or shall we assume that both sides do not differ as to the object thrown being equal to being deposited in the place, the atmosphere of which surrounded it, agreeing that such is the case; but their point of difference is as to whether throwing is equal to transfer or not? He who holds that the thrower is culpable does so because he considers throwing equal to transfer by hand, and as transfer makes a man culpable, even if it was accomplished above ten spans from the ground, it also applies to throwing; but he who holds that the thrower is not culpable, does so because he does not consider throwing equal to transfer by hand. And the case treated of by the Mishna is one where the throwing was done above ten spans from the ground? Said R. Joseph: This question was also propounded by R. Hisda, and R. Hamnuna decided it from the following Boraitha: "*From private into private ground, by way of public ground itself,* R. Aqiba makes him culpable, but the sages declare him free." Now, if he says, "*by way of public ground itself,*" it implies that it was below ten spans from the ground. Let us then see wherein was the difference of opinion. Shall we say that it was a case of transfer by hand and still the one who holds him culpable does so because it was below ten spans, but if it was above ten spans he would concede that he was not culpable? How can this be? Did not R. Elazar say: "He who transfers a burden above ten spans from the ground is culpable, because thus were burdens transferred by the sons of

Kehath" ? Therefore we must assume that the Boraitha treats of a case of throwing and not of transfer by hand, and hence one holds, that an object surrounded by the atmosphere of a certain place below ten spans from the ground is equal to an object deposited in that place, while the other holds that such is not the case. Conclude then from this that the Mishna treats of a case where the throwing was done below ten spans from the ground.

The above teaching, however, is not in accord with the opinion of R. Elazar, for he said: R. Aqiba makes the thrower culpable even when the throwing was done above ten spans from the ground; but for what purpose does the Boraitha state "public ground *itself*" ? Merely to show the firmness of the rabbis in declaring one free, even when he transferred a thing by hand through public ground.

All that was said above is contrary to the opinion of R. Helkiah b. Tubhi, because ~~he~~ said: "If the throwing was below three spans from the ground, all agree that the thrower is culpable; if above ten spans, all agree that he is not culpable; but if the throwing was done between three and ten spans above the ground, then the difference of opinion between R. Aqiba and the sages arises." We have learned in a Boraitha in support of R. Helkiah: "Below three all agree that one is culpable; above ten all agree (that only a rabbinical prohibition exists) as a precautionary measure (because no Erubh was made).^{*} If the two premises belonged to the thrower, he may throw to start with. From three to ten spans is where the point of difference between R. Aqiba and the sages arises.

It is certain, that if it is one's intention to throw eight ells and he throws only four, one is culpable; because it is equivalent to the case where one intends to write the name Simeon and only writes Sim (for Sim alone is also a name, and four ells is the prescribed distance for throwing); but what is not certain is, if one intended to throw only four ells and threw eight, what is his case? Shall we assume that he threw the prescribed distance and is thus culpable, or, because the object did not reach the desired destination, he is not culpable? The answer was, that according to this question Rabhina asked R. Ashi, and the latter answered that no culpability can exist unless he intended that the object should remain wherever it happened to alight, *i.e.*, if

^{*} The law concerning Erubhin will be explained in Tract Erubhin.

the man intended to throw eight ells and threw only four he is also not culpable, and the assertion that the last-named act is equivalent to writing Sim when the intention was to write Simeon, which according to the succeeding Mishna is an act involving culpability, does not hold good; for he cannot write Simeon without first writing Sim, but surely he can throw eight ells without previously throwing four ells.

The rabbis taught: If one threw from public into public ground and private ground was in between, and the four ells commenced and ended in the two public grounds, including the private ground, he is culpable; but if he threw less than four ells he is not culpable. What news does this convey to us? It is to inform us, that the different premises are counted together and that the culpability arises not from the fact that the atmosphere of the private ground, having surrounded the object thrown, makes that object equal to having been deposited in that private ground; because that ordinance does not hold good, and the culpability arises merely from throwing four ells in public ground.

R. Samuel b. Jehudah, quoting R. Abba, who quoted R. Huna in the name of Rabh, said: If one transferred an object for four ells in a roofed public ground, he is not culpable. Why so? Because this public ground is not equal to the public ground under the standards in the desert traversed by the Israelites. This is not so! We know that the wagons which carried the boards of the tabernacle were roofed, and Rabh said in the name of R. Hyya that the ground beneath the wagons, between them, or alongside of them, was all public. Rabh means to state that the wagons were not actually covered, but that the boards were placed crossways on them in layers, and between every layer there was uncovered space, and that space was, in the opinion of Rabh, public ground.

The rabbis taught: The boards used at the tabernacle were one ell thick and sloped gradually until they attained the thickness of one finger at one end, as it is written [Ex. xxvi. 24]: "And they shall be closely joined together on top by means of one ring," and in another passage [Joshua iii. 16] it is written, "failed, were cut off."* So said R. Jehuda. Hence it is evident that on top the boards were only one finger thick. R. Nehemiah says: "They were also one ell thick on top, as it is

* The Hebrew term for "cut off" in that passage is *Tamu*, and for "joined" in the previous passage it is "*Tamim*"; hence the comparison by analogy.

written [ibid. ibid.], 'joined *together*,' and the 'together' means that they were to be the same on top and on the bottom. But it says "joined" (Tamim)! The Tamim here signifies that they must be whole, unbroken.

The school of R. Ishmael taught: To what can the tabernacle be compared? To a woman going to market, whose dress hangs down and drags on the ground (*i.e.*, the curtains were hanging down and dragging on the ground).

The rabbis taught: The boards of the tabernacle came to a point and the thresholds contained sockets on which the boards were fitted. The hooks and fillets of the curtains appeared like stars in the sky.

The rabbis taught: The lower curtains were of blue, purple, and scarlet yarn and of twisted linen thread, and the upper curtains were of goats' hair, and more skill was necessary to make the curtains of goats' hair than of the first-named materials, for concerning the lower curtains it is written: "And all the women that were wise-hearted spun with their hands, and they brought that which they had spun of the blue, and of the purple, and of the scarlet yarn, and of the linen thread"; but concerning the upper curtains it is written [ibid. 26]: "And all the women whose hearts stirred them up in wisdom spun the goats' hair." And we have learned in the name of R. Nehemiah, "The goats' hair was woven right from the goats' backs without being shorn."

"*If the two balconies*," etc. Said Rabh in the name of R. Hyya: "The space between the wagons, beneath the wagons, and alongside of them is public ground." Said Abayi: "The space between two wagons was the length of another wagon? What is the length of a wagon? Five ells. Rabha said the sides of the wagon (*i.e.*, the width between the sides) was the width of a wagon. What is that width? Two and one-half ells. Now, we know that the width of a way in public ground is sixteen ells. Whence do we adduce this? If we adduce this from the case of the tabernacle, it should only be fifteen ells; (for the width of two wagons together with the space between them was fifteen ells). The answer is: There was another ell additional between the two wagons where the Levite walked in order that he might watch the wagons and adjust anything that might come out of place."

MISHNA: One who takes anything from, or places anything upon a sand-heap, dug out of a pit or a stone that is ten spans

high and four spans wide, is culpable. If the sand-heap or the stone is below that height, he is free.

GEMARA: Why does the Mishna say a sand-heap, dug out of a pit, or a stone? Why not the pit or the stone itself? (Then we would know both the height and depth which must not be used for the placing of a thing.) This was said in support of the statement of R. Johanan, viz.: That the sand-heap dug out of a pit is counted in with the depth of the pit as to height to complete the ten spans. We have also learned thus in a Boraitha: One must not draw water from a pit in public ground which is ten spans deep and four spans wide, unless he has made a railing round the pit that is ten spans high. He must also not drink from the pit unless he put his head and the larger portion of his body into it. The pit and the sand-heap dug out of the pit are counted in with it to complete the ten spans.

R. Mordecai asked of Rabha: What is the law regarding one who threw a thing on a post ten spans high and four spans wide, standing in public ground? Shall we assume that he is culpable because he removed the thing unlawfully and also deposited it unlawfully (*i.e.*, from public ground into private), or that he is not culpable because the object which lighted on the post came from ground which is under no jurisdiction, being above ten spans from the ground? (If the man had the intention to throw the object on top of the post, he must have thrown it high up into the air, and before lighting on the post it passed through space above ten spans from the ground, and that space is regarded as ground under no jurisdiction, therefore he is not culpable?) Rabha answered: "This is explained in the Mishna." R. Mordecai then went to R. Joseph and asked the same question. He received the same answer: "It is explained in the Mishna." Thereupon he came to Abayi with the same question, and again received the same answer. Said R. Mordecai to Abayi: "Do ye all spit with the same spittle?" Answered Abayi: Dost not *thou* think that the Mishna explains it? Did not the Mishna say, "One who takes from or places upon"? Rejoined R. Mordecai: "Perhaps the Mishna treats of a needle which can be placed on a level with the ten spans height." Said Abayi: "A needle must also be lifted above the level." Said R. Mordecai again: "It *can* be placed without being lifted above the level, because every stone has some crevices that are lower than the surface of the stone and the needle can be placed in one of the crevices."

R. Johanan propounded a question: "What is the law regarding a man who throws a cake of earth (four spans square and one span deep) into a pit exactly ten spans deep and four spans square? Shall we say, that he is culpable because he threw the cake of earth into the pit, which was still ten spans deep and therefore private ground, or that he is not culpable because as soon as the cake reached the bottom of the pit it lessened the pit's height to nine spans, and thus made the pit unclaimed ground?" Let R. Johanan decide this question himself by what he said in the following Mishna: "If one throw a thing from a distance of four ells against the wall, and it strikes the wall at a height of over ten spans from the ground, he is free, but if below ten spans from the ground he is culpable, because one who throws a thing to the ground at a distance of four ells is culpable." We have investigated the case; how can he be culpable if the object thrown did not adhere to the wall? And R. Johanan answered: "The case was one of a soft date, which *did* adhere to the wall." Now, if the conclusion is that the cake of earth lessened the depth of the pit, the date which adhered to the wall also lessened the distance of four ells from where the date was thrown, and he says that the man is culpable? The answer was: In the case of the date the thrower did not intend that the date should adhere to the wall permanently, while in the case of the pit the cake of earth remained in the pit permanently, as intended by the thrower.

Abayi said: If a man throw a mat into a pit ten spans deep and eight spans wide in public ground he is culpable. If he, however, placed the mat into the pit so that the pit was divided into two equal parts, he is not culpable. (The latter decree informs us of two facts: Firstly, that although the mat was placed in the pit, while the pit was still of sufficient size to constitute it private ground and was only diminished at the time the mat was placed into it, the man is not culpable, and secondly, that the mat takes up sufficient space to make the two pits caused by division less than four spans wide each.) Now, if, according to Abayi, it is a certainty that the mat is sufficient to nullify the enclosures necessary for the designation of private ground, so much the more is this the case with the cake of earth previously mentioned, but according to R. Johanan, to whom it is even questionable whether the cake of earth can produce that effect, surely a mat cannot.

Abayi said again: If a man throw an object into a pit ten

spans deep and four spans wide, filled with water and standing in public ground, he is culpable, but if the pit was filled with fruit, he is not culpable; because water does not annul the enclosures necessary for the designation of private ground, while fruit does (the reason is that an object thrown into a pit of water falls to the ground in spite of the water [viz. : a stone or iron], while in a pit filled with fruit it rests on top).^{*} We also learned the same in a Boraitha, in the name of R. Simeon: "Water does not annul the enclosures necessary for the designation of private ground."

MISHNA: If one throw a thing (a soft date) from a distance of four ells against the wall, and it strike the wall at a height of over ten spans from the ground, he is free; but if it strike the wall below ten spans from the ground, he is culpable; because one who throws a thing to the ground at a distance of four ells is culpable.

GEMARA: Said R. Jehudah, quoting Rabh in the name of R. Hyya: If one throw a thing at a distance of four ells against a wall, and the thing rested in a hole in the wall above ten spans from the ground, the law in his case is decided differently by R. Meir and the sages, viz. : R. Meir holds, that any object (like a hole) capable of being enlarged, must be looked upon as having been already enlarged, and therefore the man is culpable. The sages, however, hold that such is not the case; everything must be regarded in its actual condition.

R. Jehudah said in the name of Rabh: If a man throw a thing upon a sand-heap four ells wide and sloping up to a height of ten spans, he is culpable, provided the thing rested on the highest point of the heap, because the heap is regarded as being ten spans high in its entire length. The same we have learned in a Boraitha in the name of R. Hanina ben Gamaliel.

MISHNA: If one threw an object within four ells (in public ground) and the object rolled to a greater distance, he is free; if he threw a thing outside of four ells and it rolled back within four ells, he is culpable.

GEMARA: Why should a man be culpable in the latter clause of the Mishna; the object thrown did not rest outside of four ells if it rolled back within the prescribed limit? Said

^{*} So explains Rashi (Isaakides); we think, however, the reason that water does not annul the enclosures is, because water belongs to the public and any one can draw it out, and therefore it is equal to not being there; but, fruits must belong to a private individual and this makes it private ground.

R. Johanan: The Mishna treats of a case where the object thrown came in contact with an obstacle by means of which it rolled back, and therefore it rested for a moment outside of four ells.

Rabha said: "In the opinion of the sages, who differ with R. Aqiba concerning his decree, that an object surrounded by the atmosphere of a certain place makes the object equal to having been deposited in that place, a man who threw a thing from private into private ground by way of public ground, even below three spans from the ground, is not culpable unless the thing thrown rested for a moment at least on the public ground." Mareimar sat and repeated the above decree. Said Rabbina: "Does not our Mishna say the same, through the declaration of R. Johanan, who decrees that the Mishna holds a man culpable only if the object thrown by the man rests at its destination for a moment?" Answered Mareimar: Thou speakest of a rolling thing (which is carried along by the wind and it is not known when it will stand still). Such a thing cannot be regarded as resting, although it is below three spans from the ground, but in our case it is different. The thing was thrown (and was not rolled by the wind); so we might assume that when it reached a distance of less than three spans from the ground, it must be considered as resting on the ground; he informs us (that such is not the case).

MISHNA: If one throw a distance of four ells on the sea, he is free; if there happen to be shallow water, through which a public thoroughfare leads, where he threw the four ells, he is culpable. What must be the maximum depth of such shallow water? Less than ten spans; for one who throws four ells in shallow water, through which only occasionally a public thoroughfare leads, is culpable.

GEMARA: Said one of the schoolmen to Rabha: "The Mishna mentioning a public thoroughfare twice is justified in doing so, because we might presume that a thoroughfare used only in cases of necessity cannot be regarded as a *public* thoroughfare, and hence the Mishna informs us that while in other cases use from necessity is not to be regarded as customary, in this case it is different. But why is shallow water mentioned twice?" Answered Abayi: We might presume that the shallow water was *not* four ells wide, in which case it would be used as a thoroughfare; but if it was four ells, people would circumvene it, and thus it would not be considered a public thoroughfare;

therefore it is repeated to inform us that there is no difference between shallow water less than four ells wide or more.

MISHNA: One who throws from the sea into land, from land into the sea, from the sea into a ship, from a ship into the sea, or from one ship into another, is free. If ships are bound together, one may transfer an object from one into the other; but if the ships are not bound together, even though they lie alongside of one another (and meet), one must not transfer a thing from one into the other.

GEMARA: We have learned: If one desires to draw water from the sea into the ship, he must make a small (board) attachment to the side of the ship, and then he can draw the water. So said R. Huna, because he holds that unclaimed ground commences from the bottom of the sea and ends with the surface. The atmosphere above the sea is considered as ground under no jurisdiction, and hence the making of the attachment was really not necessary; but it being Sabbath, this should be done to distinguish the Sabbath from week-days. R. Hisda and Rabba bar R. Huna said: "The attachment made should be four ells wide," because they hold that the unclaimed ground commences from the surface of the water, and the water itself is considered as ground, and if the attachment were not made, it would constitute carrying from unclaimed ground into private ground, and this is not allowed to commence with.

R. Huna said: "On the small boats, that are not four spans wide down their entire depth, a man must not carry anything only for four ells (because it cannot be considered private ground), unless at a distance of three spans from the ground the boat is four spans wide. If there be sticks or refuse at the bottom of the boat, the bottom of the boat commences from the top of such sticks or refuse, and if the boat be ten spans high, according to that calculation one may carry in it." R. Na'hman opposed this: "Why should a man not be permitted to carry in a boat the bottom of which is not strewn with sticks and refuse?" Have we not learned in a Boraitha that R. Jose b. R. Jehudah said: "If one placed in public ground a stick (ten spans high), on top of which was a trough, which was four spans wide, a person throwing anything on top of the trough is culpable, because, while the trough was not ten spans high itself, the height of the stick upon which it rests is considered as included in its own." Why should this not also refer to the case of the boat, and the place where it is four spans wide be considered

as if it reached down to the bottom? R. Joseph opposed R. Na'hman as follows: "Did not R. Na'hman hear that R. Jehudah, in the name of Rabh, according to others, in the name of R. Hyya, said, that the sages did not agree with Jose b. R. Jehudah and exonerated the man?" Hence we see that the Boraitha, treating of the boat, holds with the opinion of the rabbis.

"If ships are bound together," etc. Is this not self-evident? Said Rabha: "The Mishna wishes to inform us, that one is permitted to carry from one ship into another, even if a small boat is between them, *i.e.*, one may carry from one ship into the boat and thence into the other ship, even though the small boat is not tied to either ship." Said R. Saphra to him: "Moses! * How canst thou say such a thing? Does not the Mishna state explicitly that one may carry from one ship into another? No boat between them (was mentioned)." R. Saphra, however, explained the Mishna thus: The Mishna, by saying one may carry from one ship into another, means to say that an Erubh may be made between the two ships, just as between two houses, and then things may be carried from one into the other, as we have learned in a Boraitha: An Erubh may be made between ships that are tied together and things may be carried from one into the other. If the rope by means of which the ships were lashed to each other became torn, carrying to and from one ship to the other is not allowed; but if the ships were lashed together again, either intentionally or unintentionally, through compulsion or through an error, the original permission again holds good.

The same is the case with mats of which tents were made, whereby the ground enclosed by the mats becomes private; and if many such tents were made, carrying from one tent into another is permitted, provided an Erubh is made. If the mats were rolled up, however, such carrying is not permitted. Were the mats rolled down again, intentionally or unintentionally, through compulsion or through error, the original permission again holds good.

It was reported in the name of Samuel: If the ships were tied together with a mere thread, permission to carry from one into the other holds good.

MISHNA: If one threw a thing, and after the thing had

* The word Moses was used as a title to a great teacher.

passed out of his hand, he recollected that it was Sabbath; if another person caught the thing thrown; if a dog caught it or if the thing thrown was consumed by fire (before reaching its destination), the man is free. If one threw a thing for the purpose of injuring a man or a beast, and before such injury was inflicted recollected (that it was Sabbath), he is free. (For) this is the rule: Only such are culpable and bound to bring a sin-offering as commit an act through error from beginning to end; if the act, however, was committed through error only at the start, and at the close was committed consciously, or *vice versa*, the perpetrator is free until the beginning as well as the end of the act is committed through error.

GEMARA: What would be the case, if the thing, after passing out of the thrower's hand, had rested (outside of four ells in public ground)? Would he be culpable? Why! Did he not recollect (that it was Sabbath) before the thing rested? And our Mishna (distinctly) states that one cannot be culpable unless an act were committed through error from beginning to end! Said Rabha: The Mishna teaches us two facts: Firstly, if one threw a thing, and after the thing had passed out of his hand he recollected (that it was Sabbath); or secondly, even if he did not recollect (that it was Sabbath), but another man, or a dog, caught the thing, or it was consumed by fire before it rested, he is not culpable.

"*This is the rule.*" We have learned: If one threw a distance of six ells, two ells through error, the next two consciously, and the last again through error, Rabba declares him free. (How can that occur? As soon as the object had passed out of his hand and had not yet reached farther than two ells, he became conscious that it was Sabbath, and before it had passed the next two ells he forgot again that it was Sabbath.) Rabha, however, declares him culpable. Rabba declares him free, even according to the opinion of R. Gamaliel (in the last Mishna of Chapter XII.), who does not consider the consciousness during the time intervening between the perpetration of the two acts (each of which only executed one-half the prescribed deed) as being of any consequence (but considers the two unfinished acts as one prolonged act done unintentionally and making the perpetrator culpable). For what reason? Because in the case treated of in the cited Mishna nothing was done during the period of consciousness (of the Sabbath) intervening between the two unfinished acts to neutralize the erroneous character of

the two unfinished acts, and thus they became one finished act and made the perpetrator culpable. In this case, however, Rabba assumes that during the time intervening between the passing of the first two ells and the last two ells, the man carried the thing, and did so fully conscious (of the Sabbath), and thus neutralized the erroneous character surrounding the throwing for the first two and last two ells. Rabba, however, declares him culpable, even according to the rabbis, who hold contrary to the opinion of R. Gamaliel (in the cited Mishna) and consider the consciousness (of Sabbath) during the period intervening between the two unfinished acts as a neutralization of the unintentional character of the unfinished acts, thus making the perpetrator not culpable. In this case, however, the man is culpable. (Why so?) Because in the case cited in the same Mishna the entire act could have been committed, but was not, for after the man became conscious (of its being Sabbath) he stopped; hence the unfinished act was not counted. Later he again forgot that it was Sabbath, but again recollected, before the entire act was committed; so the second unfinished act was not counted, and the man is free. In this case, however, the thing having been thrown could not be stopped when the man became conscious of its being Sabbath before it reached its destination! Thus the act was committed, and the fact that the thrower became conscious (of its being Sabbath) in the mean time is of no consequence. (Now, the conclusion is that there is really no difference between the rabbis and R. Gamaliel or between Rabba and Rabba, because all agree that if the thing was thrown the man is culpable, but if carried by hand he is not.)

Rabba said: If one threw a thing and it rested in the mouth of a dog or in the opening of an oven, he is culpable. Did we not learn in the Mishna that if a dog caught it, or if it was consumed by fire, he is not culpable? Yea; but the Mishna refers to a case where the intention was to throw it elsewhere and accidentally a dog caught it or it was consumed by fire; but Rabba means to say that a man is culpable if he intentionally throw it into the dog's mouth or into the oven. Said R. Bibhi b. Abayi: We have also learned elsewhere that the intention to have a thing rest in a place makes that place a fit one for the thing.

CHAPTER XII.

REGULATIONS CONCERNING BUILDING, PLOUGHING, ETC., ON THE SABBATH.

MISHNA: (Among the forty, less one, principal acts of labor, building was enumerated.) What is the least amount of building which will make a man culpable? The least possible amount. The same applies to stone-masonry, smoothing with a hammer (at the close of the work); as for planing, he who planes the least bit, and for drilling, he who drills ever so little, is culpable. For this is the rule: He who performs any act of labor which is of permanent value is culpable. R. Simeon ben Gamaliel said: He who during his work strikes the anvil with his sledge is culpable, because he virtually brings about labor.

GEMARA: Of what use is so small an amount of building? Said R. Aha bar Jacob: "So small an amount of building is usually done by a householder who discovers a hole in the wall of one of his rooms and fills it up (with wood or cement). And the instance of such work having been performed at the (construction of the) Tabernacle is: When one of the boards contained a hole produced by worms, a little molten lead was poured into it and it was thus filled."

Samuel said: "One who places a stone in the street for the purpose of paving the walk is culpable." An objection was made. We have learned elsewhere: If one furnish the stone for paving and another furnish the mortar, the latter is culpable? [Says the Gemara:] If you base your objection to Samuel's decree upon this Boraitha, why do you not also cite the latter decree of the Boraitha which reads: R. Jose says: "One who picks up a stone and places it upon a row of stones is also culpable"? Hence we see that there are three different kinds of building. Building at the base, in the centre, and on the top. Building at the base only requires a solid foundation in the earth. Building in the centre requires mortar. Building on top needs only proper placing without the use of mortar.

"Stone-masonry." In what category of labor can stone-

masonry be placed, that its performance should make one culpable? Rabh said it comes under the category of building, and Samuel said under the category of smoothing with a hammer. The same difference of opinion exists between Rabh and Samuel in the case of one who bores a hole in a chicken-coop that was not previously perforated. The former holds this to be building, while the latter regards it the same as smoothing with a hammer. (It makes no difference to one who performs such labor unintentionally, for in either event he must bring a sin-offering, regardless of what class of labor he performed, if he does only *one* act; but when he performs two acts there is a difference. If they are both of *one* category, he is bound to bring only *one* sin-offering, but if they are of different categories, he must bring *two*; but in the case of one who performed such work with intention, even if he does only *one* act it does make a difference. The witnesses to his deed when warning him—of his wrong-doing—must inform him just what class of labor he is engaged in executing. Should they tell him incorrectly, he cannot be held guilty. This applies to all cases where the Gemara asks as to the category of labor performed.) The same difference of opinion also exists in the case of one who affixed a handle to a pickaxe, Rabh classing such work as building, and Samuel as smoothing with a hammer.

A question was propounded by R. Nathan bar Oshiya to R. Johanan: "Under what category of labor is stone-masonry to be placed?" R. Johanan answered him by making the sign of hammering with his hand.

"*For this is the rule.*" What additional significance does the statement "for this is the rule" contain? It applies to the hollowing out of a block of wood capable of holding a Kabh (about four lugs), a cavity a good deal smaller.

"*R. Simeon ben Gamaliel said,*" etc. What labor is performed by striking an anvil with a sledge? The Tosephta in this chapter explains it as follows: "Said R. Simeon ben Gamaliel: He who during his work strikes the anvil with the sledge is culpable; because at the construction of the Tabernacle those that covered the boards with metal-plate would strike the plates with their hammers."

MISHNA: One who ploughs, grubs, weeds, or prunes ever so little is culpable. One who gathers wood for the purpose of using the space occupied by the wood is culpable if he gathers ever so little; but if he gathers it for the purpose of lighting a

fire with it, he is culpable only if he gathered as much as is required to cook (an easily boiled egg). If one gathered grass for the sake of the space occupied by it, he is culpable for gathering even ever so little; if for the purpose of feeding cattle, he does not become liable unless he gathered as much as a goat's mouthful.

GEMARA: Of what use is a place where a man ploughed ever so little? It may be used to plant one seed of a cucumber in. This was also done at the Tabernacle, where one root was all that was necessary (for dyeing) and was pulled out of the ground, thereby making a hole. (This is not contradictory to what we have learned previously, that the minimum prescribed quantity for cucumber seeds was two, because a man will not take one cucumber seed out for sowing; but when sowing a separate hole is made for each seed and thus the prescribed quantity in this case is limited to one.)

"*One who ploughs, grubs, weeds, or prunes.*" The rabbis taught: One who tears out herbs (which when damp are good for human food) for the purpose of eating them is culpable if the quantity equals or exceeds the size of a dried fig. For cattle the prescribed quantity is that of a goat's mouthful. If for the purpose of using for fuel, the prescribed quantity is as much as is used to cook an easily boiled egg with; if for the purpose of cleaning (weeding) his place, he is culpable even for ever so little. Is all this kind of work not done for the sake of cleaning the place? * Said Rabba and R. Joseph: The Mishna treats of a case where even if the man was not standing in a garden belonging to an individual, but even if he did it in a public field (if his intention is to clean the place he is culpable). Abayi said: (The same is the case) even if he did it in a private field and had no intention to clean the place, as it did not belong to him but to some one else.

MISHNA: One who writes two letters, with the right or with the left hand, be they of one denomination or of different denominations, or be they written with different inks or be they letters of different languages (alphabets), is culpable. R. Jose said: The only reason that one is declared culpable for writing two letters, is because they can serve as marks; for thus the boards used at the Tabernacle were marked in order to be able to tell which fit together. Rabbi (Jehuda Hanassi) said: We

* This means that taking the things away cleans the place even unintentionally.

also often find a short name which forms part of a long name, as Sam for Simeon and Samuel, Noah for Nahor, Dan for Daniel, Gad for Gadiel.

GEMARA: It would be right if the Mishna were to say that if one write with his right hand he is culpable, because writing with the right hand is the general way; but writing with the left is entirely out of the ordinary. Why should he be culpable? Said R. Jeremiah: "The Mishna also refers to a left-handed man." A left-handed man? His left is his right and his right his left hand. Let him then not be culpable if he use his right hand! Said Abayi: In the case of the Mishna a man is referred to who has equal strength in both hands; but R. Jacob, son of the daughter of Jacob, said: The Mishna stands according to the decree of R. Jose that the reason of a man's culpability is because of the letters standing for marks, and the making of marks with either the right or the left hand is prohibited. How can the first part of the Mishna be according to the opinion of R. Jose—it teaches further, "R. Jose said"? If the latter part is explicitly attributed to R. Jose, the first part cannot be in accord with him. Nay; the entire Mishna is in accord with R. Jose (say then *because* R. Jose said).

"*Rabbi said: We also often find a short name,*" etc. What does Rabbi mean by this teaching? Shall we assume that one is culpable only if he wrote two letters representing two different names, but if the two were merely an abbreviation of one name he is not culpable? Did we not learn in a Boraitha: "It is written [Lev. iv. 2]: And do (of) any (one) of them." One might assume from this verse that the man is not culpable unless he wrote the entire name, or wove the entire cloth, or he finished the whole length of the seam, therefore it is written "of any (one) of them." Now, if we take "of any (one) of them" literally, the writing of even one letter or the weaving of even one thread should make one culpable! Therefore it is written: "Of any (*one*) of them." How should this be understood? One is not culpable until he writes a short name which forms part of a long name, like Sam for Simeon or Samuel, Noah for Nahor, etc., etc. Rabbi (Jehudah) said: The two letters need not be part of a long name, but even if the two form a name (of a thing) in themselves like: Shesh, teth, red, gag, choch. (shesh—lion, teth—to give, red—go below, gag—roof, choch—nose band.) Said R. Jose: Is then the man culpable because of writing? It is only because of making a mark, for thus were

the boards of the Tabernacle marked in order that one might tell which fit together. Therefore if one made but one scratch on two boards or two scratches on one board, he is culpable. R. Simeon quotes the same verse: "And do (of) any (one) of them." One might assume that the man is not culpable unless he wrote the entire name, etc. How should this be understood? One is not culpable until he has performed labor which is permanently fixed. Now in the Boraitha we see that R. Jehudah said the two letters need not be part of a name, but even if the two form a name. (Does not R. Jehudah contradict himself?) This presents no difficulty. In the above Mishna he gives his own opinion, while in the Boraitha he cites his master's opinion, because we have learned in another Boraitha: R. Jehudah said in the name of R. Gamaliel: "Even if the two letters are not part of a long name, but form a name in themselves, he is culpable. For instance: shesh, teth, etc."

Did not R. Simeon say the very same thing as the first Tana? Perhaps one might say that R. Simeon refers to one who wrote two letters that have no meaning and are part of a long word. For instance, Aa from Aazreko (I assisted you). In such a case R. Simeon would be the stricter and the first Tana the more lenient. Is this not contrary to R. Simeon's wont, as we have learned in a Tosephta further on: "If one bore a hole with a drill, be the hole ever so small, he is culpable," etc.? R. Simeon however declares him free until the hole made was as large as it was originally intended to be. Answer and interpret R. Simeon's words thus: One might say that one is not culpable until he writes the whole verse; therefore it is written "of any one," signifying that one word is sufficient.

"*Rabbi said: We also often find,*" etc. How can the name of Sam be equal to Simeon? The (letter) Mem in Sam is an end (closed) letter, while the Mem in Simeon is an open (middle) Mem.* Said R. Hisda: From this we may infer that if one write by mistake an open Mem instead of a closed Mem in the scroll of laws, the scroll may be used.

The rabbis said to R. Jehoshua ben Levi: There were some young men at the schoolhouse to-day, and they related such wonderful things as were never taught before even in the time of Joshua the son of Nun. These are they: Aleph, Beth

* The five Hebrew letters Khaf, Mem, Nun, Peh, and Tzadi are written differently at the end and in the centre of words.

means Oliph Bino (go and teach knowledge). Gimmel, Daled means Gmol (be bountiful) Dalim (to the poor). Why is the foot of the Gimmel pointed toward the Daled? Because so should be the feet of those who are bountiful—ever ready to seek beneficiaries. Why is the foot of the Daled pointed back toward the Gimmel? In order that the poor man may know that he must not conceal himself from his benefactor. Why does the Daled turn its face from the Gimmel? In order to teach us that the benefactor should give to the poor without ostentation and that the poor man be not abashed. Hey, Vav, Zayin, Cheth, Teth, Iod, Khaf, Lamad means: Hey Vav, which is the name of the Holy One, blessed be He; (Zayin) Zon—He will feed thee; (Cheth) Cheyn—will be gracious unto thee; (Teth) Tov—will be good to thee; (Iod) Ierushah—He will make thee inherit in the world to come; (Khaf) Khesser—He will give thee a crown; (Lamad) Leaulim haboh—in the world to come.

Mem open (middle) and Mem closed (end) means Meimar (sayings) Pathuach (open) [implying that there are such sayings of God as are open to every one]; but Meimar (sayings) Sathum (closed) [implying that there are sayings of God which are hidden to most men]. Noon curved (middle) and Noon straight (end) means Neamon (an upright man); Khaph (curved) [should be (curved) bowed down, modest in this life, and in the life hereafter he will become a Neamon] (an upright man) Pashut (straight). Samach means Smohch (assist). Ayin means aniim (the poor). Peh round (middle) and Peh straight (end) means Peh (a mouth) Pasuach (shall be open [to teach]); and Peh (mouth) Sasum (shall be closed [to slander]). Tzadi round (middle) and Tzadi straight (end) means Tzadik (a righteous man) should be modest and fearless (straight). Quph means Qodosh (holy), implying who does all, that has been mentioned, is holy. Resh means Roshoh (wicked), implying, who does the contrary is wicked. Why does the crown of the Quph look down upon the Resh? Just as the Qodosh (Holy One, blessed be He) looks down upon the Roshoh (the wicked), saying: Turn from thy ways and I shall also give thee a crown. Why does the foot of the Quph hang unsupported? In order to admit of the wicked entering into the Qudoshim (holiness) if he turn from his ways. Shin means Sheqer (a lie) and Thaph means Emeth (truth). Why are the letters of Sheqer so near to one another (the order of sequence in the alphabet is Resh, Quph, Shin) and

Emeth so far from one another (being the first, middle, and last letters of the alphabet)? Because lies are very frequent, while truth is very scarce. Why have the letters in Sheqer but one foot while those in Emeth have so many? Because lies will finally totter, while truth will stand supreme.

MISHNA: One who through forgetfulness at one time wrote two letters is culpable. He may have written with ink, paint, dye, gum, or vitriol, or with anything making a permanent mark. Further, one who wrote on two walls forming a corner, or on two covers of an arithmetical book, so that the two letters can be read together, is culpable. One who writes on his own body is culpable. One who tattoos letters in his flesh R. Eliezer holds him culpable for a sin-offering, and R. Jehoshua holds him to be free. If one write with dark liquids, with fruit-juice, or in road-dust, in fine sand, or in anything that does not retain the writing, he is free. If one write with the back of his hand, with his feet, with his mouth, with his elbow; or if one write one letter to another letter (that had already been written), or writes over letters that had been written before; or when one's intention was to write a Cheth and wrote two Zayins; or if one write one letter on the ground and another on the wall, or on two separate walls, or on two separate pages of a book, when the two letters cannot be read together, he is free. If one wrote one abbreviated letter, R. Jehudah ben Bethyra holds him culpable and the sages hold him free.

GEMARA: "*Or with anything making a permanent mark,*" etc. What other additional things does the Mishna mean to express by this? R. Hananyah taught: It means if one wrote with berry-juice or with gall-nuts, he is also culpable. R. Hyya taught: "If one wrote with graphite, soot, or black ink, he is culpable."

"*One who tattoos two letters on his flesh,*" etc. We have learned in a Boraitha: Said R. Eliezer to the sages: "Did not the son of Sattadai* bring witchcraft out of Egypt, through tattooing on his flesh?" Answered the sages: "He was a fool and we do not cite single instances of fools."

"*If one write one letter to another letter,*" etc. According to which Tana's opinion is this? Said Rabba bar R. Huna: "This is not according to the opinion of R. Eliezer, for R. Eliezer said that if one add another thread to one already

* As to who Ben Sattadai was, see the works of Prof. Derenbourg.

woven, he is culpable." We have learned in a Boraitha: "If one wrote one letter at the end of any scriptural book, thereby finishing that particular book, or if one added another thread to one already woven, he is culpable." According to which Tana's opinion is *this*? Said Rabba bar R. Huna: "This is in accordance with the opinion of R. Eliezer, who said that if one add another thread to one already woven he is culpable." R. Ashi said: We may assume that the opinion of the sages does not conflict with this opinion, because the case of finishing a book differs from that of adding another thread; hence, according to their opinion, one is also culpable (for finishing a book by adding one letter).

We have learned in a Boraitha: "If one corrected one letter in the Scroll of laws, he is culpable." How can this be? One is not held culpable for writing one letter; how can the Boraitha hold one culpable for merely correcting one letter? Said R. Shesheth: "Here a special case is treated of; *i.e.*, if one take off the top bar of the Cheth and make two Zayins out of it." Rabba said: The same is the case if, for instance, one remove the square portion of a Daled and form a Resh therefrom.

"*If one wrote one abbreviated letter,*" etc. R. Johanan said in the name of R. Jose ben Zimra: "Whence do we know that there are abbreviated letters in the Scriptures? As it is written [in Gen. xvii. 5]: Khi Ab Hamaun Goyim Nsathicha (For the father of a multitude of nations have I made thee). In the word Ab the Aleph is the abbreviation of Ab—father, and the Beth stands for bachur—selected; Hamaun stands for haviv—lovely, Melech—king, vathig—modest, neamon—upright. All this I have made thee among the nations." R. Johanan declares of his own accord: "The ten commandments commence with Anauchi when it could be Ani (meaning I am). The Anauchi is an abbreviation for Ano (I), Naphshi (my soul), Kthovith (I have written), Yehovith (and have given)."

MISHNA: If one, through forgetfulness at two different times, write two letters, say one in the morning and the other toward evening, R. Gamaliel holds him to be culpable and the sages declare him free.

GEMARA: On what point do R. Gamaliel and the sages differ? R. Gamaliel does not consider the consciousness (of its being Sabbath) during the time intervening between the perpetration of the two acts (each of which executed only half the

prescribed deed) as being of any consequence (but considers the two unfinished acts as one prolonged act done unintentionally and making the perpetrator culpable). The sages, however, consider the consciousness (of Sabbath) during the period intervening between the two unfinished acts as a neutralization of the unintentional character of the unfinished acts and thus make the perpetrator not culpable.

CHAPTER XIII.

REGULATIONS CONCERNING WEAVING, TEARING, HUNTING, ETC., ON THE SABBATH.

MISHNA: R. Eliezer said: One who weaves (on the Sabbath) is culpable, as soon as he has woven three threads at the beginning of the web, and with a web already begun the addition of one thread suffices to make him culpable. The sages said: Both at the commencement of a new web, as well as at the continuation of one already begun, the prescribed quantity (making one culpable) is two threads. One who attaches two threads to the web, either to the warp or to the shoot, to the fine or to the coarse sieve, or to the basket, is culpable. Also one who sews two stitches, or tears asunder, in order to sew (together with) two stitches.

GEMARA: When R. Itz'hak came to Babylon, he taught that R. Eliezer said "two threads and not three," as stated in the Mishna. But we learned three! This is no contradiction. R. Itz'hak refers to thick threads and the Mishna to thin.

"*One who attaches two threads,*" etc. Said Abayi: This means, one who attached two threads *to* the web and one *in* the web.

"*One who sews two stitches,*" etc. Was this not taught in the Mishna treating of the principal acts of labor? Because in the succeeding Mishna the rule is taught concerning one, who tears while in a rage, or through grief at the death of a near relative, sewing and tearing is repeated in this Mishna.

"*Or tears asunder in order to sew together with two stitches.*" How is this to be imagined? (If by tearing the thing one means to spoil it, he may tear even as much as will require any number of stitches and not be culpable, but if he tears in order to sew together with two stitches and thus improve the thing, how can that be done?) This can be done in the case of a piece of cloth protruding from a garment, which one would tear off, and then sew up the remaining rent.

MISHNA: One who tears a thing while enraged, or through

grief on account of his dead, and, in general, all who spoil a thing are *not* culpable. If, however, one destroy a thing with the intention to mend it, the prescribed quantity (making him culpable) is determined according to the prescribed quantity of the act by which it is mended. The prescribed quantity of wool when being washed, carded, dyed or spun is a thread the length of a double sit; * in the weaving the prescribed quantity for wool is the breadth of one sit.

GEMARA: There is a contradiction: We have learned in a Boraitha: One who tears a thing while in a rage, or through grief, or through mourning for the dead, is culpable, and although he desecrates the Sabbath, the duty of tearing (ordained in cases of mourners for the dead) is fulfilled. This presents no difficulty. The Boraitha treats of the case of a man who tore his garment on account of the death of one on whose account it was his duty to tear his garment, while the Mishna treats of the case of a man who did not do so for duty's sake, but on account of a death of a stranger, and this not being his duty, he merely spoiled his garment. How can you say, that the Mishna treats of a man who tore his garment on account of the death of a stranger; it says distinctly *his* dead? Yea, it says his dead, but he has such relatives, on whose account he need not tear his garment; (though it may be his duty to bury them, he being the nearest living relative; and tearing one's garment becomes a duty only in the event of the death of a father, mother, son, daughter, brother, or sister). Now, there is no contradiction then as far as mourning for the dead is concerned, but there surely is as regards one who is enraged? In the Boraitha he is held culpable and in the Mishna he is not? Here also there is no difficulty: The Mishna's statement is in accord with R. Simeon's decree, who holds, that one is not culpable of performing a deed not for its own sake, while the Boraitha is in accord with the opinion of R. Jehudah, who holds one culpable of performing work even *not* for its own sake. But you have heard that R. Jehudah's opinion only applied to an act by which a thing was mended? Did you also hear that he decreed thus in the case of where a thing was destroyed? Said R. Abhin: "This is also a case of mending, because it relieves the man's

* The length of a sit is the distance between the first and middle finger of the hand when stretched taut. A double sit is the distance between the thumb and fore-finger when stretched farthest apart.

mind; and while he may spoil the garment at the same time he abates his fury." Is such action permitted? Have we not learned that R. Simeon ben Elazar said in the name of 'Hilpha bar Agra, quoting R. Johanan ben Nuri: "He who tears his garments in his fury, or he who breaks his vessels, or he who throws away his money while in a rage, shall be regarded in your eyes as a worshipper of idols, because such is the custom of the misleader: To-day he says to one, 'Do so,' to-morrow 'Do something else,' until he tells one to go and worship idols and the man does so." R. Abhin added to this: "Where can a Scriptural passage be found prohibiting this? [Psalms lxxxii. 10]: 'There shall not be among thee a foreign god; nor shalt thou bow thyself down to any strange god.' This means that no foreign god (misleader) shall be in thy heart, because it says Becho (in thee). The latter part of the verse infers, that if he allows the misleader to dwell in his heart it will bring him to bowing down to idols." Such action is permitted only when a man is not in an actual fury, but wishes to appear as if enraged in order to command obedience (from his family), as R. A'ha bar Jacob used to do; viz.: "When he wanted to show displeasure at the deeds of his family, he would take up a broken vessel and shatter it, making his family believe that he was furious and was breaking whole vessels."

Said R. Simeon ben Pazi in the name of R. Jehoshua ben Levi, quoting Bar Qapara:* The tears shed by a man on account of the death of an upright man are counted by the Holy One, blessed be He, and stored in His treasury, as it is written [Psalms lvi. 9]: "My wanderings hast Thou well numbered: put Thou my tears into Thy bottle, behold they are numbered by Thee." R. Jehudah in the name of Rabh said: "One who is slow to mourn the death of a scholar deserves being buried alive, as it is written [Joshua xxiv. 30]: 'And they buried him on the border of his inheritance at Thimnah-serach, which is on the mountain of Ephraim, on the north side of Mount Ga'ash.' Ga'ash signifies storm, and from this it is inferred, that because the people did not mourn the death of Joshua the mount stormed and tried to bury them alive."

Said R. Hyya bar Aba in the name of R. Johanan: "One

* Because mourning for one's dead is treated of in the last paragraph, the following discussions relating to mourning for upright men in general are held and the opinions of the different teachers cited.

who is slow to mourn the death of a scholar will not have long life. This is in retaliation; (because he did not mourn the death of the scholar, his own death will be hastened), as it is written [Isaiah xxvi. 8]: 'In measure, by driving him forth, thou strivest with him.' R. Hyya bar Aba objected and said to R. Johanan: How canst thou say, that one who is slow to mourn the death of a scholar will not have long life? Is it not written [Judges ii. 7]: "And the people served the Lord all the days of Joshua, and all the days of the elders, that lived many days after Joshua, who had seen all the great deeds of the Lord, which he had done for Israel"? R. Johanan answered: "Thou Babylonite! Does the verse say, that lived many years? It only says many days!" Now, according to R. Johanan's argument, does the verse [Deut. xi. 21]: "In order that your days may be multiplied, and the days of your children," etc., also mean days and not years? In this verse it is different. Where a blessing is conferred days *and* years are meant.

R. Hyya bar Aba said again in the name of R. Johanan: "If one brother die, let the remaining brothers take care that *they* do not die. Or if a member of a society die, let the other members take care that *they* die not." This means: if the best one among them die; another says, on the contrary, if the least one among them die.

"*The prescribed quantity of wool*," etc. R. Joseph showed the extent of a double sit as being twice the distance between the fore and the middle finger when spread out, and R. Hyya bar Ama showed its extent as being the distance between the thumb and the forefinger when spread out.

MISHNA: R. Jehudah said: "One who chases a bird into a bird-tower or a deer into a house is culpable." The sages said: "One who chases a bird into a bird-tower, a deer into a house, yard, or into a menagerie, is culpable." Said R. Simeon ben Gamaliel: "Not all menageries are equal. Following is the rule: Where another chase would be necessary (to catch the deer) one is not culpable; where no further chase is necessary, one *is* culpable."

GEMARA: The rabbis taught: One who caught a blind or a sleeping deer is culpable, but if the deer is lame, sick or old he is not culpable. Said Abayi to R. Joseph: "What difference is there between the two?" Answered R. Joseph: "A blind or a sleeping deer, as soon as touched, would attempt to escape, whereas a lame or a sick animal could not do this." Have we

not learned in a Boraitha, that one who caught a sick deer is culpable? This presents no difficulty. The rabbis refer to a deer sick with fever (when it was impossible for it to move), while the Boraitha refers to sickness arising from over-exertion.

MISHNA: If a deer run into a house and one lock (the doors) behind the deer, he (the man) is culpable. If two men lock (the doors) both are free. If one of them could not lock (them) himself and *both* did so, they are both culpable. R. Simeon declares them free. If one sit down at the entrance of the house without filling it up and another sit down beside him, thus filling up the gap, the latter is guilty. If the former sat down at the entrance and filled it up, and another came up and sat beside him, the former, even if he got up and walked away, is culpable, and the latter free; for this is the same as if one locked his house to preserve its contents and a deer were on the inside.

GEMARA: R. Jeremiah bar Aba in the name of Samuel said: One who catches a lion on the Sabbath is not culpable until he brings him into his cage.

R. Aba said in the name of R. Hyya b. Ashi, quoting Rabh: "If a bird flew under a man's coat-skirt, the man may keep it there until dark." R. Na'hman b. Itz'hak objected: From the above Mishna, "If a man sat down at the entrance and filled it up, and another came up and sat beside him, the former, even if he got up and walked away, is culpable and the latter is free," would we not assume, that the man is free (*i.e.*, he need bring no sin-offering) but he should not have done it in the first place? Nay; it means he is free and may do so to commence with. This seems to be borne out by the latter part of the Mishna, viz.: "For this is the same as if one locked his house to preserve its contents and a deer were on the inside." It is certainly allowed to close the house on a Sabbath and hence, being the same as locking the house, it is allowed in the first place.

Said Samuel: "At all times when it is taught, that one is not culpable of performing work on the Sabbath, it is meant that, while he is not culpable, he must not perform such work to commence with, excepting in the three following instances: One of the three has just been mentioned (concerning the deer); the second is, when one lances a wound on the Sabbath; if the intention is to extract the pus contained in the wound, he is not

culpable, and may do so in the first place; as we have learned in a following Mishna, that a sewing needle may be used to remove a splinter from the flesh; the third is, when one catches a snake on the Sabbath and he did so in order to escape being bitten, he is not culpable and may do so to commence with, as we have learned in a preceding Mishna, that one may put a vessel over a serpent, in order to escape being bitten."

CHAPTER XIV.

REGULATIONS CONCERNING THE CATCHING OF REPTILES, ANIMALS AND BIRDS.

MISHNA: One who catches or wounds any one of the eight kinds of reptiles enumerated in the Scriptures (Lev. xi. 29-30, viz.: the weasel, the mouse, the tortoise, the hedgehog, the chameleon, the lizard, the snail and the mole) is culpable; one who wounds worms or any other kind of reptiles (not enumerated above) is free. One who catches them for a purpose is culpable; he who does so without the intention (to use them) is free. He who catches such animals or birds as are within his domain is free, he who wounds them is culpable.

GEMARA: From the teaching of the Mishna that the reptiles (enumerated above) must not be wounded, it is evident that such reptiles must be possessed of a skin (which can be wounded). According to whose opinion is this? Said Samuel: "This is according to the opinion of R. Johanan ben Nuri; for he so stated (in Tract Chulin). Rabba bar R. Huna, however, in the name of Rabh said: It may also be assumed that the Mishna is in accord with the rabbis, who disagree with R. Johanan ben Nuri only where defilement is concerned, but who agree with him as to Sabbath. And as regards the Sabbath they (the rabbis) do not disagree with R. Johanan. Have we not learned in a Boraitha, that one who caught one of the eight kinds of reptiles enumerated in the Scriptures, or who wounds them, is culpable and that this applies only to such reptiles as have skins, and only such a wound is called incurable which has been produced by the blood clotting in the skin and remaining there, even when no blood came to the surface? R. Johanan ben Nuri, however, states, that all the eight reptiles enumerated in the Scriptures have skins (and therefore one who wounds any of them is culpable; hence we see that they disagree even as regards the Sabbath). Said R. Ashi: The first Tana of the mentioned Boraitha, at variance with R. Johanan, is R. Jehudah, who stated, that there are among the eight such as have no

skin; but the other rabbis, who differ with R. Johanan, where defilement is concerned, do *not* disagree with him in regard to Sabbath. Then why is it stated, that "R. Johanan ben Nuri, however, states, etc.," as if he opposed the rabbis? Read: "Thus states R. Johanan ben Nuri and his opponents."

"*Or any other reptiles.*" How is it, if one kills them? Is he culpable? The Mishna must be understood that if one only wounds them he is *not* culpable, but if he kills them he *is* culpable? According to whose opinion is this? Said R. Jeremiah: "This is according to the opinion of R. Eliezer, as stated in the first chapter" (page 22). R. Joseph opposed this: "Thou sayest, according to the opinion of R. Eliezer? The rabbis only differ with R. Eliezer when such reptiles as are incapable of breeding are concerned (for then they are not considered as actual living beings); but as to reptiles that are capable of breeding, they also agree, that one who kills them (on the Sabbath) is culpable (because that would be taking life, and taking life is prohibited on the Sabbath)."

"*One who catches them for a purpose is culpable; he who does so without any intention (to use them) is free.*" According to whose opinion is this teaching? Said R. Jehudah in the name of Rabh: It is according to the opinion of R. Simeon, who states, that any work not committed for its own sake does not make one culpable.

Samuel said: "One who takes a live fish out of the water, is culpable as soon as a part of the fish as large as a Sela has become dry (because then the fish cannot live)." Said R. Jose bar Abhin: Samuel means to say, that he is not culpable unless a place as big as a Sela become dry under its fins, and not on its body.

Mar bar Hamduri in the name of Samuel said: "If one thrust his hand into the entrails of an animal and displaced a foetus, that may have been there, he is culpable." Why so? Said Rabha: Mar bar Hamduri explained this to me as follows: Did not R. Shesheth say, that if a man tore out flax from among the thorns surrounding it, he is culpable, because he removed a thing whence it grew? So also in this case he is culpable because he displaced the foetus whence it grew. Said Abayi: The same is the case with one who tore out a mushroom which grows near a vessel filled with water, because he removed an object whence it grew. R. Oshiyah objected: Did we not learn that one who tears out a thing from a flower-pot, which is

not perforated, is not culpable, but from a perforated flower-pot he is culpable. Why should he be culpable in this case? Because a thing does not grow in a flower-pot which is not perforated, as a rule; but in this case it grows in its usual way.

"He who catches such animals or birds as are within his domain," etc. R. Huna said: "It is allowed to write Tephillin on the skin of a bird which is ritually clean." Said R. Joseph: "What would he inform us? That a bird has a skin? This is taught in the Mishna, for it says, he who wounds a bird is culpable." Said Abayi to R. Joseph: "He informs us of a very important matter. From the Mishna we would simply know that the bird, having a skin, must not be wounded, but we might think, that such a skin, being porous, must not be used for Tephillin. Hence he informs us, that it may also be used for Tephillin, as it was said in Palestine that pores which do not permit of ink soaking through cannot be considered as pores."

Mar the son of Rabhina asked of R. Na'hman bar Itz'hak: "Is it allowed to write Tephillin on the skin of a fish which is ritually clean?" R. Na'hman answered: "This can only be decided by Elijah; when he comes again, he will decide whether it is allowed or not."

Samuel and Qarna were sitting on the banks of Lake Malka. Samuel noticed that a ship was struggling with the rough waters and a man was suffering in consequence. Said Samuel to Qarna: "It seems to me, that a great man is coming from Palestine and that he is sick at the stomach. Go and see what ails him." He went and found Rabh on the ship, and asked him: "Whence do we know that Tephillin may be written only upon the skin of a ritually clean animal?" Rabh answered: "It is written [Exod. xiii. 9]: 'In order that the law of the Lord shall be in thy mouth,' which means, that the Law shall be written only on such a thing as thou mayest take into thy mouth." Qarna asked him again: "How do we know that blood is red?" Rabh answered again: "Because it is written [II Kings iii. 22]: 'The Moabites saw the water at a distance as red as blood.'" (In the meantime Rabh felt that Qarna was quizzing him.) He asked him, "What is thy name?" He answered: "Qarna." Said Rabh: "A Qarna (thorn) be in thy eyes!" Finally Samuel took Rabh to his own house, gave him barley-bread, small fishes, milk and such things as tend to produce looseness of the bowels, but did not show him the place to excrementize in. So

Rabh cursed him and said: "May the one who wishes to make me suffer, not be able to rear his children." So it was.

The rabbis taught: It is allowed to write Tephillin on the skins of (ritually) clean animals and creatures, also upon the skins of such as died a natural death and were not slaughtered, and it is an ordinance (instituted) by Moses at Sinai, that the Tephillin are wound in the hairy hide of such animals, whence the skin may be taken, and are sewed with the veins of such animals; but it is not allowed to write Tephillin on the skins of (ritually) unclean animals and creatures, whether such animals were slaughtered or naturally expired. This question was asked by a Bathusee of R. Joshua of the city of Garsi. "Whence do we know that Tephillin must not be written on the skin of an unclean animal?" "From the passage [Lev. xiii. 9]: 'In order that the law of the Lord shall be in thy mouth,' which means, that the Law shall be written only on such a thing as a man may put into his mouth." "According to thy argument," said the Bathusee, "Tephillin should not be written on the skin of a (ritually) clean animal, that died a natural death (because it must not be eaten also)." Answered R. Joshua: "I will give thee an instance of two men, who incurred the death penalty. One was duly executed, while the other died at the moment that he reached the gallows. Which is preferable? Certainly the natural death. In this case also, why should the skin of the animal that died a natural death not be used for writing the Tephillin thereon?" "According to that, then," said the Bathusee, "why should it not be eaten also?" Answered R. Joshua: "It is written [Deut. xiv. 21]: 'Ye shall not eat anything that dieth of itself,' and thou wouldst that it should be eaten." Answered the Bathusee: "*Kalos*" (Greek *Κάλος* = nice, well).

MISHNA: It is prohibited to prepare brine on Sabbath, but the making of salt water, in order to dip one's bread into it, or to use for seasoning other dishes is permitted. Said R. Jose: Is this not brine? (What is the difference?) be it more or less salted? Only the following kind of salt water may be made: If oil is first put into the water or into the salt.

GEMARA: How should the Mishna be understood? Said R. Jehudah in the name of Samuel: "It is not permitted to make a great deal of salt water, but a little may be made."

"Said R. Jose: *Is this not brine? Be it more or less salted.*" The schoolmen asked: "Does R. Jose, by making that state-

ment, mean to say that both should be prohibited or that both be allowed?" Said R. Rabba and also R. Johanan: "R. Jose meant to say, that both should be prohibited." We have also learned this in a Boraitha: "One shall not make a great deal of salt water in order to put it into a Gistar (a large vessel) filled with things requiring a soaking; but he may make a little salt water to dip his bread into it or use it for seasoning other dishes. Said R. Jose: 'Because one is more and the other less salted the former should be prohibited and the latter should be permitted; then one might say that a greater act of labor should be prohibited and a smaller one permitted? Therefore, I say, both are not allowed, but it becomes permissible, if oil is put into the water or into the salt, the main thing is that one should not mix water and salt to commence with.'"

R. Judah bar Haviva taught: "One shall not make salt water very strong." What does he mean by "very strong"? Rabba and R. Joseph bar Aba both said: "If one put an egg into the water and the egg float it is strong salt water." How much salt must be used for such water? Said Abayi: "Two-thirds salt and one-third water." For what purpose can that be used? For fish-brine.

The same Judah b. Haviva taught: "One must not salt pieces of radishes and eggs on the Sabbath." R. Hizkyah in the name of Abayi said: "Salting radishes is not allowed, but salting eggs is."

The same Judah b. Haviva taught: "If citrons, radishes and eggs are eaten without the peel (in the case of an egg, the yolk without the white), they remain in the stomach."

Rabhin walked behind R. Jeremiah on the banks of the sea of Zidon. Rabhin asked R. Jeremiah: "Is it allowed to wash one's self in this water on Sabbath?" R. Jeremiah said: "Yes, it is." Asked Rabhin again: "How is it if a man who is bathing in this water, opens and closes his eyes, so that the water has access to the eyes?" Answered R. Jeremiah: "I never heard of just such a case, but of one similar to it. I heard R. Zera say at one time in the name of R. Mathne, another time in the name of Mar Uqba, both of whom said, that the father of Samuel differed with Levi and that one of them said, that pouring wine *on* the eyes as a remedy is allowed but pouring wine *into* the eyes is not allowed, while the other said that the saliva of a man who had not broken his fast is a remedy for the eyes and must not even be put on the eyes; but Mar Uqba in the name

of Samuel said: A man may soak a medicament for the eyes on Friday in water and may then use the water on Sabbath with impunity."

Bar Levayi was standing before Mar Uqba, and saw the latter opening and closing his eyes, so that the medicinal water may have access to them. Said he to Mar Uqba: "So much Mar Samuel did *certainly* not permit!"

R. Yanai sent to Mar Uqba a request: "Let master send us the eye-salve prescribed by Samuel for sore eyes." Mar Uqba answered: "I send it to you, so that you do not think me parsimonious, but Samuel said, that bathing the eye in cold water in the morning and bathing the hands and feet in warm water at night is better than any medicine for the eye in the world." The same we have learned in a Boraitha: by R. Muna in the name of R. Jehudah.

The same R. Muna used to say: "As soon as a man rises and his hand touches his eye, nose, mouth, ear or a vein, it had better be chopped off. The same should be done with a hand that touches a pitcher used for beer, before it (the hand) is washed, because such a hand causes blindness, deafness and bad odors."

We have learned: R. Nathan said: "The eye is (like) a princess and it hurts her to be touched by a hand that has not been washed three times." R. Johanan says: "Puch (a precious stone or a certain kind of paint*) applied to the eye, stills its wrath, dries its tears and causes its lashes to grow."

Mar Uqba said: "One who (accidentally) injured his hand or foot so that blood flowed (on the Sabbath) may steep them in wine in order to stop the flow, with impunity." The schoolmen asked: "May he do this in vinegar also?" Said R. Hillel to R. Ashi: "When I attended the school of R. Kahana, it was said, that it is not allowed in vinegar." Said Rabha: "And the men of the city of Me'hutza, who are very delicate, are generally cured by wine the same as other people are by vinegar."

It happened, that Rabhina came to the house of R. Ashi and saw the latter, having had his foot trodden upon by an ass, soaking it in vinegar. Said Rabhina to him: "Does not the Master coincide with R. Hillel, who said, that soaking in vinegar is not allowed?" R. Ashi answered: "With a wound on the instep

* See II Kings ix. 30, Isaiah liv. 11 and I Chronicles xxix. 2.

of the foot and the back of the hand it is different, because R. Ada b. Mathne said in the name of Rabh, that a wound on the back of the hand and on the instep of the foot is equal to an internal wound and the Sabbath may be desecrated on its account."

The rabbis taught: "One may wash his body in the waters of Gror, Chamtan, Essia and Tiberias (all of which are salt waters), but it is not allowed to bathe one's self in the Great Sea and not in water used for soaking flax, also not in the sea of Sodom." Is this not contradictory to what we have learned in the Boraitha, viz.: "One may bathe in the Tiberias and in the Great Sea, but not in water used for soaking flax and in the sea of Sodom." This presents a difficulty; for in the Boraitha bathing in the Great Sea is permitted, while the rabbis prohibit it. Said R. Johanan: There is *no* difficulty. One Boraitha is in accordance with the opinion of R. Meir, while the other is in accord with the opinion of R. Jehudah (who differ in Tract Mikva'ath, Chapter V., Mishna 6). R. Na'hman bar Itz'hak opposed this, and said: "They differ only as regards defilement, but have ye heard that they also differ concerning the Sabbath?" Hence R. Na'hman bar Itz'hak explained this otherwise. He said, that the Boraitha which does not permit bathing in the Great Sea refers to one who stays in the water some length of time (and it is obvious that this is done on account of his health). Now, if we say, that the one Boraitha refers to a man who stays in the water for some time, we must assume, that the other Boraitha refers to one who does not stay long, and if this is so, why should not the one (who does not stay long) be permitted to bathe even in the water used for soaking flax? Have we not learned in another Boraitha: "One may bathe in the Tiberias, in flax-water or in the sea of Sodom, even if his head be scrofulous, provided he does not stay long in the water"? Therefore we must explain, that the difficulty existing between the two former Boraithas concerning the Great Sea is: that the one prohibiting bathing in the Great Sea refers to bad water which is not usually used for bathing, while the other refers to the good water generally used by bathers and in both the case refers to one who stays in the water for some time.

MISHNA: It is not allowed to eat Greek hyssop (a remedy for worms) on the Sabbath, because it is not food for healthy people. It is allowed, however, to eat yoeser (wild rosemary) and to drink shepherd-blossom (tea, an antidote for poisonous

beverages). It is permitted to partake of all usual eatables and beverages on the Sabbath as medicaments with the exception of tree-water (water of a certain spring) and root-tea (a compound of gum, herbs, and powdered roots), because the two latter serve only as a remedy for jaundice. At the same time it is permitted to drink tree-water to quench one's thirst, and one may anoint himself with root-oil but not as a remedy.

GEMARA: "*It is allowed, however, to eat wild rosemary,*" etc. For what purpose is it eaten? To drive out worms in one's liver. What is it eaten with? With seven white dates. What does the illness (requiring this remedy) arise from? From the eating of meat broiled over live coals and the drinking of water immediately after the eating on an empty stomach or from eating fat meat, beef, nuts or Rapa-twigs when eaten on an empty stomach and immediately washed down with water.

The mother of R. A'hadboy b. Ami made a remedy for a man who had imbibed poison of an adder by cooking laurel leaves in a cupful of beer, giving it to the man to drink, then clearing out the coals from a burning hearth, placing a brick on the hearth and making him sit on that brick until the poison left the man in the shape of a green fern. R. Ivia said, that she did not cook the laurel leaves in beer but in a quarter lug of milk of a white goat.

One who swallowed a (small) snake should eat kostos (an Indian root of which a precious salve was made, called in the Bible onycha) in salt and should run three miles. R. Simeon b. Ashi once saw a man who had swallowed a snake, so he disguised himself as a Persian horseman, called to the man, compelled him to eat kostos with salt, then chased him for three miles. In consequence of fright the man then vomited the snake piece by piece.

One who was bitten by a snake should get a bearing (female) ass, tear her open, take out the foetus, and apply it to the wound.

One who was encircled by a snake should run to the water, take a basket, place it over the snake's head, and as soon as the snake winds itself around the basket, throw it into the water and escape.

One who is pursued by a snake should, if he is in company of a friend, jump on the friend's back and have the friend carry him at least four ells so as to hide the scent of his footsteps, or, if alone, should jump over a stream or pond of water. At

night he should place his bed on four empty casks, then tie four cats to the casks, and sleep in an unroofed space. He should also place a lot of twigs and dry branches in front of his bed, so that if the snake glide among them they will rustle, in which event the cats will hear the noise and devour the snake. If one is pursued by a snake, he should run to a sandy place, where it is hard for a snake to glide.

"It is permitted to partake of all usual eatables," etc. What does the Mishna mean to add by the word "all"? A milt, which is good for the teeth (although it is bad for a weak stomach), or bran, which is good for the stomach (but bad for the teeth). What does the Mishna mean to add by the word "all," referring to beverages? Water of Izlat (Kaffir-corn) boiled with vinegar.

"With the exception of tree-water." We have learned in a Boraitha: "With the exception of prickly water." One who teaches prickly water does so because the water pricks the gall, and one who teaches tree-water refers to water running out of two trees? What does he mean by this? Said Rabba bar Brana: "There are two date-trees in Palestine that are called Thalai, and between them is a spring of water; the first cup of this water produces a weak sensation in the stomach, the second cup purges and the third leaves the stomach as clear as when imbibed." Said Ula: "I drank the Babylonian beer with better effects than that tree-water, but it is only then effective if drunk for the first time in forty days. R. Joseph said: "The water called prickly water above is Egyptian beer, which is one third barley, one third wild saffron, and one third salt." R. Papa said: It is one third wheat, one third wild saffron, and one third salt, and it should be drunk between Passover and Pentecost, when it will relieve constipation and stop diarrhœa.

"And root-tea." What is root-tea? Said R. Johanan: It is made of Alexandrian gum, alum, and garden saffron, each the weight of one Zuz, and ground together. To one who suffers with too frequent menstruation, three cups of this tea should be given in wine, and she will not be barren. For jaundice two cups are to be administered, in beer, but the patient will be barren ever after. May this be done? Have we not learned in a Boraitha: Whence do we know that castrating a man is prohibited? From the passage [Lev. xxii. 24]: "And in your land shall ye not make the like." Which means, ye shall not do this on your own bodies. So said R. Hanina?

This is said only in reference to one who has the intention of making one a eunuch, but not with reference to one who administers the remedy for jaundice, and incidentally makes one impotent; as R. Johanan said: "One who wishes to castrate a cock shall cut his comb, and thus the cock will become impotent." Did not R. Ashi say, that a cock whose comb is cut off is not rendered impotent thereby, but, being very proud, will have no more coition with hens on that account? Were he actually rendered impotent, it would not be allowed to remove his comb, for it is written [ibid.]: "And in your land shall ye not make the like." It is allowed to give a man two cups of root-tea for jaundice, providing he was already impotent. But even this is prohibited (in Menachoth 56)! Say rather it may be given to a woman who is not subject to the command of bearing children.

MISHNA: One who suffers with toothache must not gargle vinegar for it, but he may dip something in vinegar and apply it, and if the pain is relieved thereby, he need have no fear of the consequences. One who has pains in his loins must not rub them with wine or vinegar, but may anoint them with oil; not with rose-oil, however. Children of princes may anoint their wounds even with rose-oil, because it is their wont even on week-days to anoint themselves with rose-oil. R. Simeon said: "All Israelites must be considered as children of princes."

GEMARA: R. Aha bar Papa asked R. Abuha concerning the following contradiction: "The Mishna teaches, that one who has a toothache must not gargle with vinegar, implying thereby, that vinegar is a remedy for toothache, and still we find in the passage [Proverbs x. 26]: 'As vinegar is to the teeth, and as smoke is to the eyes.'" This presents no difficulty. The Mishna refers to an injured tooth, whereas the passage refers to sound teeth, which are put on edge by vinegar.

"*Must not gargle vinegar.*" Have we not learned in a Boraita, that it is not allowed to gargle vinegar and then spit it out, but if swallowed afterwards gargling is allowed? Said Abayi: Such is also the intent of the Mishna, meaning, if he spit out after gargling.

"*One who has pains in his loins,*" etc. Said R. Aba b. Zabhdā in the name of Rabh: The law according to the opinion of R. Simeon prevails. Shall we assume that Rabh holds with R. Simeon? Did not R. Simi bar Hyya say in the name of Rabh, that a bung-head tied around with a piece of cloth must not be hammered into a barrel on a festival (because the barrel being

full of wine, the cloth will absorb some, and by being pressed into the hole the wine absorbed will run out, and wringing a thing is not allowed), although the wine runs out of its own accord, and not through the intention of the man; but according to R. Simeon this would be permitted? Where an act is concerned which will most certainly be consummated, even without the agency of man, as the head of a creature being removed, death must surely follow, R. Simeon also admits, that it is not allowed. We have learned elsewhere, however, explicitly, that Hyya bar Ashi said, that Rabh holds according to R. Jehudah, and Samuel according to R. Simeon? (How can it be said that Rabh holds with R. Simeon?) Said Rabha: I and the lion of our society (*i.e.*, R. Hyya bar Abhin) explained this as follows: The ordinance prevails according to R. Simeon, that (rose-oil) is allowed, but not for the reason advanced by R. Simeon. R. Simeon says, that all Israelites are considered as princes, and therefore, even in such places where rose-oil is very costly, one may also anoint himself with it; but Rabh says it is allowed, because, where *he* (Rabh) resided, rose-oil was very cheap (but where it is costly it is not allowed).

CHAPTER XV.

REGULATIONS CONCERNING THE TYING AND UNTYING OF KNOTS ON THE SABBATH.

MISHNA: Following are the knots for the tying of which one becomes culpable. The knot of the camel-drivers (made on the guiding-ring) and the knot of the seamen (made on the bow of a ship); just as one becomes culpable for tying them, so also one becomes culpable for untying them. R. Meir said: "One does not become culpable for any knots that can be untied with one hand."

GEMARA: What is the meaning of a knot of the camel-drivers and a knot of seamen? Shall we assume, that by such a knot is meant the one that is tied in attaching the guiding-line suspended from the nose-ring of a camel to something else, and also the knot made in attaching the hawser of a ship to a capstan on the dock? (Such knots are not permanent, why should the tying of them be prohibited?) Nay; by that knot is meant the one made in attaching the guiding-line to the nose-ring and the hawser to the ship itself (both of which are permanent knots).

MISHNA: There are knots on account of which one does not become culpable, as in the case of a camel-driver's or seaman's knot. A woman may tie the slit of her chemise, the bands of her hood, the bands of her girdle, the straps of her shoes and sandals; also the bands of leather flasks (filled) with wine or oil, and of a pot of meat. R. Eliezer, the son of Jacob, says: "One may tie a rope in front of cattle, in order that they may not escape." One may tie a bucket (over the well) with his girdle, but not with a rope. R. Jehudah permits this to be done with a rope also. For a rule was laid down by R. Jehudah: One is not culpable for any knot which is not permanently fastened.

GEMARA: Is there not a difficulty in understanding the Mishna itself? The first part states, that there are knots on account of which one does not become culpable, etc., imply-

ing, therefore, that, while one who ties them does not become liable for a sin-offering, at the same time he must not do it to commence with. The latter part, however, says, that a woman *may* tie the slit of her chemise, etc., implying, then, that she may do it in the first place? The Mishna means: There are some knots for the tying of which one does not become culpable, as in the case of the knots of the camel-drivers, etc., and they are: The knots by means of which the guiding-line is attached to the nose-ring, and the knots by means of which the hawsers are attached to the ship itself. For tying such knots one does not become liable for a sin-offering, but he must not make them to commence with (because at times the knot is left on the nose-ring or on the ship for some time), and there are other knots which *may* be tied in the first place, such as the slit of a woman's chemise, etc.; what would he inform us? Is it not self-evident, that a woman must tie the slit in her chemise. The case treated of is where a chemise has two slits, an upper and a lower, and it can be put on (over the head) even if the lower one is tied. We might assume, then, that only the upper one of the slits would be permitted to be tied; he therefore informs us, that both the upper and the lower may be tied and untied.

"*The bands of her hood.*" Is this not self-evident? The case is, that the bands of the hood are always tied, and the woman slips on the hood without untying or tying the bands, and we might assume that for this reason the knot is considered permanent; he therefore informs us, that if a hair become entangled in the hood, the woman may tie and untie the bands.

"*The straps of her shoes and sandals,*" etc. R. Jehudah, the brother of R. Sala the Pious, had a pair of sandals, which were sometimes worn by him and sometimes by his child. He came to Abayi and asked him whether he might tie and untie them (on Sabbath). Said Abayi: "He who does this unintentionally becomes liable for a sin-offering." Said R. Jehudah to him: "If thou hadst said, that one is not culpable for doing this, but that it must not be done to commence with, it would seem strange to me; thou sayest now, that one is liable for a sin-offering." Asked Abayi: "Why so?" Answered R. Jehudah: "Because on week-days I sometimes also wear the sandals, and (if my child wishes to use them) I untie them and adjust them to the child's foot." Answered Abayi: "If such be the case, they may be tied or untied (on the Sabbath) to commence with."

R. Jeremiah was walking behind R. Abuha on unclaimed ground, and the band of his sandal having been torn off, he asked R. Abuha what to do. R. Abuha told him to take damp seaweeds, which an animal can eat (and which may therefore be handled on Sabbath), and tie his sandal.

Abayi stood before R. Joseph in private ground, and the band of one of his sandals becoming torn off, he asked R. Joseph what to do. Said R. Joseph: "Leave thy sandal here and walk without it." Asked Abayi: "Wherein does my case differ from that of R. Jeremiah?" Answered R. Joseph: "R. Jeremiah's sandal was torn off in unclaimed ground, where, had he left it, it would have been lost, but thine is in my yard and will be safe." Said Abayi: "But the sandal is a perfect vessel; for I can put it on my other foot and then it will not fall off. Why should I not be permitted to handle it?" R. Joseph answered: "Because we learned elsewhere in regard to Chalitza that R. Johanan interpreted a Boraitha in accordance with R. Jehudah, who says, that if the band of a sandal was torn off, the sandal cannot be regarded as a vessel. We must assume, therefore, that the ordinance according to R. Jehudah prevails."

"Also the bands of leather flasks filled with oil or wine," etc. Is this not self-evident? The case treated of is where the flasks had two mouths, and lest we assume that only one of them may be tied and untied, he informs us that both may be tied.

"And of a pot of meat." Is this not self-evident? The Mishna means to state, that even if the pot have an opening at the bottom it might be assumed that the knot tied around the mouth of the pot is permanent and should not be untied. We are informed that it may be untied, nevertheless.

"R. Eliezer, the son of Jacob, said," etc. Is *this* not self-evident? The case treated of is where there were two ropes, one tied higher up and the other lower. We might assume, that because the lower one is tied permanently one may not untie it; therefore he informs us that both may be tied and untied. Said R. Jehudah in the name of Samuel: "The Halakha prevails according to R. Eliezer ben Jacob."

"One may tie a bucket with his girdle, but not with a rope," etc. What kind of a rope is not permitted? Is it an ordinary rope? Why does R. Jehudah permit it? It remains permanently tied? Shall we assume that it refers to the rope of a weaver? Why is it not permitted? It will surely be removed, because the weaver will need it? Or is it prohibited simply as a precau-

tionary measure, lest some one tie the bucket with an ordinary rope, and R. Jehudah does not entertain this apprehension? Then it is contradictory to the following Boraitha: "A rope fastened to a bucket which became torn, should not be tied into a firm knot, but simply tied into a loop." R. Jehudah says: "It should be joined together with the owner's girdle, but it must not be tied into a loop." This would be a case of where both the rabbis and R. Jehudah contradict themselves. There is no contradiction at all. As for the rabbis, they hold, that an ordinary rope may be mistaken for the rope of a weaver, because both are called ropes, but a loop cannot be mistaken for a knot, because they have different names. As for R. Jehudah, he prohibits a loop to be made, not because he holds that a loop may be mistaken for a knot, but because the loop in this case is equal to a knot.

R. Aba in the name of R. Hyya b. Ashi, quoting Rabh, said: "One may bring a rope from his house and can tie it to the cow, and then fasten it to the crib."

R. Johanan asked of R. Jehudah bar Levayi: "May weaving utensils, either upper or lower, be handled on the Sabbath?" Answered R. Jehudah: "Nay; they may not." "Why so?" "Because on week-days they are also never used for any other purpose (being too heavy); hence they are always used for weaving alone (and therefore must not be handled on Sabbath)."

MISHNA: One may fold his clothes (just removed) even four or five times (on the Sabbath). On the eve of Sabbath one may prepare his beds for use on the Sabbath, but not at the close of Sabbath for use after the Sabbath is gone. R. Ishmael says: "One may arrange his clothes and prepare his beds on the Day of Atonement for the Sabbath; further, the sacrificial tallow left over from the Sabbath may be offered up on the Day of Atonement (if the two succeed one another, before the Jewish calendar was arranged); but not such as is left over from the Day of Atonement on the Sabbath." R. Aqiba said: "Neither that (tallow) left over from the Sabbath may be offered up on the Day of Atonement, nor that of the Day of Atonement on the Sabbath."

GEMARA: The school of R. Yanai said: The Mishna only permits the folding of clothes by one man, but not by two, and also only in case the clothes are new, but not if they are old (because old clothes are better preserved by folding). New clothes must only be folded if they are white clothes, but not if

they are colored. White clothes may be folded only if they constitute all the garments possessed by the man; but if he had others, he must not fold even those, as we have learned in a Tosephta: "The family of R. Gamaliel did not even fold white clothes, because they had others for a change."

R. Huna said: "If one have a change of clothes for the Sabbath, he should change them; if not, he should at least let them down." * R. Saphra opposed this: "If one let down his garments, he will be considered as a vain man." If he does this only on the Sabbath and not on week-days, he will not be considered vain but simply as one desirous of keeping the Sabbath with due respect, as it is written [Isaiah lviii. 13]: "And honor it by not doing thy usual pursuits." "Honor it" is meant to imply that, by wearing different clothes on the Sabbath, the Sabbath should be honored, for R. Johanan calls clothes signs of honor, and through clothes a man is honored. "By not doing thy usual pursuits" means that the walk on the Sabbath should not be as on week-days [ibid. ibid.]: "By not following thy own business," means to say, that only thy own business is not allowed, but heavenly business is. "And speaking (vain) words": the mode of speaking on Sabbath should not be like that on week-days. Speaking is not allowed, but thinking is. (All this is perfectly proper, not to dress as on week-days, nor to speak as on week-days); but what does a different walk on the Sabbath signify? It signifies, that one should not make long strides on the Sabbath, as Rabbi asked of R. Ishmael b. R. Jose: "May one make long strides on the Sabbath?" Answered he: "May one do so even on week-days? For I say, that a long stride deprives a man of a five hundredth part of the light of his eyes. A remedy for this is, however, the drinking of the wine over which the benediction is made on the eve before the Sabbath."

It is written [Ruth iii. 3]: "Therefore bathe and anoint thyself, and put thy garments upon thee," by which, said R. Elazar, is meant the Sabbath garments.

It is written [Proverbs ix. 9]: "Give to the wise (instruction), and he will become yet wiser." Said R. Elazar: By that is meant Ruth the Moabite and the Prophet Samuel of

* The poor of those days, when at work—i.e., on week days—used to roll up their long garments in order not to be hindered by them while at work. The rich used to wear long garments at all times; hence the above decree of R. Huna.

Ramah. Naomi said to Ruth: "Therefore bathe and anoint thyself, and put thy garments upon thee, and go down to the threshing-floor," but Ruth did as it is written further [ibid. 6]: "And she went down unto the threshing-floor, and did in accordance with all that her mother-in-law had commanded her," which means, that she first went down to the threshing-floor and then dressed herself, in order not to soil her clothes. As for Samuel, when Eli said unto him [I Samuel iii. 9]: "Go, lie down; and it shall be, if he call thee, that thou shalt say, Speak, Lord; for thy servant heareth," he did at the time as it is written [ibid. 10]: "And the Lord came, and placed himself, and called as at previous times, Samuel, Samuel. And Samuel said, Speak, for thy servant heareth," but did not say, "Speak, Jehovah," as he was told to do by Eli (because, not knowing who was speaking, he did not want to speak the Lord's name in vain).

It is written [Ruth ii. 3]: "And she went, and came, and gleaned in the field after the reapers." Said R. Elazar: She went and came to and fro until she found such men as were fit company for her. "Then said Boaz unto his young man that was appointed over the reapers, Whose maiden is this?" [ibid. 5]. Was it proper for Boaz to inquire whose maiden she was? We have learned in a Boraitha: He (Boaz) noticed that she was very modest, for when gleaned from the sheaves, she did so standing if the sheaves were also standing, and if the sheaves were on the ground, she did not stoop, lest she reveal some of her form, but sat down and gleaned in that position.

"But keep close company with my own maidens" [ibid. 8]. Was it proper for Boaz to say "my own maidens"? Was it his custom to mingle with the women? Said R. Elazar: "Because Boaz saw that 'Orpah kissed her mother-in-law; but Ruth cleaved unto her' [ibid. i. 14], he thought, that if she were such a woman it would be proper for him to associate with her."

"And Boaz said unto her, At mealtime come near hither (halom)" [ibid. ii. 14]. Said R. Elazar: "By the word 'halom' (near hither) Boaz hinted to her that from her would spring the kingdom of David, who used the expression 'halom,' as it is written in [II Samuel vii. 18]: 'Then went King David in and sat down before the Lord, and he said, Who am I, O Lord Eternal? and what is my house, that thou hast brought me as far as hitherward (halom)?'"

"And eat of the bread, and dip thy morsel in the vinegar"

[Ruth ii. 14]. "From this it can be inferred, that vinegar is good for (relieving excessive) heat," said R. Elazar. But R. Samuel ben Na'hmeni said: "This was also a hint to Ruth, that from her would spring forth a son, whose deeds would be sour as vinegar, and that was King Menasseh."

"And she seated herself beside the reapers" [ibid. ibid.]. Said R. Elazar: "Beside the reapers and not between them, was also a hint that the kingdom of David would eventually be divided."

"And he reached her parched corn, and she ate, and was satisfied, and had some left." Said R. Elazar: (This is a reference to the kingdom of David) "Ate at the time of David, was satisfied in the time of Solomon, and had some left in the time of King Chizkyah." Others say: "Ate during the days of David and Solomon, was satisfied during the days of Chizkyah, and had some left in the time of R. Jehudah Hanassi (a descendant of David), whose coachman even, according to the teaching of the Master, was said to be richer than the Shahur (king, shah) of Persia." In a Boraitha, however, we have learned: (This passage does not refer to the kingdom of David but to Israel in general). It means: "Israel ate in this life, will be satisfied in the times of the Messiah, and shall have some left in the world to come."

R. Hyya bar Aba said in the name of R. Johanan: "Whence do we know that a change of clothes is a biblical prescription?" Because it is written [Lev. vi. 4]: "And he shall take off his garments, and put on other garments, and carry forth the ashes to without the camp, unto a clean place." This was commented upon by the school of R. Ishmael to mean, that the clothes worn while cooking for one's master should not be worn when serving the master at table.

What is it?
The same teacher said again: A scholar (Talmud-Chacham), upon whose clothes a stain can be found, deserves to be put to death, for it is written [Proverbs viii. 36]: "All those that hate me love death." Do not read, "those that hate me" (mesanai), but "those that cause others to hate me" (masnii) (implying that if a stain is noticed on a scholar's clothes, the whole law is held lightly). Rabhina said: "In the Boraitha was taught not 'upon whose clothes *a stain* can be found,' but 'upon whose clothes *grease* (Rebhad)* is found.'" They do not differ, how-

* Rashi interprets the word Rebhad to mean "semen."

ever. The former refers to an over-garment, while the latter to an under-garment.

R. Johanan said: Who can be called a scholar trustworthy enough to be believed when claiming a lost article, without identification, but simply by seeing the article lost and claiming it as his own? A scholar who is so particular that, if he happen to put on his night-robe wrong side out, he will take the trouble to take it off again and adjust it properly.

R. Johanan said again: "Who is the scholar worthy of being made the president of a congregation?" The one who, when asked concerning an ordinance bearing on any subject, knows exactly what to answer, even such ordinances as are contained in the Tract Kalah (Kalah is a supplement to the Talmud, which is not generally read, and treats of a bride).

He said again: "Who is the scholar that is deserving of having his work performed by his fellow-citizens? The one who neglects his own affairs to attend to religious affairs." This refers, however, only to one who has lost his subsistence on account of his congregational duties.

Again, R. Johanan said: "Who can be called a scholar (Talmud-Chacham)? One who can give the interpretation of any ordinance in whichever chapter (or tract) that may be shown him." What difference does that make? The difference is this: If a man is familiar only with the ordinances of a certain tract, he may only be competent to be the presiding officer of one community, but if he understand them all, he may be made the chief of the house of learning in a whole district.

"R. Ishmael says: '*One may arrange his clothes,*'" etc. The rabbis taught: It is written [Numb. xxviii. 10]: "This is the burnt-offering of the Sabbath." From this we learn, that we may offer up the tallow left over from the Sabbath on the Day of Atonement; but one might say, that the fat left over on the Day of Atonement may be offered up on the Sabbath also; therefore the passage says [ibid. ibid.]: "on every Sabbath." So says R. Ishmael, but R. Aqiba says, "'This is the burnt-offering of the Sabbath on every Sabbath,' implies, that the fat left over from the Sabbath may be sacrificed on a biblical feast-day; but one might say, that it may be done also on the day of Atonement; therefore the passage says 'on every Sabbath.'"

The point of difference between R. Ishmael and R. Aqiba is as follows: R. Ishmael contends that vow-offerings and voluntary offerings may be brought on feast-days, and therefore the

term "every Sabbath" cannot refer to feast-days, but *does* refer to the Day of Atonement, whereas R. Aqiba contends that such offerings must not be brought on feast-days, and hence "every Sabbath" implies that the fat left over from the Sabbath may be offered up on a feast-day.

R. Zera or R. Aba said in the name of R. Huna: "If the Day of Atonement fall on a Sabbath, herbs for cooking must not be selected on that day." Said R. Mana: This we have learned in a Boraitha as follows: "Whence do we know that if the Day of Atonement fall on a Sabbath herbs must not be selected? Because it is written [Exod. xvi. 23]: 'A rest, a holy rest is unto the Lord to-morrow.'" Why is the word "rest" repeated? Shall we assume, that no other labor must be performed? This is ordained (in Chapter xx. 10): "Thou shalt not do any work." It must therefore refer to such work as is not really labor, as "selecting herbs" (and the passage must refer to a Sabbath on which the Day of Atonement happens to fall, because on ordinary Sabbaths no additional prescription is necessary; but it being the Day of Atonement, on which, were it not also Sabbath, such work would be permissible, on account of alleviating the sufferings caused by fasting, we might assume that it would be allowed also on a Day of Atonement, which occurs on a Sabbath; therefore the passage refers to a Sabbath upon which the Day of Atonement happens to fall). R. Hyya bar Aba, however, in the name of R. Johanan said: Selecting herbs on a Sabbath concurrent with the Day of Atonement is permissible, and the repetition of the word "rest" is on account of the prohibition of actual labor, and as for there being another ordinance to that effect, it is for the purpose of signifying that the transgressor of this commandment will be punished for the violation of both the positive and the negative commandments.

We have learned in a Boraitha in support of R. Johanan: Selecting herbs on a Day of Atonement concurrent with a Sabbath is permissible. Nuts may be cracked and pomegranates cleaned after the afternoon prayer, for the purpose of alleviating the suffering of the fasting. In the house of R. Jehudah, cabbage was prepared, and in Rabba's house, pumpkins were cleaned. Later on Rabba noticed that this was being done even before the afternoon prayer; so he told them that a message was received from R. Johanan of Palestine that this was prohibited.

CHAPTER XVI.

REGULATIONS CONCERNING ARTICLES WHICH MAY BE SAVED FROM A CONFLAGRATION ON SABBATH.

MISHNA: All sacred scriptures may be saved from a conflagration (on the Sabbath); be such scriptures allowed or not allowed to be read on Sabbath. The Scriptures written in any language whatsoever must be considered sacred, and brought to a safe place, even on a week-day. Why are some (sacred scriptures) not allowed to be read (on Sabbath)? In order that one might not miss the sermons at the school-house. One may save the case of the book with the book, the case of the Tephillin with the Tephillin, even if money is contained therein. Where must such things be taken (for safety)? In a closed space surrounded by walks. Ben Bathyra says: "Even in a space that has one side open."

GEMARA: It was taught: If the Scriptures were written in Aramaic (Targum), or in any other language, they need not be saved from a conflagration. So says R. Huna. But R. Hisda says: "They must be saved." According to the Tana who holds, that all of the scriptures may be read on Sabbath, there is no difference of opinion between R. Huna and R. Hisda, for the Scriptures must be saved. But, according to the Tana who holds, that some scriptures may and others may not be read on the Sabbath, R. Huna says, that the latter need not be saved, while R. Hisda says they must, in order not to disgrace the Scriptures. An objection was made: "Our Mishna says, that all scriptures, whether allowed to be read on the Sabbath or not, or even if written in whatever language, must be saved. We must assume, that the readable part of the Scriptures is the Prophets and the non-readable part is the Hagiographa, and if written in other languages, which are naturally non-readable, they must nevertheless be saved. How, then, can R. Huna say, that the non-readable need not be saved?" R. Huna might say: How can this explanation of the Mishna correspond with the further ordinance that they "should be brought to a safe

place" ? If it says that they must be saved from the conflagration, it is self-evident that they must be brought to a safe place ? What is the correct interpretation of the Mishna ? R. Huna interprets it according to his understanding thus : " The readable part of the Scriptures is the Prophets, the non-readable part is the Hagiographa, providing they are written in the holy language (Hebrew), but if written in other languages they need *not* be saved ; but although they need not be saved on the Sabbath, if they lie in an unfit place even on week-days, they must be brought into a safe place." R. Hisda interprets the Mishna according to his understanding thus : " The readable part is the Prophets, the non-readable part is the Hagiographa, and although written in other languages they must also be saved, and the term ' should be brought to a safe place ' refers even to torn pieces of such Scriptures although written in other languages."

Another objection was made: We have learned in a Boraitha: " If they (the Scriptures) are written in Aramaic or any other language, they must be saved from a conflagration ? Is this not contradictory to R. Huna's opinion ? Nay ; R. Huna may say that the Tana of the Boraitha holds the Scriptures written in other languages to be readable. Come and hear: Scriptures written in Coptic, Median, old Hebrew, Elamite or Greek, although not permitted to be read, must be saved from a conflagration." This is surely a contradiction to R. Huna ? R. Huna might say: There is a difference of opinion among the different Tanaim, as we have learned in the following Tosephta: If the Scriptures are written in Aramaic or in any other language, they must be saved from a conflagration, but R. Jose says, that they must not. Said R. Jose: It happened that Aba 'Halafta went to R. Gamaliel the Great in Tiberias, who sat at the table of Johanan the Nazuph (also called Ben Nazuph), and held in his hand the book of Job in Aramaic, which he was reading. Said Aba 'Halafta to R. Gamaliel: " I remember having at one time come to thy grandfather R. Gamaliel, who stood on the steps of the corridor of the Temple when a Book of Job in Aramaic was brought to him. He told the mason to take the book and immure it underneath the stairway." Whereupon the later R. Gamaliel also ordered the book he was reading to be immured.

The rabbis taught: The benedictions, which are written in Hebrew, or amulets although containing letters of the Holy Name and many passages of the Scriptures, must not be saved

from a conflagration, but may be burned up together with such letters and passages. From this it was said, that one who writes benedictions commits an act equal to burning up the Scriptures, as it happened in Zidon: One wrote benedictions, and it was told to R. Ishmael. R. Ishmael set forth to investigate the matter. As soon as the man saw R. Ishmael approach, he threw the writings into a bowl of water. Said R. Ishmael to him the following words: "The punishment thou wilt receive for this latter deed will be greater than that for writing the benedictions."

The Exilarch asked of Rabba bar R. Huna: If the Scriptures were written with paint or with dyes and in the holy language, may they be saved from a conflagration or not? I ask thee, taking in consideration the differences of opinion existing between the different Tanaim, for those who hold that Scriptures written in Aramaic or any other language must not be saved, what is their opinion regarding such as are written in the holy language and not with ink? Whereas those who hold that the Scriptures in any language must be saved, do they not refer to such as are written in ink only, but those written with paint or dye, even if written in Hebrew, should also not be saved? Answered Rabba bar R. Huna: "No, they must not be saved." Rejoined the Exilarch: "R. Hamnuna taught, in a Boraitha, that they may?" Answered Rabba: "If such was taught in a Boraitha, it must be so!"

The rabbis taught: Before the passage [Numb. x. 35]: "And it came to pass when the ark set forward, that Moses said, etc.," and at the close of the next verse, the Holy One, blessed be He, made signs (the inverted letter Nun, which must be inserted in the Scroll) in order to signify that this is not the proper place for the two passages; but Rabbi says, that this is out of the question, and that the two verses form a valuable book in themselves. We have heard from R. Samuel ben Na'hmeni in the name of R. Jonathan, that we have not a Pentateuch but a Septateuch* (*i.e.*, we have not five books of Moses, but seven). Would this imply that R. Samuel holds with Rabbi and declares that there are seven (because the two verses, which form a book in themselves, divide Numbers into two books)? Who is the Tana, however, that differs with Rabbi? He is R. Simeon ben Gamaliel, for we have learned in a Bora-

* In the Hebrew introduction to Tract Rosh Hashana this entire argument is explained, and we do not deem it advisable to translate it at present.

itha: R. Simeon ben Gamaliel says, that these two passages will in the future be removed and put in their proper place. Why were they put here, then? In order to make a separation between the two scourges that befell the Israelites. Which was the second scourge? The one that follows immediately afterwards [Numb. xi. 1]: "And it came to pass, that, as the people complained in a manner displeasing to the Lord," etc., etc. And which was the first? The first was as it is written [ibid. x. 33]: "And they set forward from the mount of the Lord," which, according to R. Hama b. Hanina, means "and they departed from the ways of the Lord." Which is the proper place for the two passages? Said R. Ashi: In Numbers ii. (where it is decreed how every man should walk in the wilderness, and the end of the chapter stating that every man did as he was commanded, should be followed by those two verses).

The schoolmen asked: May the blank pieces of the Scroll of Laws which had become detached from the Scroll be saved from a conflagration on Sabbath or not? Come and hear: The Gilyonim (blank pieces of the Scroll) and the Sadducean books need not be saved from the conflagration. They, together with the holy names contained in them. Does not the word Gilyonim have reference to the blank pieces of the Scroll? Nay; the blank pages of the Sadducean books. How can it mean the blank pages of the Sadducean books. Why, it is not even allowed to save the Sadducean books themselves? Perhaps the Boraitha means, that the Sadducean books are considered as blank pages, and hence must not be saved.

The text of the Boraitha says further: The Gilyonim and the Sadducean books must not be saved from a conflagration; R. Jose says, that on week-days the Holy Name must be torn out wherever it appears and preserved, and the remainder must be burned; but R. Tarphon says: May I bury my children, if I would not burn such books together with the Holy Name, whenever they reached my hands; for when a man is pursued by murderers or by a snake, it were better for him to seek refuge in the temple of an idol than to enter the houses of such people; for the idolaters serve their idols because they know not God, but the others know God and deny him; they (the latter) are referred to by the verse [Isaiah lvii. 8]: "And behind the doors and the doorposts hast thou placed thy remembrance" (implying that they remember the Lord very well, but nevertheless place their memory behind the doors and doorposts).

Said R. Ishmael: In the Scriptures it is even allowed to erase with bitter water the Holy Name of God, which was written in a holy cause in order to bring about peace between man and wife, *a fortiori* it should be allowed in the case of those people who cause discord and enmity between Israel and the Heavenly Father. To them David had reference [in Psalms cxxxix. 21, 22]: "Behold those that hate thee, I ever hate, O Lord! and for those that rise up against thee do I feel loathing. With the utmost hatred do I hate them: enemies are they become unto me." So, as they must not be saved from a conflagration, they must also not be saved from the waters, or anything that might destroy them.

Joseph bar Hanin asked of R. Abuha: "May the books of Be Abhidon be saved?" Answered R. Abuha: Yea, nay, I really cannot tell. Rabh never went to the Be Abhidon, and all the more not to the Be Nitzrephe.* Samuel, however, never went to the Be Nitzrephe, but did go to the Be Abhidon. Mar bar Joseph said: "I am of their society and do not fear them." Still it happened at one time that he was in danger on their account.

Ema Shalom, the wife of R. Eliezer, who was also a sister of R. Gamaliel the Second, encountered a philosopher in her neighborhood who was a judge, and had the reputation of being inaccessible to bribery. R. Gamaliel and his sister wished to ridicule him and prove that he *was* accessible to bribery. Ema Shalom brought him a golden candle. He asked her what she wanted, so she answered: "My father is dead, and I wish to inherit some of his possessions." The judge said: "Go, I will order that you be given your share." Said she: "Thou canst not order it so, because our law decrees, that wherever there is a son a daughter cannot inherit." Answered the judge: "Since you Israelites are in exile, your law given you by Moses has been revoked, and a new law was given you by which daughters may inherit equally with sons." On the morrow came R. Gamaliel and brought him a Libyan ass, and told him that he did not wish to let his sister inherit. Said the judge: "After thy sister left I consulted the law again, and found that the new law said: 'I did not come to abolish the Mosaic law, neither to increase nor

* We render these names without translations, as we also do in the case of Gilyonim, because of the incessant discussions concerning them among Hebrew theologians, and we do not desire to decide the definite meaning.

to diminish it.' Hence it must remain as in the old law, that where a son is left a sister must not inherit." Said Ema Shalom to the judge: "May God make thy light as bright as a candle." Said R. Gamaliel to her (in the presence of the judge): "An ass came along and extinguished thy candle."

"*Why are some (sacred Scriptures) not allowed to be read (on the Sabbath)?*" etc. Said Rabh: "It is not allowed to read such Scriptures only during the time of the sermons at the school-house, but at any other time they may be read." Samuel, however, said, that even at any other time they must not be read, because he holds with R. Nehemiah as we have learned in the following Boraitha: "Although it was said that the Hagiographa should not be read, still they may be discussed and lectured upon, and when a quotation must be made, the book may be referred to and the quotation read." Said R. Nehemiah: "Why was it prohibited to read the Hagiographa on the Sabbath? In order that it might be said: As it is forbidden to read the Hagiographa, it is all the more so forbidden to read ordinary papers."

"*In a closed space surrounded by walls.*" What is to be understood by the term "closed space"? Said R. Hisda: "This refers to a lane surrounded on three sides by walls and having on the fourth side two beams. If the lane have three walls and two beams it is a closed space, if it have only one beam on the fourth side it is an open place, and the Tana of the Mishna as well as Ben Bathyra hold in accordance with the opinion of R. Eliezer, who decided to that effect elsewhere." Said Rabba to R. Hisda: "Dost thou call a space surrounded by three walls and one beam an open place? If this be so, according to the sages, why cannot victuals and beverages also be brought there, not alone Scriptures? In *my* opinion, two walls and two beams, one on each side, form a closed space, and two walls with only one beam constitute an open space. And the two Tanaim of the Mishna are not in accord with R. Eliezer, but with R. Jehudah, who opposes him (in Tract Erubin)."

Said Abayi to Rabba: "And why should not, according to thy explanation, victuals and beverages be brought there (for safety) in conformity with the opinion of the sages?" Said R. Ashi, however, "The two Tanaim of the Mishna are of the opinion of R. Eliezer, and a closed place is formed by three walls and one beam, while an open place is made by three walls without any beam at all; and even according to R. Eliezer, who

requires two beams, it is only for the bringing thither of victuals; but for the safe keeping of the Scriptures, R. Eliezer holds even one beam to be sufficient."

MISHNA: One may save enough victuals to last for three meals (on the Sabbath in the event of a conflagration). Such food as is fit for human beings may be saved for the use of human beings, and such as is fit for cattle may be saved for cattle. How so? If a conflagration happen on the eve of Sabbath, one may save enough victuals for three meals. If it occur in the forenoon of Sabbath, one may save enough for two meals, and if it occur in the afternoon of Sabbath one may only save enough for one meal. R. Jose, however, says: "One may at all times save enough for three meals."

GEMARA: Let us see! Why should it only be allowed to save three meals, or two, or one? (It says, further on, that the victuals for the meals are to be brought into such a place as is covered by an Erub. In such a place things may be carried, and the things themselves may also be handled, then why should one not be allowed to save more than enough for three meals?) Said Rabha: Because a man is anxious for his possessions, he might, if allowed to save as much as possible, forget about the Sabbath and extinguish the fire altogether. Said Abayi to him: "We have learned previously, that a man upon whose roof a barrel filled with victuals becomes broken, may bring another vessel and put it underneath the barrel in order that the contents of the barrel fall into the vessel, but may not bring another barrel and transfer the contents of the broken one into the new, nor may he place a new barrel alongside of the other and remove the contents of the broken one into the new one by keeling over the former and letting its contents drop into the latter. Why should he not be allowed to do this? (He is on private ground, and the barrel with its contents may be handled?) If it is prohibited as a precautionary measure in the manner of the previous case, where does the precaution arise?" This latter case is also a precautionary measure; for were he allowed to remove the contents from one barrel into another, there is fear of his carrying it through public ground. The text of the Boraitha, however, teaches further, that if the man had guests in his house, he may remove the contents of the broken barrel into a new one, etc. But he may not first remove the contents and then call guests, but first call guests and then remove the things; nor may he pretend (to call guests), but must actually desire their

company. In the name of R. Jose bar R. Jehudah it was said, that even calling guests as a pretext is also allowed.

The rabbis taught: If one had saved (from the fire) fine bread, he must not return and save coarse bread, but if he first saved the coarse he may return and save the fine. One may also save enough on the Day of Atonement in the event of a fire (when that day is succeeded by Sabbath) to last him through the Sabbath also, but on a Sabbath it is not permitted to save enough for the Day of Atonement (if the Sabbath falls on the day before), and all the more so is it not allowed if the Sabbath precedes a feast-day; nor is it allowed to save on one Sabbath for the following Sabbath.

The rabbis taught: If one forgets bread in an oven, and in the meantime the Sabbath sets in, it is allowed to save enough bread to last for three meals; and one may say to bystanders, "Come and take out as much as ye need"; and when taking out the bread it should not be done with a baker's shovel, but with some other utensil. R. Hisda said: A man should see that everything should be prepared on Friday for the Sabbath as early as possible, as it is written [Exodus xvi. 5]: "And it shall come to pass, on the sixth day, when they prepare what they shall have brought in," etc., and this means, that as soon as the sixth day sets in, preparations for the Sabbath should be begun.

R. Aba said: "A man must pronounce the benediction over two loaves on the Sabbath," for it is written [ibid. xvi. 5]: "Double bread." Said R. Ashi: "I noticed the manner in which R. Kahana did this: He would hold two loaves, but would cut only one, because it is written [ibid. xvi. 18]: 'Every man according to his eating had he gathered.' " R. Zera used to cut off the loaf sufficient to last him for the entire meal. Asked Rabbina of R. Ashi: "Does this not seem gluttonous, to hold so large a piece in one's hand?" Answered R. Ashi: "Because on week-days such was not his wont, it does not appear gluttonous on Sabbath, and R. Zera did this only in honor of the day." R. Ami and R. Assi, if happening to have the same bread used in making an Erub, for use on Sabbath, would pronounce the benediction over the bread, for they said that because one religious duty had been fulfilled with that bread, it should be used to fulfil another religious duty."

"*How so: If a conflagration,*" etc. The rabbis taught: How many meals should a man eat on the Sabbath? Three. R. 'Hidka said four. Said R. Johanan: Both the rabbis and R.

'Hidka adduced their opinions from the same passage, as follows [Exodus xvi. 25]: "And Moses said, Eat it to-day; for a Sabbath is this day unto the Lord: to-day ye will not find it in the field." R. 'Hidka holds that, day being mentioned three times, three meals should be eaten during the day and one at night, and the rabbis hold that the day includes the night and only *three* meals are required. Our Mishna, however, which decrees that only enough for three meals should be saved, does therefore not agree with R. 'Hidka. According to whose opinion, however, will the following Mishna be? (Tract Peah): "If a poor man have sufficient for two meals, he must not apply for another at the public kitchen (where food is distributed), but he may apply to the general charity fund. If he have, however, sufficient for fourteen meals (for the week) he must not even apply to the general charity fund!" If the Mishna were of the opinion of R. 'Hidka, he should have had sufficient for sixteen meals, so as to afford him four meals on the Sabbath, and, according to the rabbis, for fifteen meals in order to have three meals on the Sabbath? It is therefore neither in accord with R. 'Hidka nor with the rabbis. Nay; it is in accord with the rabbis, and the poor man should eat his Sabbath-night meal on the Sabbath day, so with his Friday-night meal it will make three meals on the Sabbath. It may also be said that the Mishna holds with R. 'Hidka, and that the poor man should leave his Friday meal for the Sabbath. Shall we make the poor man then fast on Friday? It would therefore be better to hold the Mishna's opinion to be in accord with R. Aqiba, who says, that the poor man should make Sabbath equal to a week-day in order not to be forced to rely upon charity. Thus fourteen meals are sufficient, and he may eat only two on Sabbath.

But according to whose opinion is the Mishna (Tract Peah): "If a wandering mendicant come to a town, he must be given a loaf which can be bought for a Pundian (one forty-eighth of a Sela) when the price of flour is one Sela for four Saahs (and the sages calculated that such a loaf is sufficient for two meals). If he remain over night he must be given lodging, and if he remain over Sabbath he must be given three meals for Sabbath." Shall we assume, that this Mishna holds with the rabbis and not with R. 'Hidka? It might also be in accord with R. 'Hidka if the mendicant happen to have one meal with him, he is told to eat the one he has and is given three more. Should the mendicant then depart empty-handed? Nay; he is also given a meal

to take along on the way. What must he be given for lodging? Said R. Papa: Enough to hire a bed and a pillow.

The rabbis taught: The dishes used on the eve of Sabbath may be cleansed for the Sabbath-morning meal. The dishes used in the morning may be cleansed for the mid-day meal, and those of the mid-day meal for the afternoon; but those of the afternoon must not be cleansed until the Sabbath is over. All this is said concerning dishes; but glasses, cups, and all drinking utensils may be cleansed at any time, because there are no fixed times for drinking.

R. Simeon ben Pazi in the name of R. Jehoshua ben Levi, quoting Bar Qapara, said: One who keeps the commandment to eat three times on the Sabbath will be rid of three punishments, viz.: "The tribulations (at the time) of Messiah; the punishment of Gehenna, and the war of Gog and Magog." From the tribulations of Messiah, because the Sabbath is always mentioned as the day, and it is written [Malachi iii. 23]: "Behold, I send unto you Elijah the prophet before the coming of the day of the Lord, the great and the dreadful." From the punishment of Gehenna, because it is written [Zephaniah i. 15]: "A day of wrath is that day," etc., meaning the Gehenna. From the war of Gog and Magog, because it is written [Ezekiel xxxviii. 18]: "On the day of Gog's coming."

R. Johanan said in the name of R. Jose: One who makes the Sabbath pleasant will be rewarded with a boundless inheritance, as it is written [in Isaiah lviii. 14]: "Then shalt thou find delight in the Lord; and I will cause thee to tread upon the high places of the earth, and I will cause thee to enjoy the inheritance of Jacob thy father; for the mouth of the Lord hath spoken it." Not the inheritance of Abraham, concerning whom it is written [Genesis xiii. 17]: "Arise, walk through the land in the length of it and in the breadth of it," etc., and not as in the case of Isaac, as it is written [ibid. xxvi. 4]: "And I will give unto thy seed all these countries," but as it is written of Jacob [ibid. xxviii. 14]: "And thy seed shall be as the dust of the earth, and thou shalt spread abroad to the west and to the east, and to the north and to the south."

R. Na'hman bar Itz'hak said: (The man who makes the Sabbath pleasant) will also be saved the pain of exile, because it is written [Isaiah lviii. 14]: "And I will cause thee to ride upon the high places of the earth," and [Deut. xxxiii. 29]: "And thou shalt tread upon their high places." Said R. Jehudah in the

name of Rabb, "He who makes the Sabbath pleasant is given everything his heart desires," because it is written [Psalms xxxvii. 4]: "And delight thyself in the Lord, and he will give thee the wishes of thy heart." What is meant by "delight"? From the passage [Isaiah lviii. 13]: "If thou call the Sabbath a delight," we can adduce that the delight means Sabbath.

Wherewith should the Sabbath be made pleasant? Said R. Jehudah, the son of R. Samuel bar Shilath, in the name of Rabb: "With a mess of beets, large fish, and garlic-heads." But R. Hyya bar Ashi said in the name of Rabb: "Even with any dish whatever prepared especially for the Sabbath." What does "any dish whatever" mean? Said R. Papa: "Even small fish fried in oil."

R. Jehudah said in the name of Rabb: "If the Israelites had kept the first Sabbath (after the commandments were given) properly, no nation or race on earth could have harmed them. For it is written [Exodus xvi. 27]: 'And it came to pass on the seventh day that there went out some of the people to gather; but they found nothing.' And not long afterwards Amalek attacked the Israelites."

R. Johanan said in the name of R. Simeon ben Jochai: "If the Israelites were to keep two Sabbaths in succession as they should, they would immediately be released from exile, for it is written [Isaiah lvi. 6]: 'Also the sons of the stranger, that join themselves unto the Lord, to serve him, and to love the name of the Lord, to be unto him as servants, every one that keepeth the Sabbath by not violating it, and those who take hold of my covenant,' and immediately afterwards it is written [ibid. ibid. 7]: 'Even these will I bring to my holy mountain.'"

R. Jose said: "May my share in the world to come be with those who eat three meals on the Sabbath." Again he said: "May my share in the world to come be with those who recite Hallel* every day." This is not so. The Master says, that he who recites Hallel every day is a blasphemer. Nay; R. Jose does not mean Hallel, but Hallelujah.

R. Jose said again: "May my share in the world to come be with those who perform their morning devotion as soon as the sun begins to rise." Again said he: "May my share be with those who die of abdominal disease, for the Master said, that most of the righteous die of bowel troubles." He also said:

* Hallel is called the section of the Psalms from Chapter cxlii. to cxix.

"May my share be with those who die when about to fulfil a commandment; also with those who receive the Sabbath in Tiberias and see it out in Zipporias (Tiberias was in a valley and Zipporias on a hill); also with those who remain in the houses of learning, and not with those who attempt to draw scholars away from their studies; also with those who solicit alms but not with those who dispense alms; also with those who are suspected but are not guilty." Said R. Papa: "I have been suspected but was not guilty." Said R. Jose: "I have gone in unto my wife five times and have planted five cedars in Israel." Who are they? R. Ishmael, R. Eliezer, R. 'Halafta, R. Aftiles, and R. Mena'hem, all sons of R. Jose. But he also had a son called Vradimos? Nay; Vradimos is the same as R. Mena'hem, and the reason he was called Vradimos was because his face was as beautiful as a rose (Vrad is Aramaic for rose).

Said R. Jose again: "In all my days the ceiling of my house never saw the seam of my undershirt." Again said he: "I never acted contrary to the advice of my colleagues. I know well that I am not a descendant of priests, but when my colleagues asked me to pronounce a benediction usually said by priests, I did so." Again he said: "I never said a thing that I afterwards repented having said."

R. Na'hman said: "May it be accounted to me (for my reward), that I have observed the three meals (in honor of the Sabbath)." R. Jehudah said: "May it be accounted to me, that I have given my prayers preliminary consideration."* R. Huna, the son of R. Jehoshua, said: "May it be accounted to me, that I have never walked four ells with uncovered head." R. Shesheth said: "May it be accounted to me, that I have observed the commandment of Tephillin," and R. Na'hman said again: "May it be accounted to me, that I have observed the commandment of Tzitzith (showthreads)."

Said R. Joseph to R. Joseph the son of Rabha: "Canst thou tell me which commandment thy father observed most punctually?" The answer was: "The commandment of Tzitzith. For it happened one day that my father was ascending the stairway, and a thread of his Tzitzith becoming torn off, he would not leave his place until a new thread had been brought to him and the Tzitzith were mended."

Said Abayi: "May it be accounted to me, that whenever I

* It is stated elsewhere (in Tract Rosh Hashana) that R. Jehudah prayed only once in every thirty days.

noticed a young scholar (of my college) had finished a Tract of the Talmud, I gave a feast to all the sages of the day." Said Rabha: "May it be accounted to me, that whenever a young scholar and another man came before me for judgment, I did not put my head on the pillow (rest) until I exhausted every means to find the scholar's words prove the justice of his claim." Said Mar, the son of R. Ashi: "I am unfit to judge a young scholar because I love him as well as I do myself, and no man can see himself unjust."

R. Hanina used to wrap himself in a cloak on the eve of Sabbath and say: "Come with me, and let us go toward Sabbath the queen." R. Yanai used to clothe himself in his holiday clothes on the eve of Sabbath and say: "Come, bride; come, bride."

Rabba, the son of R. Huna, came as a guest to the house of Rabba the son of R. Na'hman. At the table three cakes steeped in the fat of the ram (which were only served on special occasions) were placed before him. Said he to his host: "Didst thou know that I would come to visit thee?" Answered the host: "Art thou then better than the Sabbath? (We prepare it usually for every Sabbath, as it is written: 'And thou shalt call the Sabbath a pleasure.')

R. Aba used to buy on the eve of every Sabbath thirteen Isteris' (six and a half Dinars) worth of meat from thirteen different butchers, and would hand them the money immediately upon their entering his door* and delivering the meat, saying to them: "Make haste, make haste and deliver your orders to others." R. Abuha used to sit on an ivory stool and make fire in honor of the Sabbath. R. Anan used to don a black apron in order to show that this day (the eve of the Sabbath) was a day of preparation, and that work had to be performed for the Sabbath. R. Safra used to singe a cow's head himself for the Sabbath, and Rabha would salt fish himself. R. Huna would light candles himself. R. Papa would prepare the wicks for the lamps. R. Hisda would cut herbs himself. Rabba and R. Joseph would chop wood for Sabbath. R. Zera would light the kindling wood. R. Na'hman bar Itz'hak would shoulder all bur-

* Rashi interprets this passage somewhat differently, namely: R. Aba did not hand the money to the butchers immediately upon their entering the door, but would hand the meat to his servants at the door, saying: "Make haste and cook this while I go and bring more," showing that he went himself for the meat and brought each piece from each butcher home separately.

dens to be carried in and out of the house himself on the eve of Sabbath, saying: "If R. Ami or R. Assi would come to visit me, would I not do the same for them?" Others say that R. Ami and Assi did this on the eve of every Sabbath, saying: "If it should happen that R. Johanan were to visit us, would we not do the same for him?"

Joseph, who honored the Sabbath, had a rich Gentile for a neighbor. The astrologers told the Gentile that all his goods and possessions would eventually be eaten up by Joseph, his neighbor. He went and sold out all his goods, and with the proceeds bought a precious pearl. This pearl he had set in his turban. While crossing a lake one day, the wind blew off his turban and it fell into the water. A fish swallowed it. Subsequently the fish was caught by fishermen late on the eve of Sabbath. Said the fishermen: "Who will buy this so late in the evening?" They were told by some people to go to Joseph, who honored the Sabbath, and that he usually bought such things. They carried it to Joseph, who bought it, and upon opening the fish he found the pearl, which he sold for thirteen* boxes of golden Dinars. A certain old man met this Joseph, and said to him: "He who lends to the Sabbath is repaid by the Sabbath itself."

Rabbi (Jehudah Hanassi) asked of R. Ishmael the son of R. Jose: "By what acts did the rich men of Palestine, so wealthy, merit their wealth?"

He answered: "Because they gave tithes, as it is written [Deut. xiv. 22]: 'Thou shalt truly give tithes.'"[†] "By what acts did the rich men of Babylon merit their wealth?" asked Rabbi again. "Because they keep the law honorably," was the reply. "And what about the rich men of other lands?" "Because *they* honor the Sabbath," as R. Hyya bar Aba related: "It happened that I was a guest in the house of a man in the city of Ludkai and a golden table was brought for me, which required sixteen men to carry, and sixteen silver chains were fastened to it, and bowls, pitchers, goblets, and glasses were hung on those chains, and on the table were all kinds of food and

* Rashi explains that his teacher Levi taught, that the number thirteen was usually used by the sages for a general sum and must not be taken literally as the above thirteen butchers, etc.

† The literal verse reads: "Asser teasher," which is here applied in the sense, that thou shalt give tithes in order that thou mayst become rich, the word "osher" also meaning riches.

beverages and spices, and when the table was set down they said: 'Unto the Lord belongeth the earth, with what filleth it' [Psalms xxiv. 1], and when the table was taken away, they said: 'The heavens are the heavens of the Lord; but the earth hath he given unto the children of men.' [Psalms xcv. 16.] I said to my host, 'My son, how didst thou merit all this?' Said he, 'I used to be a butcher, and whenever I came across a good animal, I would keep it for Sabbath.' Said I to him: 'Well is unto thee, that thou hast merited this, and praise be to God, who hath rewarded thee.' "

Said the Exilarch to R. Hamnuna: "It is written [Isaiah lviii. 13]: 'The holy day of the Lord, honorable.' What does this 'honorable' signify?" R. Hamnuna answered: "It means the Day of Atonement, on which day there is no eating and no drinking, and hence the Thora says, thou shalt honor it with clean clothes." Further, it says [ibid.]: "Thou shalt honor it" (this evidently does not refer to the Day of Atonement, which is called honorable, but must again refer to the Sabbath; how, then, should it be honored?) Said Rabh: "Thou shalt make the usual time of thy meals earlier," and Samuel said, "Thou shalt postpone the ordinary meal-hour." The children of R. Papa bar Aba asked R. Papa: "How shall we, who have meat and wine every day, distinguish the Sabbath day?" He answered: "If ye usually have your meals at a late hour, have them earlier, and if at an early hour, have them later."

R. Shesheth (who was blind) in the summer used to seat his pupils, who came to hear him lecture on Sabbath, in a place where the sun shone earliest, in order that they might become warm and leave, and in the winter used to seat them where the sun could not reach them, that they might become cold and leave the sooner.

R. Zera, when seeing his pupils standing in pairs and discussing the Thora on the Sabbath, used to say to them: "I pray ye, go home, eat, drink, and be merry. Do not violate the Sabbath! (It is made for pleasure and not for learning.)"

Rabha, according to others R. Jehoshua ben Levi, said: "Even a man who prays singly on the Sabbath eve must recite the prayer commencing with 'Thus were finished,' etc. [Genesis ii. 1-3]; for R. Hamnuna said, that he who prays on the Sabbath eve and recites that prayer is considered by the verse as being a collaborator in the creation of the world."

R. Eliezer said: "Whence do we know that speaking is

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equal to acting, as it is written [Psalms xxxiii. 6]: 'By the word of the Lord were the heavens made.'"

R. Hisda in the name of Mar Uqba said: "He who on the Sabbath recites the prayer commencing with, 'Thus were finished,' etc., has the hands of the two angels who accompany each man laid on his head, and they say to him [Isaiah vi. 7]: 'And thy iniquity is departed and thy sin is forgiven.'"

We have learned in a Boraitha: R. Jose bar Jehudah said: "Two angels accompany a man on the Sabbath eve on his way home from the house of prayer; one is a good angel and the other an evil one; and when the man comes home and finds the candles lit, the table set, and his bed made up, the good angel says: 'May it be the will of God that the next Sabbath shall be the same,' and the evil angel answers 'Amen' involuntarily. If, however, the man does not find everything in order, the evil angel says: 'Mayst thou find it so on the next Sabbath also,' and the good angel answers against his own will: 'Amen.'"

R. Elazar said: "A man should set his table on the Sabbath eve, although he may not be hungry and can eat not more than the size of an olive." R. Hanina said: "A man should set his table on the eve following the Sabbath, though he may not be hungry and can eat but the size of one olive. (This is also in honor of the Sabbath and is like the accompanying of a king at his departure.) Warm water at the close of the Sabbath day is wholesome. Warm bread at that time is also wholesome."

R. Abuha used to have a calf which was the third calf of its mother (and hence the best) killed for him at the close of the Sabbath day, and he ate only one of the entrails of the calf. When his son Abhimi grew up, he (Abhimi) said, "Why kill a whole calf for the sake of one of its entrails? Let us leave one of the entrails of the calf killed for the Sabbath for father, that he may eat it at the close of the Sabbath." This was done, but a lion came and killed the calf that was spared.

R. Jehoshua ben Levi said: "He who answers 'Amen. The Name of the Eternal be blessed,' with all his heart, has any ill fate which has been predestined for him nullified in heaven, as it is written [Judges v. 2]: 'When depravity had broken out in Israel, then did the people offer themselves willingly; (therefore) praise ye the Lord.' Why had depravity broken out in Israel? Because they had not praised the Lord." R. Hyya bar Abba in the name of R. Johanan said: "Even if

that man have amongst his sins aught of idolatry, he is also forgiven."

Said Resh Lakish: "He who answers 'Amen,' etc., with all his might has the gates of Paradise opened for him, as it is written [Isaiah xxvi. 2]: 'Open ye the gates, that there may enter in the righteous nation that guardeth the truth.'" (The truth in Hebrew is called "Emunim," and Resh Lakish said, "Do not read Emunim but Amenim, the plural for Amen.") What is Amen? Said R. Hanina: "Amen is the abbreviation for El (God), Melech (king), Neamon (truth)." (Meaning that by saying Amen a man certifies that his Creator is the God and king of truth.)

R. Jehudah, the son of R. Samuel, in the name of Rabh said: "A fire seldom occurs in a place unless there is a violation of the Sabbath, as it is written [Jeremiah xvii. 27]: 'But if ye will not hearken unto me to hallow the Sabbath day, and not to bear a burden, and to enter in at the gates of Jerusalem on the Sabbath day; then will I kindle a fire in its gates, and it shall devour the palaces of Jerusalem, and it shall not be quenched.'" What does "it shall not be quenched" signify? Said R. Na'hman bar Itz'hak: "The fire shall occur at a time when men are not around, as a rule."

Abayi said: "Jerusalem was destroyed solely on account of the violation of the Sabbath, as it is written [Ezekiel xxii. 26]: 'And from (the violations of) my Sabbaths do they turn away their eyes, so that I am profaned among them.'" R. Abuha said: "Jerusalem was not destroyed until they had abolished the reading of the Shema in the morning and in the evening, as it is written [Isaiah v. 11-13]: 'Wo unto those that rise up early in the morning, that they may run after strong drink, that continue until late in the twilight, till wine inflame them! And there are harp and psaltery, tambourine and flute, and wine, at their drinking feasts; but the deeds of the Lord they regard not, and the works of his hands they behold not. Therefore are my people led into exile, for want of knowledge.'" R. Hamnuna said: "Jerusalem was not destroyed until the children were kept away from school, as it is written [Jeremiah vi. 11]: '(I must) pour it out over the child in the street'; and it may be explained thus: Why must I pour it out? Because the child is in the street and not at school."

Ula said: "Jerusalem was destroyed because the people were devoid of shame, as it is written [ibid. 15]: 'They should

have been ashamed because they committed an abomination; but they neither felt the least shame, nor did they know how to blush; therefore shall they fall among those that fall.' "

R. Itz'hak said: " Jerusalem was destroyed only because no distinction was made between great and small, as it is written [Isaiah xxiv. 2, 3]: ' And it shall be the same with the people as with the priest, etc. Empty, emptied out shall be the land.' "

R. Amram, the son of R. Simeon bar Aba, in the name of his father, quoting R. Hanina, said: " Jerusalem was destroyed only because the people did not admonish one another, as it is written (Lamentations i. 6): ' Her princes have become like harts that have found no pasture.' As the harts in a herd travel head to rump, so would the men of Jerusalem not dare face each other with admonitions, but followed from behind in silence."

R. Jehudah said: " Jerusalem was destroyed because they insulted men of learning, as it is written [II Chronicles xxxvii. 16]: " But they mocked at the messengers of God, and despised his words, and scorned his prophets, until the fury of the Lord arose against his people, till there was no remedy." What does " till there was no remedy " signify? Said R. Jehudah in the name of Rabh: " He who insults a man of learning, can find no panacea for his affliction."

R. Jehudah in the name of Rabh said again: " It is written [I Chronicles xvi. 22]: ' Touch not my anointed, and do my prophets no harm.' " By " touch not my anointed " is meant the children of the school (for children are usually anointed), and " do my prophets no harm " refers to the scholars.*

Resh Lakish said in the name of R. Jehudah the Second: " The world is sustained solely through the exhalation of the children " (because they are pure and without sin). Said R. Papa to Abayi: " What about thy and my exhalation? " Answered Abayi: " The difference lies therein, that thou and I might have sinned, but children are incapable of committing sin." Resh Lakish said again in the name of the same authority: " The children should not be withheld from attending school, even while the new temple shall be in process of construction."

Said Resh Lakish to R. Jehudah the Second: " I have heard

* Rashi justifies this reference by basing it on the verse in Psalms xc. 12, which he interprets: " A prophet has a heart endowed with wisdom "; although Isaac Leeser translates the verse, " That we may obtain a heart endowed with wisdom," the Hebrew word *Navi* meaning both " prophet " and also " we may obtain."

a tradition coming from thy parents which says, that the city which has no school for children shall be destroyed; but Rabhina says, the tradition is to the effect that the high court shall put the city under a ban (until a school is built for children)."

Rabha said: Jerusalem was destroyed solely because there were no more trustworthy men there, as it is written [Jeremiah v. 1]: "Roam about through the streets of Jerusalem, and see now, and notice, and search in its broad places, if ye can find one man, if there be one that executeth justice, that searcheth for truth: and I will pardon it." What is meant by trustworthy men? Such as can be trusted in business.

MISHNA: Further, one may save a basket full of loaves (of bread), be it even enough for a hundred meals, a fig-cake, and a cask of wine; and one may also call to others: "Come ye and save for yourselves!" If those who do so understand their advantage, they make a settlement with the owner after the Sabbath is over. Where may such articles be taken to (for safety)? To a court that is joined to the other (court of the house burning) by an Erub. Ben Bathyra says: "Even to one that is not joined by an Erub."

There all utensils (dishes) may be brought, that are used on the same day; one may (in the event of a conflagration on the Sabbath) put on as many clothes as possible, and may wrap himself in whatever is possible. R. Jose says: "One may only put on eighteen pieces of ordinary apparel, but he can come back as often as he chooses and put on the same quantity and carry them off." One may also call to others: "Come ye and save with me (whatever ye can)!"

GEMARA: Have we not learned, in the preceding Mishna [page 245], that only (enough victuals for) three meals may be saved (and in the above Mishna sufficient for a hundred meals is permitted)? Said R. Huna: "This presents no difficulty. Our Mishna refers to one who comes to save the food with only one basket (when he may fill it with any quantity, whereas the preceding Mishna refers to one who brings several baskets, and in such a case it is not permitted to put in each basket more than sufficient for three meals)." But R. Aba bar Zavda in the name of Rabh said: "Both Mishnas refer to one who comes even with several baskets, but still no difficulty arises. This Mishna speaks of one who does not carry the food beyond the same court, while the other refers to one who carries it into another court."

"*A fig-cake*," etc. Why does the Mishna say, that if those who save for themselves know their advantage they will make a settlement with the owner after having saved the things from the conflagration? Are they not entitled to it under any circumstances, by virtue of the owner having made it public property when saying, "Come ye and save for yourselves"? Said R. Hisda: "This refers to pious people who would not take advantage of a man who is compelled to sacrifice his property." Said Rabha: "Can they be called pious, who accept remuneration for their time on the Sabbath? Nay; the Mishna does not refer to pious men, but to God-fearing men, who, while they would not take anything not belonging to them, would not care to trouble themselves gratuitously. By stating, therefore, that those who know their advantage will settle accounts with the owner afterwards, the Mishna means to say that their prudence consists in their knowing that they will not receive any remuneration for their time on Sabbath, but will only receive their own property as their due."

"*Come ye and save with me*." Why does the first part of the Mishna permit the saying of "Come and save for yourselves," and in the last part the permission is given to say: "Come and save with me"? Because the first part of the Mishna refers to victuals, and a man cannot save more than sufficient for three meals, while the last part of the Mishna refers to clothing; and as a man can change his clothing as often as he pleases, he may call to others to come and help him save whatever is possible.

"*One may put on as many clothes as possible*." The rabbis taught: One may dress himself, go out and undress, come back and dress again, and so on as often as he chooses. So said R. Meir. R. Jose, however, said, that one may put on only eighteen pieces of ordinary apparel. These were: 1 and 2. *Macturen* and *Unqly*, a mantle with a head-hold; 3. *Funda*, pocket for money; 4. *Kalbus*, a dress without sleeves; 5. *Chaluk*, a kind of shirt; 6. *Apiliute*, cover or overcoat; 7. *Maopareth*; 8 and 9. Drawers and pantaloons and cap for the head; 10 and 11. Shoes; 12 and 13. Socks; 14 and 15. *Pargud*, striped suit; 16. Girdle; 17. Hat; 18. Neckties.

MISHNA: R. Simeon, the son of Nanas, says: "One may spread a goat-skin over a chest, a box, or a cupboard, which has caught fire, so that they only become singed. One may also form a partition with any utensil (or vessel), be it full of water

or not, in order to keep the fire from spreading. R. Jose forbids the making of such a partition with new earthenware vessels filled with water, because such vessels cannot stand heat, but burst and extinguish the fire."

GEMARA: R. Jehudah said in the name of Rabh: "When one side of a garment has caught fire, the other side may be put in water, and if thereby the fire is extinguished it makes no difference." An objection was made: We have learned in a Tosephta, that if a garment has caught fire one may wrap it around him, and it makes no difference if the fire is thereby extinguished. One may also unroll the Sacred Scrolls, if the covering has caught fire on one side, and it does not matter if thus the fire is quenched. (This Tosephta then simply permits the unfolding or the folding of a garment that has caught fire, but says nothing about soaking the undamaged part in water.) Rabh holds with R. Simeon, the son of Nanas, in the above Mishna (who permits the prevention of the fire). R. Simeon, however, restricts his permission so that, while preventing the fire, it is not extinguished, but simply singes the objects (when the article, however, is soaked in water the fire will certainly be quenched, and did R. Simeon permit this also?) Yea, he did; for the last part of the Mishna relates, that R. Jose forbids the making of a partition with new pottery filled with water, because such vessels are liable to burst and extinguish the fire; and if R. Jose forbids this, surely R. Simeon (the first Tana) must have permitted it in the first part of the Mishna.

The rabbis taught: If a candle fall on the table, the table board may be raised and the candle dropped to the floor, and if it become extinguished, it matters not. Another Boraitha taught, that if a candle burn behind a door, the door may be opened and closed as usual, regardless of whether the candle is thus extinguished. Rabh scolded the one that thus decreed. Said Rabhina to R. A'ha the son of Rabha, according to others R. A'ha the son of Rabha to R. Ashi: "Why did Rabh scold the one who made that decree? Shall we say that it was because he holds with R. Jehudah (who says that an indirect act is also prohibited), and the Boraitha holds with R. Simeon, who permits the performance of an indirect act; is it possible that Rabh will scold every one who holds with R. Simeon?" He answered: "In this matter R. Simeon would also agree that this is prohibited, as it would be like decapitating a man without killing him."

R. Jehudah said: "One may open a door opposite a hearth-fire." Abayi scolded the one that decreed thus. Of what circumstances do we treat here? If the door is opened when there is an ordinary wind blowing, what reason had the one to prohibit it; and if there be an extraordinary wind blowing, why did the other permit it? The case here treated of is that of an ordinary wind, and the one prohibits the door being opened as a precautionary measure, lest this be done when a high wind is blowing, while the other does not regard a precautionary measure necessary.

"*One may also form a partition,*" etc. Shall we say that the rabbis hold the indirect bringing about of an extinction to be permissible and R. Jose holds to the contrary? Have we not heard the case to be the reverse? We have learned in a Boraitha: One may make a partition with empty vessels, and with vessels filled with water that are not liable to burst, and such are iron vessels. R. Jose, however, says, that the vessels made of pottery in the villages of Shihin and Hananiah are also proof against bursting. Thus we see that R. Jose is even more lenient than the rabbis? This presents no difficulty, for the above Boraitha is altogether in accordance with R. Jose; but it is incomplete, and should read thus: "One may make a partition with empty vessels, and with such as are filled with water but are not liable to burst; and such vessels are iron vessels and vessels made of pottery in the villages of Shihin and Hananiah," as R. Jose says that the vessels made of pottery in these villages are proof against heat.

MISHNA: If a non-Israelite comes near to extinguish (the fire), one must neither say to him: "Extinguish (it)," nor "Do not extinguish it," and for the reason, that one is not obliged to make him rest (on Sabbath). If a minor, however, desires to extinguish the fire, one must not allow him to do so, because one is obliged to see that he (the minor) rests (on Sabbath).

GEMARA: R. Ami said: "During a conflagration one may proclaim: 'Whoever will come and extinguish the fire, will lose nothing by it.'"

The rabbis taught: It happened that a fire broke out in the court of Joseph ben Simai in the town of Shihin, and the men of the fortress of Sepphoris came to extinguish the fire, because Joseph was an official of the government; but he would not allow them to do so, in honor of the Sabbath. A miracle occurred, and it commenced to rain, and the fire was extinguished. That

evening he sent to each man in the fortress two *selah* and to their officer fifty *selah*. When the sages heard this, they said: "It was not at all necessary to do this, because the Mishna says, that when a Gentile comes to extinguish a fire on Sabbath, one need not tell him to do it, or not to do it."

"*If a minor, however, desires to extinguish the fire,*" etc. Could we conclude from this, that if a minor is detected eating forbidden food it is the duty of the court of justice to prevent his doing so (and we know such is not the case)? Said R. Johanan: "Yea; if the minor does this with his father's knowledge. We must say, then, that the same case applies to the Gentile, who does the work with the knowledge of the Israelite whose house is burning. Is this permitted? Yea, it is; for the Gentile does it of his own volition, and it makes no difference whether the Israelite knows it or not (because he, the Gentile, knows he will be rewarded)."

MISHNA: One may cover the top of a lamp with a vessel in order that the ceiling may not catch fire, and also cover the ordure (of poultry*) on account of the children (in the house). (One may also place a vessel) over a scorpion in order to prevent him from biting. R. Jehudah said: "A case of this kind happened once in the presence of R. Johanan ben Zakai in Arab, and he said, 'I am not certain whether (the man) is not culpable (and bound to bring a sin-offering).'"

GEMARA: R. Jehudah, R. Jeremiah b. Aba, and R. Hanon b. Ram happened to be the guests of Abin of Nishikia. The two former were furnished with beds, and the last one was not. At the same time, he noticed him teaching his son that the ordure of a child is to be covered, in order that the child should not touch it; and he said, "Abin the fool is teaching foolishness to his children. Is not the ordure of a child useful for dogs? What can you say? It was not prepared from yesterday. But this makes no difference; for we have learned in a Boraitha, that running rivers and springing wells are to be considered as the feet of every man." And Abin asked, "How, then, shall we teach?" And Hanon answered, "Over the ordure of poultry, that the child shall not touch it."

"*Over a scorpion in order to prevent him from biting.*" R. Jehoshua ben Levi said: "All dangerous creatures may be killed on Sabbath." R. Joseph raised an objection: "We have

* According to the explanation of the Gemara. See also translation of the Mishna by De Sola and Raphall.

learned in a Boraitha, that five creatures may be killed on Sabbath, and they are: the fly of Egypt, the wasp of Nineveh, and the serpent of Hadaiev, and the snake of Palestine, and a mad dog from any region." According to whose opinion is this Boraitha? It is not according to the opinion of R. Jehudah, who holds, that the performance of an act not in itself necessary makes one culpable? We must say, then, that the Boraitha agrees with R. Simeon. If this is so, is it allowed to kill only these five, and not others? Said R. Jeremiah: "Who can tell us that this Boraitha is a correct one? It may be erroneous." Said R. Joseph: "I have studied the Boraitha. The same objection was made before me, and I defended it by stating, that the Boraitha refers to the case where the creatures pursued the man in order to harm him, and under these circumstances even R. Jehudah permits the killing of these creatures."

A certain disciple related before Rabha, the son of R. Huna, quoting a Boraitha: "One who kills serpents and snakes on the Sabbath does not find favor in the eyes of the pious." Answered Rabha: "And these pious men do not find favor in the eyes of our sages." Thus he differs with R. Huna, for it happened that R. Huna, seeing a man killing a snake on Sabbath, said to him: Hast thou killed the last of them (if thou hast only killed one, of what use is it to violate the Sabbath? From this we see that R. Huna differs from the opinion of his son.)

The rabbis taught: If a man met snakes on the road and killed them, it was decreed above that he should kill them (thus removing danger for others, because a good deed is performed through a righteous man); if, however, he did not kill them, it was decreed above that he should be killed by them (that is, he is a sinner and deserving of death), but through the mercy of the Lord a miracle was performed, and he was saved. Said Ula, according to others Rabba bar bar Hana, in the name of R. Johanan: "Only in case the snakes prepared to strike at the man, can it be said that it was decreed that the man should be killed."

R. Aba bar Kahana said: "It happened that a snake was found in the school-house, and a man of the city of Neiety killed it." Said Rabbi: "He met his equal." The schoolman asked: "Did Rabbi mean, that the man was right in his deed, or on the contrary?" Come and hear: R. Aba, the son of Hyya b. Aba, and R. Zera were sitting in the hut of R. Janai, and they resolved to ask R. Janai if one might kill snakes and

serpents on the Sabbath. And he answered: "If a bee should annoy me, I would kill it; *a fortiori*, snakes and serpents."

Aba the son of Marta, who is Aba the son of Minyumi, was indebted in a sum of money to the Exilarch's house. He was brought there and was worried. While standing in the room, Aba spat on the floor. This happened on the Sabbath, and the Exilarch ordered his servants to bring a dish and cover up the spittle. Said Aba to him: "This is not necessary, for R. Jehudah says, that one may put his foot on spittle and thus clear it off." Thereupon the Exilarch remarked: "This proves to me that the man is a young scholar; let him go in peace."

Aba bar Kahana said in the name of R. Hanina: "The lamps of the house of Rabbi may be handled on the Sabbath." R. Zera asked him: "Which lamps do you refer to, the lamps that can be handled with one hand, or those that require both hands?" and he answered: "The same as can be found in your father's house (those were small lamps)." The same Aba said in the name of the same authority, that the carriages of the house of Rabbi might also be handled on the Sabbath. R. Zera asked him which he referred to, those that one man can pull, or those that require two men, and the answer was: "The same that your father possesses." Aba bar Kahana said again, that the same R. Hanina permitted the house of Rabbi to drink wine that was sealed with but one seal, in the markets of the heathens, and he states, that he does not know whether R. Hanina holds with R. Eliezer (who held that one seal only was necessary) or whether he permitted this out of respect to the house of the Nassi (for fear that if he prohibited this, they would become angry *).

MISHNA: If a non-Israelite lit a lamp on the Sabbath, the Israelite might make use of the light. If he (the non-Israelite) did so (especially) for the Israelite, the latter must *not* use it. If the non-Israelite filled up (a trough) with water, to water his (own) cattle, the Israelite may water his cattle after him; if he did so for the Israelite (especially), the latter must not water his cattle with it. If a non-Israelite made a stairway in order to descend upon it from a ship, the Israelite might descend after him; if he made it (especially) for the Israelite, the latter must not descend. Once R. Gamaliel and several elders arrived on a ship (on Sabbath) and a non-Israelite made a stairway upon which

* Rashi gives this a different explanation, but the above seems correct to us.

to descend (from the ship), whereupon R. Gamaliel and the elders also descended.

GEMARA: And it is necessary for the Mishna to mention the above cases separately, because if we were taught only concerning a lamp, we would say, that a lamp only may be used because a lamp will give light for a hundred men as well as for one; but as for water, we might say, that the water should not be used, in precaution lest the non-Israelite replenish the trough especially for the Israelite. For what purpose, however, is the stairway mentioned? That was only for the purpose of relating what happened to R. Gamaliel and the elders.

The rabbis taught: With grass which a Gentile mowed for his own cattle, an Israelite may feed his cattle, but if the grass was mowed especially for the Israelite, he may not. The same rule applies to water for watering the cattle. This applies only where the Gentile and the Israelite are not acquainted; but if they are, it is not allowed, under any circumstances. This is not so! For R. Huna said in the name of R. Hanina, that a man may allow his cattle to graze on the Sabbath, but must not feed them on grass which he designated previously for some other purpose (it matters not whether the grass is still uncut or cut). (Now, we see that things which have been designated for another purpose must not be fed to cattle on the Sabbath; how then is it allowed to feed one's cattle on the Gentile's grass which was cut on the Sabbath, and surely designated for some express purpose?) This presents no difficulty; for the permission to feed one's cattle on the Gentile's grass only holds good if the cattle feed themselves, and the man may stand by and prevent them from invading another pasture (but does not allow the man to feed them by hand).

It is said above: "This applies only where the Gentile and the Israelite are not acquainted," etc. Is this so? Did not R. Gamaliel descend on the stairway, although he and the Gentile were acquainted? Said Abayi: "The Gentile made the stairway when R. Gamaliel did not see him." But Rabha said: "It may be that the stairway was made in the presence of R. Gamaliel, but this case would be the same as that of a lamp. A lamp for one is a lamp for a hundred."

An objection was made to the teaching of Rabha: We have learned in a Tosephta: R. Gamaliel said to the elders: "As the Gentile made the stairway while we were not looking, we may descend on it." Answered Rabha: "Read simply, that R.

Gamaliel said, ' because the Gentile had already made it, we may use it.' "

Samuel happened to arrive at the house of Abin in Tourn on a Sabbath. A Gentile came and lit a candle. Samuel turned his face away from the light; but after seeing that the Gentile brought a paper and commenced to read by the light of that candle, he said: " I see now that the Gentile lit the candle for his own use," and he then made use of it himself.

CHAPTER XVII.

REGULATIONS CONCERNING THE HANDLING OF UTENSILS AND FURNITURE ON THE SABBATH.

MISHNA: All utensils (and furniture) which may be handled on the Sabbath, their doors (lids) may be handled with them, even when their lids had been removed; for such lids cannot be considered as house-doors, which are not intended to be removed. One may take a hammer on the Sabbath for the purpose of cracking nuts, an axe to chop fig-cake, a hand-saw to saw cheese, a shovel to gather up dried figs, a fan and a fork to place a thing (food) before a child, a spindle and a shuttle to pick fruit, a sewing-needle to remove a splinter (from the flesh), and a packing needle to open a door.

GEMARA: "*All utensils which may be handled on the Sabbath, their doors (lids) may be handled with them, even when their lids had been removed.*" Removed when, on Sabbath? and if removed on a week-day they certainly may be handled? Why, on the contrary. On Sabbath the lids being attached to the utensils, they were intended for use with the utensils; but if removed on week-days, they did not form part of the utensils on the Sabbath, hence not intended for simultaneous use, and should not be handled! Said Abayi: The Mishna means to say, that the lids may be handled with the utensils on the Sabbath *even* if the lids had been removed *on a week-day*.

The rabbis taught: "The doors (lids) of a drawer, chest, or cage, may be taken down on the Sabbath, but not replaced. The door of a chicken-coop (which is built in the ground) must not be removed nor replaced on the Sabbath." It may be right to prohibit the removing or replacing of the door of a chicken-coop (built in the ground), because removing it would constitute the act of tearing down, and replacing it would constitute building, but as for the doors of a drawer, chest, or cage, what is the opinion of the rabbis? Do they hold that the acts of building and tearing down apply also to utensils? If so, why do they permit the removing of the doors (lids); and if not, why do they

prohibit replacing them? Said Rabha: "The act of building does not apply to utensils, but replacing is prohibited more as a precautionary measure, lest one drive the door in with a stick (and this would constitute the act of hammering)."

"*One may take a hammer,*" etc. Said R. Jehudah: This refers to a hammer intended only for nut-cracking, and such a hammer may be used to crack nuts, but a smith's hammer must not be used for that purpose; [for R. Jehudah holds, that a thing which is intended only for an act prohibited on the Sabbath, must not be used even for a permissible act]. Rabba, however, says, that a smith's hammer may be used to crack nuts [for he holds that a thing which is intended only for a prohibited act, *may* be used for a permissible act].

It was taught: R. Hyya bar Aba in the name of R. Johanan said: "We have learned, that a hammer which is intended for hammering gold may also be used for cracking nuts." R. Shoman bar Aba said: "We have learned, that the hammer referred to is intended to be used for spices."

The one who teaches that a spice-hammer may be used certainly permits a gold-hammer; but the one permitting a gold-hammer to be used, does not allow a spice-hammer, because a spice-hammer must be kept perfectly clean, and is usually laid away for non-use during the Sabbath.

"*A spindle and a shuttle to pick fruit,*" etc. The rabbis taught: A date which was not quite ripe, and was put in straw which was intended for use in clay-making, might be taken out, providing it was not completely covered by the straw, but enough to take hold of was left uncovered. The same applies to a cake which was taken out of the oven not quite done, and was put in glowing cinders to be cooked; but R. Eliezer ben Tadaï said, that both the date and the cake might be taken out even when completely covered, providing this is done with a prong, and then the straw or the ashes respectively fall off of themselves. Said R. Na'hman: "The Halakha prevails according to R. Eliezer ben Tadaï."

From this we see that R. Na'hman holds, that handling in an unusual manner is not considered handling at all; but did not R. Na'hman say, that if a radish is deposited in earth with its roots downwards and its head upwards and protruding from the earth, it may be taken out; but if deposited head downwards, it must not be taken out (and thus we see that R. Na'hman regards handling in an unusual manner the same as handling

proper)? The answer is, that R. Na'hman afterward retracted his decision concerning the radish.

"*A sewing-needle to remove a splinter.*" Rabha the son of Rabba sent a request to R. Joseph: "Let the master teach us the law regarding a needle, the eyelet or the point of which had been broken off." R. Joseph answered: "We have learned this in our Mishna: 'A sewing-needle to remove a splinter.' What difference would it make to the splinter whether the needle has an eyelet or not?" Rabha objected: "We have learned, that a needle, the eye or the point of which had been broken off, is not subject to defilement." Said Abayi: "Thou confusest Sabbath with defilement? As for defilement, a vessel must be complete in order to be subject to defilement; but for Sabbath use, anything which can be used is in itself sufficient, and with this needle I can remove a splinter."

R. Na'hman forbids the straightening of the limbs of a child at birth on the Sabbath, and R. Shesheth permits it.

MISHNA: The hollow olive-cane is subject to defilement if it has a knot; if not, it is not subject to defilement. In any event, it may be handled on the Sabbath.

R. Jose* saith: "Any utensil may be handled on the Sabbath, with the exception of the large wood-saw and the ploughshare."

GEMARA: The rabbis taught: Previously only three utensils were permitted to be handled on the Sabbath, and they were: a knife to chop pressed dates, a skimmer, and a small table-knife. Subsequently more was allowed, and then still more, and then more again, until finally any utensil was allowed with the exception of the wood-saw and the ploughshare.

What is meant by "subsequently more was allowed, and then still more," etc.? Said Rabha: They allowed a thing which was intended for use in a permissible act, whether it was needed for another purpose, or whether the room it occupied was needed; then still more was allowed, namely: to shift a thing out of the sunshine to a shady place; then more *again* was allowed, namely: a thing that was intended for use in a prohibited act (*e.g.*, a smith's hammer) was permitted to be used for another purpose or when its room was needed; but it was not permitted to be moved from the sunshine into the shade, and all this was

* In the Mishna of Yost and De Sola and Raphall, R. Jehudah was credited with the saying, but in our original R. Jose is named, as is proven in Erubhin 35 a.

allowed to be done by only one person, but not by two, until finally all utensils might be handled even by two persons.

Abayi raised an objection to this: "We have learned, that a mortar which contained garlic may be handled, but if it did not contain garlic it must not be handled." The answer was this: It is meant, to remove from the sunshine to the shade. R. Hanina said: This Mishna was taught in the times of R. Nehemiah ben Hahalyah, as it is written [Nehemiah xiii. 15]: "In those days I saw in Judah some treading wine-presses on the Sabbath, and bringing in sheaves, etc." (and because in those times there was great laxity in keeping the Sabbath, strict laws were made as a precaution, and even a mortar was not allowed to be handled unless it contained some eatables). Said R. Elazar: The Mishnas relating to the pieces of wood for the showbreads in Tract Menahoth, the sticks used by the priests for the Passover sacrifice in the Tract Pesachim, the bolts in the Tract Kelim, and the above Mishna relating to the mortar (all of which prohibit the handling of such things on Sabbath) were all taught *before* it was allowed to handle all vessels.

MISHNA: The utensils may also be handled with intent to use them or without such intent. R. Nehemiah saith: "They may be handled only if intended for use."

GEMARA: What is meant by "with intent to use them," etc.? Said Rabha: "'With intent to use them' means to use a thing which was intended for use in a permissible act, whether it was needed for its intended use, or whether the room it occupied was needed; and 'without such intent' means even to shift a thing from the sunshine into the shade, and a thing that was intended for use in a prohibited act was permitted to be used for its intended use or when its room was needed, but it was not permitted to move it from the sunshine into the shade. Now R. Nehemiah comes to say, that even if a thing was intended for a permissible act, it may be used only for its intended use and if the room occupied by it were needed, but it was *not* permitted to shift it from the sunshine into the shade.

R. Sapa, R. Aha b. Huna, and R. Huna bar Hanina were sitting together. The latter asked R. Sapa, according to Rabha, who explains Nehemiah's teaching (that even a permissible thing must not be removed for the purpose of occupying its place): "How can we remove dishes after eating?" Said R. Sapa: "It is equal to a dirty thing (standing on a clean place), which may be removed at any time."

R. Mari bar Rahel had several leather bolsters that lay in the sun (on a Sabbath). He came to Rabha and asked him if he might move them. Rabha told him it was allowed. Said R. Mari again: "I have other bolsters besides these." Answered Rabha: "This makes no difference. Thou mightst need those too if guests should call." Said R. Mari again: "I have sufficient for guests also." Said Rabha to him: "This proves to me, then, that thou art of the opinion of Rabba, who prohibits the moving of things from the sunshine into the shade on Sabbath. Hence everybody else may do this, but thou must not."

Said R. Aba in the name of R. Hyya bar Ashi, quoting Rabh: Whisks may be handled on the Sabbath to sweep the tables, but the brooms made of date-palms (which are only intended for floor-sweeping) must not be used for sweeping the tables. This was also stated by R. Elazar.

MISHNA: Of all utensils which may be handled on the Sabbath, fragments may also be handled, but it must be with a purpose, viz.: the pieces of a kneading-trough to cover the bung-hole of a cask, the pieces of a glass to cover the mouth of a pitcher. R. Jehudah says: "They must be fit for the same use (as the whole utensil), viz.: the parts of a kneading-trough to hold a brew, and the pieces of a glass to hold oil."

GEMARA: Said R. Jehudah in the name of Samuel: "The first Tana of the Mishna and R. Jehudah differ only as to fragments which were broken off on the Sabbath; for the former holds that the fragment is part and parcel of the utensil, and fit for the same use, while R. Jehudah holds, that the fragment is a newly created thing; but if the fragments were broken off before the Sabbath set in, all agree that they may be handled: because they were prepared for use while it was yet (week) day."

We have learned, in one Boraitha, that fire may be made with utensils, but not with fragments; and in another Boraitha we have learned, that as we may make fire with utensils, so we may also use fragments for the same purpose. In a third Boraitha, however, we were taught, that we must not make fire with either utensils or fragments. We must say, then, that the first Boraitha is in accordance with the opinion of R. Jehudah (who holds to the theory of "Muktza" and Noled (a newly ceated thing), the second Boraitha is in accordance with the opinion of R. Simeon (who holds to neither of the two theories), and the third Boraitha is in accordance with R. Nehemiah (who holds that

every utensil must be used for its particular purpose and not for other purposes).

R. Na'hman said: "Bricks left over from a building may be handled, because they can be used as seats; but if the bricks were piled up one on top of the other, they were evidently designated for building, and must not be handled." R. Na'hman said in the name of Samuel: A fragment of a piece of pottery may be handled in private ground, but not in unclaimed ground (because in private ground other vessels can generally be found and the fragment may be used as a lid or cover, but in unclaimed ground there are no other vessels and the fragment cannot be used in that manner); but R. Na'hman himself declares, that the fragment may be handled in unclaimed ground also (because in unclaimed ground there may also be some things which can be covered), but not in public ground; and Rabha, however, says, it may be handled even in public ground (because having been once regarded as a utensil in private ground it remains such everywhere).

This theory of Rabha's is borne out by his action; for it happened that he was walking on the street Ritka in the city of Mehuzza on a Sabbath, when his shoe became soiled with dirt. His servant came and cleaned it off with a fragment of a piece of pottery. The rabbis who went behind him scolded his servant for this act, whereupon he (Rabha) remarked: "It is not enough that they have not learned (what is permissible and what is not), but they also want to teach others. If this fragment were in private ground, it would have been a useful article because a vessel could be covered with it, and here in public ground it is useful to me."

R. Jehudah in the name of Samuel said: "The bung-head of a broken barrel may be handled on Sabbath." We have also learned this in the following Boraitha: "The bung-head and the pieces of a broken barrel may be handled on Sabbath, but it is not allowed to break off a piece of the fragments and cover a vessel with it or put it under the legs of a bedstead." If the bung-head and pieces, however, were thrown away among the garbage before the Sabbath, they must not be handled at all.

R. Hamdura said in the name of Samuel: "The waste of a mat may be used on the Sabbath." Why so? For what purpose can it be used? Said Rabha: "Bar Hamdura explained this to me as follows: What is a mat used for? To prevent the dust from settling upon an object, and the waste can also be used

for covering up dirt." R. Zera said in the name of Rabb: "Remnants of silken togas must not be handled on the Sabbath." Said Abayi: "This is said of remnants that measure less than three fingers square and are of no value to either rich or poor."

The rabbis taught: Fragments of an old oven are equal to any other vessels that may be handled on Sabbath. So said R. Meir; but R. Jehudah said they may not be handled. R. Jose testified in the name of R. Eliezer ben Jacob, that fragments of an oven may be handled on the Sabbath and the covers of an oven may be handled even if their handles are broken off. Said Rabbina: "According to whose opinion do we handle to-day the covers of the ovens used in the city of Mahassia, which have no handles? It must be according to the opinion of R. Eliezer ben Jacob."

MISHNA: One may dip water with a hollow pumpkin to which a stone is fastened, providing the stone will not fall off; otherwise, one must not dip water with it. One may dip water with a jug to which a vine branch is fastened.

"For a window-blind," says R. Eliezer, "a thing may only then be put up, if it be fastened and hang down; otherwise, it must not." The sages say it may be put up in any manner.

GEMARA: We have learned in another Mishna: "If a stone lie at the opening of a barrel, the barrel may be bent over, so that the stone fall down." Said Rabba in the name of R. Ami, quoting R. Johanan: "The case applies only when the stone lying at the opening of the barrel was left there unintentionally; but if placed there on purpose, the barrel becomes a base for a prohibited thing (and must not be moved)." R. Joseph in the name of R. Assi, quoting R. Johanan, said, on the contrary: "If the stone was left there unintentionally the barrel must be bent over, so that the stone fall down; but if placed there intentionally, it serves as a lid to the barrel, and may be removed." On what points do R. Ami and R. Assi differ? One holds, that an act must be accomplished in order to be an act, while the other holds the intention to be equivalent to the deed, and their respective theories are borne out by their opinions which follow:

For when R. Dimi, and according to others R. Zera, came from Palestine, he related in the name of R. Hanina: It happened that Rabbi once went to a certain place on a Friday, and finding a pile of stones said to his disciples: "Go and have it in your minds that we intend to sit on these to-morrow." Thus

Rabbi did not order them to act, but merely to think. R. Johanan, however, said, that Rabbi ordered his disciples to act. And what, according to R. Johanan's opinion, were the disciples to do? R. Ami said, that Rabbi ordered them to place the stones in position for them to sit on, but R. Assi said, that Rabbi ordered them not only to place the stones in position, but also to clean them (because, in the latter's opinion, changing the position of an object does not constitute an actual deed).

It was taught: R. Jose b. Saul said it was not stones but a pile of building wood. R. Johanan b. Saul, however, said it was not building wood but poles with which the depth of the water is sounded.

"One may dip water with a hollow pumpkin to which a vine-branch is fastened." If it is fastened one may, and if not, one may not. Shall we assume that our Mishna is not in accordance with the opinion of R. Simeon ben Gamaliel? as we have learned in a Boraitha: Branches of a tree which were intended for kindling, if subsequently used for sitting purposes, must be tied together, but R. Simeon ben Gamaliel said, they need not be tied together.* Said R. Ashi: It may be said, that this Mishna is not at variance with the opinion of R. Simeon ben Gamaliel, but is merely a precautionary measure, for fear that a branch, being brittle, might be broken by the man if not tied together.

"For a window-blind," etc. Rabba bar bar Hana in the name of R. Johanan said: All agree that it is not permitted to put up even a temporary tent † to begin with on a biblical festival, and decidedly not on the Sabbath, but as for adding (that is, if part of the blind was already up) a blind to a temporary tent that had already been put up, R. Eliezer said, that it is not permissible on a festival and much less so on the Sabbath, and the sages declare, that it is permitted on the Sabbath and so much the more on a festival.

"The sages say it may be put up in any manner." What is meant by "in any manner"? Said R. Aba in the name of R. Kahana: "By that is meant, that it makes no difference whether the blind was fastened or not, providing it was prepared for its purpose since the day before." Said R. Jeremiah to him:

Compare page 90, in this tract.

† By a temporary tent, says Rashi, is meant principally a sheet put up on four poles to serve as a roof, but screens on the sides are not considered a tent. The putting up of a window-blind in a building, however, is regarded by R. Eliezer as an addition to the building.

"Why wouldst thou assume that the sages would be more lenient in this matter? Say rather that they meant to state, that it made no difference whether the blind hung down or not, providing it had been previously fastened." R. Aba answered: "Because I hold with the Tana of the following Tosephta: A stick, prepared by the master of a house for the opening and locking of a door, may be used on Sabbath, providing it was fastened and hung to the door; otherwise, it must not be used. R. Simeon ben Gamaliel, however, declared, that as long as it was prepared for that purpose, it was of no consequence whether it was fastened and hung to the door." (Thus it may be seen that R. Aba held with R. Simeon ben Gamaliel.)

R. Jehudah bar Silas in the name of R. Assi, quoting R. Johanan, said: "The Halakha according to R. Simeon ben Gamaliel prevails." Did R. Johanan say this in reality? Have we not learned in a Mishna, that all covers of vessels having handles attached may be handled on Sabbath? Referring to this, R. Jehudah b. Shila in the name of R. Assi, quoting R. Johanan, said, that such would be the case only if the covers could be made use of as independent vessels. (How, then, can R. Johanan hold with R. Simeon ben Gamaliel, who says, that the stick which was not fastened to the door may be used on Sabbath, surely it is not an independent vessel?) Shall we assume, that R. Johanan holds with R. Simeon ben Gamaliel only in the case where the stick could also be used for other purposes and thus could be called an independent vessel? Then how can it be said that R. Johanan holds with R. Simeon ben Gamaliel, for the latter does not require the stick to be an independent vessel, as we have learned above in the matter of the branches (see page 273), where R. Simeon ben Gamaliel declares, that they need not be tied together? R. Johanan is in accordance with him only in the matter of the stick being prepared for its particular purpose without being fastened to the door, but disagrees with him as regards an independent vessel.

R. Itz'hak of Naph'ha* proclaimed at the door of the Exilarch's house, that the Halakha according to R. Eliezer prevailed. R. Amram raised an objection: "We have learned in the last Mishna of this Tract as follows: 'Thence we learn that it is permitted to put up a window-blind, to measure and to tie on the Sabbath.' " (How, then, could R. Itz'hak say, that the

* See note to page 96, in this tract.

Halakha according to R. Eliezer prevailed ?) Said Abayi to him: Upon what is thy objection concerning R. Itz'hak based ? The Mishna just mentioned gives the opinion of the sages only, who are at variance with R. Eliezer in our Mishna, and thou mightst say, that because no contention is mentioned, the Halakha according to the sages prevails; then thou knowest of another Mishna (in Erubin), concerning the hinge of a cupboard door, no name is mentioned, and still the Mishna appears to be in accordance with the opinion of R. Eliezer only (thus R. Itz'hak can accept R. Eliezer's opinion). Saith the Gemara: (Although Abayi justified R. Itz'hak) an *act* of the sages (as is related in the last-mentioned Mishna) is sufficiently decisive to establish the Halakha.

MISHNA: All lids of utensils may be removed (on the Sabbath), provided they have handles. Said R. Jose: What does this apply to ? To lids of vessels fastened in the ground, but lids of vessels in general may be removed at all events.

GEMARA: Said R. Jehudah bar Shila in the name of R. Assi, quoting R. Johanan: "The lids of utensils may be handled only if they can be made use of for other purposes as independent vessels." Saith the Gemara: "All agree, that covers of utensils (fixtures) fixed in the ground must be handled only if they have handles attached, and lids of other utensils not fixed in the ground may be handled even if they have no handles, but the point of the divergent opinions is as regards the covers of ovens, the one side contending, that ovens must be regarded as fixtures in the ground and the other side contending that they are ordinary utensils."

CHAPTER XVIII.

REGULATIONS REGARDING THE CLEARING OFF OF REQUIRED SPACE,
THE ASSISTANCE TO BE GIVEN CATTLE WHEN GIVING BIRTH TO
THEIR YOUNG AND TO WOMEN ABOUT TO BE CONFINED.

MISHNA: One may even clear off four or five chests of straw or grain, in order to provide room for guests, and to remove obstacles to instruction; but one must not clear out a whole barn. Further, one may clear off: heave-offerings, grain (of which it is not certain that the tithes have been set apart), first tithes of which the heave-offering has been taken off, second tithes and consecrated things which have been redeemed, and dried broad-beans, which serve the poor (others say, the goats) for food. But one must not clear off mixed grain (of which tithes have not yet been separated), nor first tithes of which the heave-offering had not yet been taken off, nor second tithes nor consecrated things which had not yet been redeemed, nor arum (wake-robin) nor mustard. R. Simeon ben Gamaliel permits arum (wake-robin) to be cleared off, because it serves the (house) raven for food.

Bundles of straw, bundles of stalks, and bundles of reeds may be handled, provided they are designed for cattle-fodder, otherwise they must not be handled.

GEMARA: The Mishna says, "four or five chests." Why say four or five? If five may be cleared off, surely four may! Said Samuel: This is said only as a customary saying; but in reality it means to say that any number may be cleared off; but by saying "one must not clear off a whole barn," the Mishna means to state, that all the straw should not be removed for fear lest pits be noticed in the ground, and the man might fill them up. Even if the whole barn be full and as yet untouched, one may commence to remove as much as is necessary, and the Mishna is in accordance with the opinion of R. Simeon, who disregards the law of Muktza.

The rabbis taught: One may not commence on a full barn, but one may remove enough, when entering, with his feet, to

provide an entrance, and when going out to make a way of egress.

The rabbis taught: A sheaf of grain, if commenced prior to the Sabbath, may be used on the Sabbath; but if not, it must not be used on Sabbath, so saith R. A'ha, but R. Simeon permits this to be done. How large should the sheaf be? We have learned in a Boraitha that it should measure one Lethach.*

The schoolmen propounded a question (not having heard Samuel's explanation): "How is the term 'four or five chests' to be understood? Should a man clear off only four or five chests, even if that be not room enough for his guests; or should he do so in proportion to the number of his guests? If according to the number of his guests, does it mean to say, that one man should clear off sufficient for all, or every man for himself?" Come and hear: Rabba told in the name of R. Hyya: It once happened that Rabbi went out on a Sabbath to a certain place, and saw that the place assigned to him for lecturing was too small; so he went out into the field, and found the whole field full of sheaves. He cleared off the field, and provided sufficient room." Thence we see that he did so in proportion to the number of his guests; but this narration decides only one part of the schoolmen's question, viz.: the one relating to the number of sheaves to be cleared off, but not the one relating to whether one man may clear off sufficient for all, or every man for himself. Come and hear: "Rabbi cleared off the field," etc. (that is, one man for all). And what think you, that Rabbi did this himself? he certainly must have ordered this to be done, so it is not known whether one man did it, or each man for himself.

"*For guests*," etc. R. Johanan said: "The reward for hospitality is equal to that for visiting the house of learning, for the Mishna saith for guests and for obstacles to instruction, thus putting the two causes on a par." Said R. Dimi: "Hospitality is even a greater virtue, for it is given the precedence over instruction."

R. Jehudah said in the name of Rabh: Hospitality is even a greater merit than receiving the Shekhina, as it is written [Genesis xviii. 3]: "And he said, My Lord, if now I have found favor in thy eyes, pass not away," etc. (showing that Abraham let the Lord wait while he went to receive his guests). Said R. Elazar: Come and see how the custom of the Holy One,

*A measure of grain spoken of in Hosea iii. 2, and presumably a half of a Kur.

blessed be He, is unlike that of human beings. An insignificant man cannot say to a great man: "Stay here until I come back again," whereas to the Holy One, blessed be He, Abraham said as mentioned above.

Said R. Jehudah bar Shila in the name of R. Assi, quoting R. Johanan: "There are six things, the interest on which a man consumes on earth, while the principal is given him in the world to come. They are: Hospitality, visiting the sick, contemplation before prayer, attending the house of learning, educating children in the Law, and charity in judging others." Is this so? Have we not learned in a Mishna: These are the things the interest of which a man consumes on earth and the principal of which is given him in the world to come? "Honoring father and mother, doing favors to neighbors, peace-making among men, and, above all, the study of the Law." Now, if the Mishna says "these are the things," it means no others! Nay; the six things previously mentioned are included in those subsequently enumerated (hospitality and visiting the sick are included in doing favors to neighbors; contemplation before prayer is a favor to one's self, as it is written [Proverbs xi. 17]: "The man of kindness doth good to his own soul"; attending the house of learning and educating children in the Law is included in the study of the Law; charity in judging others is included in peace-making among men, and R. Johanan does not dispute the Mishna, but merely expounds it).

The rabbis taught: One who exercises charity in judging others is charitably dealt with when judged above. It once happened that a man came from upper Galilee and hired out to a master in southern Palestine for three years. On the last eve of the Day of Atonement (when his term was up) he asked his master for his wages, so that he could return to his wife and children. The master replied that he had no money. Said the man: "Then give me my money's worth in grain." And the master answered: "I have it not." Said the man again: "Give me my money's worth in land," and again the master replied: "I have it not." "Then give me my money's worth in cattle." "I have it not," was the reply. "I will take my money's worth in bolsters or bed-clothes," pleaded the man, but the answer was still the same. The poor man shouldered his bundle and sorrowfully went away. After the holidays the master took the hired man's wages and, besides, three asses; one laden with victuals, the second with beverages, and the third

with spices, and went to his hired man's house in Galilee. After having partaken of a meal together, the master paid him his wages, and asked him: "When I told thee that I had not the money to pay thee thy wages, what didst thou suspect me of?" The man answered: "I thought that perhaps thou hadst come across a bargain and hadst paid out all thy ready money." "And when thou askedst me for cattle and I refused thee, what didst thou think then?" "I thought that thou hadst hired out thy cattle on some other farm, and thou couldst not give me any at the time." "And when thou askedst me for grain and I refused?" "I thought perhaps thou hadst not yet paid thy tithes and hence thou couldst not give me any." "And when I refused thee land?" "I thought perhaps thou hadst rented it out." "And when I refused thee bed-clothes?" "Then I thought that thou hadst devoted all thy possessions in honor of the Lord." "I swear to thee, then, that such was really the case. I had made a vow to give away all my possessions for charitable purposes, because my son Hurkenes did not want to study the Law. Afterwards, when I came to my comrades in the South they released me from my vow, and as thou didst judge me in kindness, so may God judge thee in kindness."

The rabbis taught: A pious man once ransomed a Jewish maiden from captivity. When they came to a lodging-place at night, he laid her down at his feet. On the morrow he bathed, and then went out to teach his disciples. During the lesson, he asked his disciples: "When I laid the damsel down at my feet last night, what did you suspect me of?" And they answered: "Perhaps there may be one among us who has not yet been tried and thou couldst not trust him, so thou laidst her near thee." "And when I went in the morning and bathed, what did you suspect?" "Perhaps, on account of the hardships on the way, thy seed of copulation ran out from thee and thou wert compelled to bathe." "By the Lord," said the master, "so it was; and as ye have judged me in kindness, so may the Lord judge you in kindness."

The rabbis taught: It happened that the sages had business with a Roman matron to whom all the great men of Rome came for advice, and they could not decide who should go to her. Finally R. Jehoshua volunteered to go, and so he and his disciples went to her. Four ells from the door of her house, R. Jehoshua removed his phylacteries and went in, locking the door behind him. When he came back he bathed, and then went

back and taught his disciples. During the lesson he asked: "When I removed my phylacteries, what did ye suspect?" And they answered: "The phylacteries are holy, and thou didst not wish to bring them into a profane place." "And when I locked the door behind me, what did ye suspect?" "We thought perhaps thou hadst a secret political affair to transact and didst not wish us to enter." "And when I came out and bathed, what did you suspect?" And they replied: "We thought perhaps some of the matron's spittle had accidentally dropped on thy garments and thou hadst to bathe." "By the Lord," said R. Jehoshua, "so it happened; and as ye judged me in kindness, so may the Lord also judge you in kindness."

"*Further, one may clear off heave-offerings,*" etc. Is this not self-evident? It might be assumed that the heave-offerings being in possession of a plebeian who is not allowed to partake of them, they must not be handled; but the Mishna comes to teach us, that because a priest is allowed to eat them, they may be handled by everybody.*

"*And dried broad-beans.*" The rabbis taught: Hatzav (a certain plant the roots of which grow deep into the ground but do not spread) may be handled on the Sabbath, because it is food for deer. Mustard may be handled, because it is food for doves. R. Simeon ben Gamaliel said that pieces of glass may be handled, because ostriches eat them. Said R. Nathan: "In this case twigs may be handled, because they serve elephants for food." What did R. Simeon answer R. Nathan? Ostriches are more frequently owned by men than elephants. Said Ameimar: "R. Simeon ben Gamaliel means to say, that only one who possesses ostriches may handle pieces of glass?" Said R. Ashi to Ameimar: "If this is so, what did R. Nathan question? If one possesses elephants, he may surely handle twigs. So R. Nathan means to say, that because twigs serve as food for elephants, anybody may handle them; and the same applies to pieces of glass, because they serve ostriches for food, everybody may handle them (on the Sabbath)."

"*Bundles of straw,*" etc. The rabbis taught: "Bundles of straw, bundles of stalks, and bundles of reeds may be handled, provided they are designed for cattle-fodder; otherwise, they must not be handled." R. Simeon ben Gamaliel said: "If the

* The discussions concerning the mixed grain and all the other subjects enumerated in the above Mishna appear again in Tract Berachoth, where we shall render them in the course of our work.

bundles can be lifted with one hand they may be handled, but if not they must not be handled."

Bundles of satureia, abrotanum, and thyme, if prepared for fuel, must not be used on Sabbath, but if prepared for cattle-food may be used. Grain from an ear (of wheat, etc.) may be taken by hand only, but not with a vessel. One may even take a few grains from growing ears with his fingers, and eat them, but must not take them with a vessel, so saith R. Jehudah; but the sages say, that one may do this with his fingers, but not with both hands, as usually done on week-days. The same ordinance holds good for any other spices.

It was taught: Salt meat may be handled on Sabbath, but fresh meat must not be handled, according to R. Hisda; but R. Huna permits this.

The rabbis taught: Salt fish may be handled, but not stale unsalted fish, and meat may be handled, be it fresh or salt.

The rabbis taught: Bones may be handled, because dogs eat them; putrid meat may be handled, because beasts of prey eat it. Uncovered water* may be handled, because cats drink it. R. Simeon ben Gamaliel, however, said, that all these things should not be kept in the house even on week-days, because they are dangerous.

MISHNA: One may set a basket on end for chickens, in order that they may climb up or down upon it. A runaway hen may be chased until she goes back again. One may lead about calves or young asses to exercise them. A woman may lead her son about to give him exercise. R. Jehudah says: "When (may she do) this? If the child lifts one foot and sets down the other; but if it trails (its leg) behind, she must not."

GEMARA: Said R. Jehudah in the name of Rabh: "If a cow fall into a lake, it is allowed to throw into the lake bolsters, bundles, vessels, etc., in order to give the cow a foothold and enable her to get out." An objection was made: We have learned in a Boraitha: "If a cow fall into a lake, food may be brought to her in order that she may not starve to death." So it refers only to food, but nothing is said in reference to bolsters, etc. This presents no difficulty. Where food can be brought it may be done, but when the cow cannot be reached, bolsters, etc., may be brought. But a vessel that is prepared for other

* Water was never kept uncovered in the Orient for fear of snakes, and any water that was found uncovered was immediately thrown out.

purposes is thereby destroyed? That is simply a rabbinical ordinance, but pity for creatures is a Mosaic law and has precedence.

"*A runaway hen may be chased,*" etc. The hen may be chased, but not led. This is a similar teaching to that of another Boraitha, wherein we have learned, that all animals and birds may be led about in private ground with the exception of a hen. Why not a hen. Said Abayi: "Because a hen, when led, will not walk, but will jump and fly, and the man leading her will be forced to carry her."

MISHNA: On a feast-day one must not deliver cattle, about to give birth, of their young, but may be of assistance to them in any other manner. One may give a woman (about to give birth to a child) all assistance possible, even call a midwife from a distance; one may violate the Sabbath on her account and tie the navel-string. R. Jose says: One may also cut the string. Lastly, one may accomplish anything necessary for the circumcision on the Sabbath.

GEMARA: What is meant by "being of assistance"? Said R. Jehudah: "To hold up the young, that it may not fall," and R. Na'hman said: "To pull out the young by pressing the sides." R. Jehudah's explanation is supported by the following Boraitha: "How is an animal assisted in giving birth to her young? By holding up the young, blowing air into its nostrils, and leading it to its mother's breast, so that it may suck."

R. Simeon ben Gamaliel said: "When a clean animal (one that may be eaten) gave birth to her young on a festival and would not take to it, we would coerce her into taking to her offspring." How would this be done? Said Abayi: "They would bring a handful of salt, lay it in the mother's womb, and the pain that would be caused thereby would remind the mother of her young, and she would immediately take to them, and they would pour the water discharged by the mother on the young, so that the mother would scent it and seek her young. This was done, however, only with a clean animal, but not with an unclean animal. Why so? Because usually an unclean animal will not cast off her young, and should she do so, she will never take to them again."

"*One may give a woman (about to give birth to a child) all assistance possible.*" Let us see! The Mishna says, that one may call a midwife even from a distance, and then, that one may violate the Sabbath on her account. What is the object in

particularizing what may be done? The Mishna means to tell us, what the rabbis taught, viz.: "If a woman lying in is in need of a light, another woman may light a candle for her; and if she needs oil, the waitress may bring her oil through public ground in her hands; should that not be sufficient she may bring it in her hair, and if that does not suffice she may bring it in a vessel."

The master said: "If a woman lying in is in need of a candle, another woman may light it for her." Is this not self-evident? He means to tell us, that even if the woman lying in be blind, and one might say, that being blind she needs no candle, hence it should not be lit; the candle should be lit for her at all events, for she may need a thing that others could not see without a light, while, by aid of the light, they would find it and hand it to her.

Further, it says, that a woman may bring her oil in her hair. This would be worse still, for the hair would have to be wrung, and that would make the woman (who brought the oil) guilty of wringing (on Sabbath). Rabba and R. Joseph both said, that wringing hair does not constitute wringing within the meaning of the law. R. Ashi said: "Even if wringing the hair would constitute wringing within the meaning of the law, the woman should bring the oil in a vessel which should be placed on the hair (head); for any work which must of a necessity be performed on a Sabbath, should be performed in as far different a manner from that done on a week-day as possible."

R. Jehudah said in the name of Samuel: "As long as the womb of a woman lying in is still open, whether she says she must have it done or not, the Sabbath may be violated for her. As soon, however, as the womb is closed, the Sabbath may be violated only if she says she must have it done; otherwise, it must not be violated, so taught Mar Zutra." R. Ashi, however, taught in the name of the preceding authority, that as soon as the womb is closed, even if the woman says she must have it done, the Sabbath must not be violated on her account.

Said Rabhina to Mareimar: "Mar Zutra is more lenient in his teaching, and R. Ashi the stricter; according to whom does the Halakha prevail?" Answered Mareimar: "The Halakha according to Mar Zutra prevails, for it is the general rule, that wherever human lives are concerned, the more lenient teaching is always accepted as final."

At what time is the womb considered to be open? Abayi

said: "From the time the woman commences to give birth." R. Huna the son of R. Jehoshua said: "From the time blood commences to flow"; and others say, from the time that she becomes helpless and her attendants lay her on the bed.

How long is the womb considered to be open? Abayi said, for three days after birth, and Rabha in the name of R. Jehudah said, for seven days, and others say for thirty days. The scholars of Neherdai divide the time of a woman lying in into three periods of three, seven, and thirty days each. During the first period, whether the woman says she must have it done or whether she says it need not be done, the Sabbath may be violated for her. During the second period, if she says it must be done, the Sabbath may be violated; but if she says it need not be done, it must not be violated; and during the third period, even if she says she must have it done, the Sabbath must not be violated by Israelites, but it may be done by Gentiles. This is according to R. Ula the son of R. Ilai, who says, that everything which must be done for a sick person on the Sabbath should be done by Gentiles, and also according to R. Hamnuna, who said, that all things which are to be done for a person who is not dangerously ill, should be ordered done by a Gentile. As it happened with the daughter of R. Hisda (the wife of Rabba), who took a bath in her husband's absence, before the thirty days were up, and caught cold, and friends were compelled to bring her, still lying in bed, to Rabba in Pumbaditha.

Said R. Jehudah in the name of Samuel: "A woman lying in should be given thirty days." For what law should she be given thirty days? The men of Neherdai said, for bathing (that is, she should not bathe for thirty days, in order that she may not catch cold). Said Rabha: This rule applies to women whose husbands are not at home, for when the husband is at home, he can take care of his wife and prevent any bad consequences.

R. Jehudah in the name of Samuel said again: One may kindle a fire for a woman lying in, on the Sabbath, and not only for a woman lying in, but also for a sick person; not only in the winter but also in the summer-time, as R. Hyya bar Abhin said in the name of Samuel, that one, who was bled and caught cold, may have a fire made for him on Sabbath not only in the winter, but also in the summer-time. Samuel once was bled and caught cold, so a chair made of elm-wood was chopped up and a fire made for him (on Sabbath). The same thing happened to

R. Jehudah; so a table of cedar-wood was chopped up and a fire made for him. Rabba had the same experience and a stool was used to make a fire, and when told by Abayi that he was guilty of destroying a useful article said: "My personal welfare is dearer to me than the article."

Said R. Jehudah in the name of Rabh: "A man should sell even the roof of his house and buy shoes for himself if in need of them; but if he had recently been bled and feels hungry, he should sell even these shoes and buy food with the proceeds." What kind of food should he purchase? Rabh said meat, and Samuel, wine. Rabh said meat, as being a substitute for flesh lost through bleeding, and Samuel said (red) wine, as a substitute for (red) blood.

When Samuel had himself bled, a dish made of milt was prepared for him, and R. Johanan would drink wine until it could be smelt through his ears. R. Na'hman would drink wine until his spleen would float in wine. R. Joseph would drink wine until his veins would swell so that the lancet would be forced out, and Rabha would drink only wine that was three years old.

Said R. Na'hman bar Itz'hak to his disciples: I beg of you, that on the day on which you have yourselves bled, you should go home and say that Na'hman will come to visit you. (In consequence a good meal and wine will be prepared, and you can partake of it.) Deceit is not permitted under any circumstances, but those mentioned as follows:

One who is bled, and has not the money to buy wine, should take a mutilated Zuz and go to seven wine-dealers. When asking for wine he will be given some to taste, and when offering his money, it will be rejected. He will then proceed to another dealer, and keep on until he will have drunk a quarter of a lug. One who cannot even do this, should eat at least seven black dates and should put oil on his temples, then lie down in the sun and go to sleep.

Abhlat (a Persian official) found Samuel sleeping in the sun and said to him: "Thou leader of Jews! Can a good thing emanate from a bad one?" Samuel answered: "This is my bleeding-day." In reality this was not so, but there are days when sleeping in the sun is healthful; for instance, on the day when the Tamuz (July) equinox falls, but Samuel, who was a physician, would not tell this to Abhlat.

Rabh and Samuel both said: "The man who eats a light

meal on the day when he is bled, has light earnings decreed for him in heaven for the following year, because if he himself has no pity for his own body, he is not worthy of being pitied by the heavenly host." The same two authorities also said, that one who was bled should not sit where the wind blows; for it may be that the surgeon who bled him allowed too much blood to escape, and the wind might force still more blood from him, and thus become dangerous. Samuel was always bled in a house the walls of which were of seven bricks' thickness, and at one time it happened that he felt weak; he looked up, and noticed that a brick was missing from the wall.

Rabh and Samuel also said, that a man who was bled should not go out into the street without having partaken of something. If he does and meets a corpse, his face turns yellow, and if he should happen to meet a murderer he will die himself, and if he meets a pig he will become scabby. They also said, that after bleeding a man should not rise immediately, but should rest a while and then get up; for the master said, that five things are more conducive to death than to life. They are: Eating and arising immediately, drinking and arising, sleeping and arising, being bled and arising, and having sexual intercourse and arising immediately afterwards.

Samuel said: "A young man should be bled every thirty days until he is forty years of age. From forty to sixty he should be bled every two months, and after sixty he should be bled every three or four months."

Samuel said again: The fourth day of the week, if falling on the fourth, fourteenth, or twenty-fourth day of the month, or if it is a Wednesday after which there are less than four days to the end of the month, is a dangerous day for bleeding. Bleeding on the first and second of every month produces weakness, and on the third day it is dangerous. Bleeding on the eve of any biblical festival produces weakness, and on the eve of Pentecost it is dangerous, in consequence of which the rabbis instituted the precautionary measure, that no man should be bled on the eve of a festival, for fear that he might have it done on the eve of Pentecost.

Again Samuel said: "One who had eaten heartily of wheaten food is not wholly benefited by being bled, but is simply eased for the time being." This means to say, then, that one who has a heavy feeling can ease himself *temporarily* by being bled after a meal, but is not permanently benefited thereby. After being

bled one may drink immediately, but should not eat until the time in which he could walk half a mile had elapsed.

(On a day when nothing profitable had been performed) Rabh used to proclaim (the following simile): If one bled a hundred persons, he earned a Zuz for each; if he cut the hair of a hundred persons, he earned a Zuz for each; but if he trimmed the mustaches of a hundred men, he labored in vain.* (There was no charge made for trimming mustaches when done in conjunction with hair-cutting or bleeding.) Said R. Joseph: We learned at the college of R. Huna, that a day on which the disciples did not study was called a mustache-day, and I did not understand the meaning of the term; but now I can see the significance of the expression, for it means to say that the day was lost.

"*And tie the navel-string.*" The rabbis taught: "One may tie the navel-string," and R. Jose said: "One may cut it also on the Sabbath and deposit the afterbirth, which is supposed to be a remedy to keep the child warm." R. Simeon ben Gamaliel said: "Daughters of kings would deposit the afterbirth in a bowl of oil and rich men's daughters would deposit it in carded wool. Poor people would deposit it in feathers." Said R. Na'hman in the name of Rabba bar Abuha, quoting Rabh: "The Halakha according to R. Jose prevails."

R. Na'hman said again, quoting the same authorities: "The rabbis agree with R. Jose, that when two children were born, both attached to one navel-string, the latter may be cut, because otherwise it would be dangerous." He also said again, in the name of the same authorities: All that is contained in the sermon of Ezekiel may be done for a woman lying in on Sabbath, as it is written [Ezekiel xvi. 4]: "And as for thy birth, on the day thou wast born thy navel was not cut, nor wast thou washed in water to be cleansed; and thou wast not rubbed with salt, nor wrapped in swaddling clothes." "And as for thy birth," from this we may infer, that one may assist in the birth of a child on Sabbath. "Thy navel was not cut," from this we infer, that the navel may be cut on Sabbath. "Nor wast thou washed in water to be cleansed." This teaches us that the child may be washed on Sabbath. "Thou wast not rubbed with salt." From this we know, that a child may be rubbed with salt on Sabbath. "Nor wrapped in swaddling clothes." This teaches us, that we may wrap a child in clothes on the Sabbath.

* This explanation is the one given by the commentary of Tosphath, which seems to us to be more to the point than the one given by Rashi.

CHAPTER XIX.

REGULATIONS ORDAINED BY R. ELIEZER CONCERNING CIRCUMCISION ON THE SABBATH.

MISHNA: R. Eliezer saith: If the knife used for circumcision was not brought on the day preceding the Sabbath, one is to bring it publicly on the Sabbath; in times of danger (during persecutions) one may conceal it (about the person) before witnesses. Further, R. Eliezer saith: One may even cut wood to be burnt into charcoal, in order to forge an iron instrument (knife for circumcision). The following rule was laid down by R. Aqiba: All work (necessary in aid of circumcision) which *could* have been performed on the day before (Sabbath) does not supersede (the observance of) the Sabbath, but such work as could *not* have been performed on the day before, *does* supersede (the observance of) the Sabbath.

GEMARA: A question was propounded by the schoolmen: "What does R. Eliezer mean by saying, 'one is to bring it *publicly* on the Sabbath'? Does she mean to say, that the man thereby demonstrates how dear a commandment (of the Lord) is to him, that he is ready to violate the Sabbath for its sake, or is it rather, because the man would be suspected of carrying a prohibited thing on the Sabbath, if he did so surreptitiously?" What difference does it make what R. Eliezer meant? The difference is this: "If the man does it in order to allay suspicion, it would be sufficient to have two witnesses see him conceal the knife about his person and then carry it even in times of peace; but if the man does it in order to demonstrate his love of God's commandments, he must carry it publicly even if he have two witnesses." What is the conclusion? It was taught that R. Levi said: "R. Eliezer meant only for the man to demonstrate his veneration of God's commandments." This is supported by a Boraitha, which plainly states, that a man should carry it publicly, and not have it concealed, such are the words of R. Eliezer. Said R. Ashi: All this is unnecessary. Our Mishna plainly teaches us the same, for it says, that only in

times of danger the knife should be concealed, and it is easily understood that only in times of danger is this to be done, but not under ordinary circumstances, and for what purpose? Only to show that a commandment should be venerated. It follows, therefrom, that the argument is accepted.

We have learned in another Boraitha: "One is to bring it publicly," and not have it concealed, such are the words of R. Eliezer; and R. Jehudah said in the name of R. Eliezer, that in times of danger the custom was to conceal it about the person before two witnesses.

"Further, saith R. Eliezer," etc. The rabbis taught: In the place where R. Eliezer resided, wood was cut and burnt into charcoal, in order to forge an instrument (knife for circumcision) on Sabbath. In the place where R. Jose of Galilee lived, fowls were eaten with milk. R. Itz'hak said: There was a city in Palestine where R. Eliezer's teaching was carried out, and there were no premature deaths in that city; and not only this, but at one time when the government prohibited circumcision in the entire land, that city was not included in the decree.

We have learned in a Boraitha: R. Simeon ben Gamaliel said: "Every commandment of the Lord which was received by the children of Israel with joy, for instance circumcision, concerning which it is written [Psalms cxix. 162]: 'I am rejoiced over thy promise,* as one that findeth great spoil,' is even now observed with joy; but every commandment which was received with protest, for instance the law of incestuous marriages, concerning which it is written [Numbers xi. 10]: 'And Moses heard the people weep according to their families,' meaning the case (of intermarriage) among the families, is even now observed reluctantly, for there are no marriages celebrated without some discord among the families."

We have learned, that R. Simeon ben Elazar said: "Every commandment for the observance of which the Israelites were ready to lay down their lives, as for that prohibiting idolatry and commanding circumcision, is observed punctually even to this day; but such commandments as they would not sacrifice themselves for are even now lightly regarded, as is the case with the commandment concerning Tephillin." As R. Yanai said:

* Promise stands for the Hebrew "Imrothecho," literally "thy word," and the word here referred to signifies the first commandment given to Abraham, which was the commandment of circumcision. Hence the deduction, that the commandment of circumcision was received with joy.—*Rashi*.

"Tephillin require a clean body, such as Elisha the man of doves possessed." What is meant by a clean body? Abayi said: "A body that emits no odor when clothed with Tephillin," and Rabha said: "A body that will never become drowsy while wearing Tephillin." Why was Elisha called "the man of wings"? It once happened that the government promulgated a decree by which all Israelites who would use Tephillin (phylacteries) were to be decapitated. This Elisha donned his phylacteries and went out into the market. He was seen by a *quæstor* (quæstor), and the latter pursued him. Seeing that he could not escape, Elisha took the phylacteries from his head and carried them in his hand. When questioned by the *quæstor* what he carried in his hand, he replied: "Wings of doves." When opening his hand, he really found doves' wings,* and was therefore called the man of wings ever afterwards.

R. Aba the son of R. Ada said in the name of R. Itz'hak: "It once happened, that having forgotten to bring the knife for circumcision on the day before Sabbath, a man brought it on Sabbath, by way of the roof and private ground, against the will of R. Eliezer." R. Joseph opposed this: "How canst thou say, that this occurred against the will of R. Eliezer? It was R. Eliezer himself who permitted bringing the knife on Sabbath? Thou wouldst infer, then, that bringing the knife by way of private ground, and not publicly, was against his will, because he

* This seeming miracle is explained at length in our History of Amulets, pp. 24-26, and the gist of the explanation is as follows: The government referred to above and in power at the time of Elisha was Greek and not Roman, a fact demonstrated by the late Dr. Krochmal in his "Eyon tephilah." The Greeks, being at that time at war with the Egyptians, sought to destroy any ties of affinity existing between the Jews and the Egyptians, and to that end promulgated the decree prohibiting the wearing of Tephillin by the Jews, for those Tephillin bore close resemblance to the *totaphoth* (amulets) worn by the Egyptians. As a matter of fact, all amulets worn at that time by the different nations bore a symbol of their gods or idols, and was also a mark of nationality; hence the government in power desired that all its vassals wear its own amulets. The Talmud elsewhere relates that the Samaritans worshipped as their idol the form of a dove, for on Mount Gerizim, which is in Samaritan territory, an idol of that kind was found, which had been worshipped by them. Elisha knew of this, and, mindful of the fact that the Greeks were at peace with the Samaritans, carried along with him amulets in the form of doves' wings (which was the amulet of the Samaritans) in order to substitute them for his Tephillin, whenever the necessity for the deception arose. When closely pressed by the *quæstor*, and not considering the commandment of wearing Tephillin sufficiently important to sacrifice his life on their account, he, while endeavoring to escape, changed his Tephillin for the doves' wings, to which the *quæstor* could raise no objection.

insists that the knife should be brought publicly through public ground only. In accordance with whose will was it done? If thou wilt say, it was done in accordance with the decree of the rabbis, who prohibit bringing the knife through public ground, and permit it through private ground and roofs, did the rabbis indeed permit this? Have we not learned in a Boraitha, that in the same measure as it is not allowed to bring the knife through public ground, it must also not be brought through roofs and private ground?" Therefore R. Ashi supplemented the statement of R. Aba by adding, that the knife was brought against the will of R. Eliezer and *his opponents*; but in accordance with the decree of R. Simeon, who permits the carrying of everything through private ground and roofs, even if they were not combined by an Erub (in Tract Erubim).

R. Zera once found R. Assi sitting and saying: R. Simeon ben Lakish said in the name of R. Jehudah Hanassi as follows: It once happened that they forgot to bring a knife for circumcision on the eve of Sabbath, so they brought it on Sabbath. This angered the sages very much, for the reason, that the decree of the former sages had been set aside and that they had acted according to the decree of R. Eliezer. Firstly, because R. Eliezer was an adherent of the school of Shammai; and secondly, because where one man is opposed to a number the majority should prevail, and the majority was against R. Eliezer; and R. Osiah answered the sages, who were angered, that the case was not as it appeared to them. "For," said he, "I asked R. Jehudah the circumciser, and he told me, that the knife was brought through an alley which was not combined by an Erub, from one end to the other, but not through public ground."

R. Zera then said to R. Assi: "Does the master hold, that things may be removed in an alley which was not combined by an Erub?" R. Assi answered, that they might. Said R. Zera again: "Did I not ask thee once before and thou gavest me another answer? Was it because thou wast engaged in other matters and this Halakha escaped thee?" and the answer was: "Such was the case."

R. Hyya bar Aba said in the name of R. Johanan: "The rule laid down by R. Eliezer, that for everything pertaining to circumcision the Sabbath may be violated, does not apply also to other duties of the day which should happen to fall on the Sabbath; because, where the preparations necessary for the

bringing of the two loaves on Pentecost are concerned, R. Eliezer permitted them to be made on Sabbath merely through deduction by analogy, although this was also a duty of the day based on a biblical ordinance." Which other duties of the day does R. Johanan intend to except from this rule? We know, that in preparing the booth, the palm-branch, and all their accessories (for the feast of Booths) the Sabbath may be violated. The same is the case with Lulab, with Matza, and with Shofar, as it is stated in other Boraithas. Such is the dictum of R. Eliezer. Said R. Ada bar Ahabha: "R. Johanan intended to except Tzitzith (show-threads) for a garment and a Mezuzah (door-post inscription) for a house (although both of these are duties of the day, for if a man wear a garment he must have Tzitzith, and if he enter a house he must have a Mezuzah.)" This we have also learned in a Boraitha: "They all agree (even R. Eliezer), that if one made a show-thread for his garment, or a Mezuzah for his door, on the Sabbath, he is liable for a sin-offering." Why so? Said R. Joseph: "Because no specified time is set for the accomplishment of these duties." Said Abayi to him: "On the contrary, just because no specified time was set for the accomplishment of that duty, every moment is the time for performing it (so, if he have the garment on Sabbath, or enter the house on that day, he should perform those duties, and hence it must be considered a duty of the day)." Therefore said R. Na'hman in the name of R. Itz'hak, and according to others R. Huna the son of R. Jehoshua: "The reason is, because one is enabled to abandon these things for the time being (and hence the duty does not devolve upon him for that day)."

From what we have learned above, we see, that for the circumcision itself and all its necessary accessories the Sabbath may be violated, according to the dictum of R. Eliezer. Whence does he deduce this? This is the reasoning of R. Eliezer: It is written [Leviticus xii. 3]: "And on the eighth day shall the flesh of his foreskin be circumcised." Thus, as it says distinctly the eighth day, it makes no difference what day the eighth falls on, whether it be Sabbath or not. Let us see: The rabbis and R. Eliezer differ only as far as the preparations for circumcision on the Sabbath are concerned, but not as to the circumcision itself. If, then, they do not regard the text quoted as does R. Eliezer, they should not even permit the violation of the Sabbath on account of circumcision itself. What source

do they base their permission on? Said Ula, and also R. Itz'hak: "This is traditional."

An objection was raised: We have learned that the Sabbath may be violated in order to save life. Whence do we know this? Said R. Elazar ben Azariah: "Why! if it be permitted when circumcision is concerned to violate the Sabbath, where but one of the many members of the body is concerned, it should certainly be permitted in so much greater a degree when the whole body is to be saved. If thou sayest, then, that the permission to perform circumcision on the Sabbath is only traditional, how is it possible that thou shouldst derive an *a fortiori* assumption from a traditional institution?" Therefore R. Johanan saith, that the permission to perform the rite of circumcision on Sabbath is not based upon tradition, but is derived from the word "day," as the verse quoted above reads: "And on the eighth day," etc.; whereas it could read simply, "And on the eighth"; for in the preceding verse we read "seven days," etc.

Said Resh Lakish to R. Johanan: "The word 'day,' however, is also necessary, that we may know that the rite must be performed during the day and not at night!" This can be inferred from another passage [Genesis xvii. 12], where it expressly says: "And at eight *days* old shall every man-child in your generations be circumcised," etc.

R. A'ha bar Jacob said: As far as the rite of circumcision itself is concerned, the rabbis also hold that the permission to perform it is based on the passage quoted, "and on the *eighth* day"; but as for the preparations necessary for circumcision, they claim to find no justification for violating the Sabbath on that account. But it is absolutely necessary that "the eighth" be mentioned, for otherwise how would we know that the rite should not be performed on the seventh? That is also definitely settled by the other passage, as stated above: "And at eight days old," etc. Still, both passages are necessary, in order to prove that the eighth day is the day for circumcision; because, if it did not state expressly "on the eighth day," it might be presumed that the seventh day would do, and if it did not state "at eight days old," it might be presumed that after the child is eight days old any other later day, *e.g.*, the ninth, would do. Hence R. Johanan's explanation is the most acceptable; and we have learned in a Boraitha in support of R. Johanan's explanation, and not of that of R. A'ha bar Jacob, as follows: "On

the eighth day shall he be circumcised, even though it be Sabbath." How, then, is it possible to keep the commandment in Exodus xxxi. 14? "And ye shall keep the Sabbath, for it is holy unto you: every one that defileth it shall surely be put to death." This refers to other labor, but not to that of circumcision. How, then, do we know that circumcision is not included in the prohibited labor, and that the eighth day does not refer to all other days except Sabbath? To this end it reads "the eighth *day*," and "day" means, even on Sabbath.

The rabbis taught: Although it is written [Deut. xxiv. 8]: "Take heed in the plague of leprosy," which signifies, that the leprous spot must not be cut; but if the white spot (the symptom of leprosy) show itself on the member to be circumcised, it may be cut off, whether the member be circumcised at the prescribed time or afterwards.

A biblical festival must not be violated on account of circumcision, unless it happen to be the eighth day (precisely the prescribed time). Whence do we adduce these two ordinances? From the teaching of the rabbis, as follows: The first one is based on the verse [Leviticus xii. 3]: "And on the eighth day shall the *flesh of his foreskin* be circumcised." The order is imperative, regardless of whether the member be leprous or not. Whence do we know this? Perhaps it means to say, that only the healthy flesh of the foreskin be circumcised? Nay; it could say merely the foreskin, but it says expressly the *flesh* of the foreskin, meaning that even if the flesh be leprous it should also be circumcised. What need is there of a special verse for this purpose? During circumcision no intention to cut leprous flesh exists; hence, if it be done, it is done unintentionally, and an unintentional act does not involve culpability? Said Abayi: "The verse is used here to counteract the opinion of R. Jehudah, who holds, that an act committed unintentionally also involves culpability." Rabha said: "The verse must be used, even if the opinion of R. Simeon be adhered to, who holds, that an act committed unintentionally does not involve culpability. For in this case it is different; the act committed here is like the one where a man would behead another and still claim no intention to kill him (and when circumcising the flesh of the foreskin, if there be a leprous sore, one cannot help but cut it). This, even R. Simeon admits, would involve culpability, were it not for that exonerating verse." Does Rabha alone hold thus? Have we not learned elsewhere that Abayi and Rabha both

agree, that R. Simeon declares even an unintentional act, which is, however, like the case of one beheading another without the intention to kill him, to be prohibited? After Abayi had heard Rabha's explanation, he accepted it.

The second ordinance mentioned is, according to Rabha, based upon the verse [Exodus xii. 16]: "No manner of work shall be done on them, save what is eaten by every man; *that only* may be prepared by you." "That" stands for circumcision only in its prescribed time, but not for the preparation for it; and "only" stands as a prohibition not to perform the rite unless it be the prescribed time. R. Ashi, however, said: "No special verse is needed for this, for a festival is referred to [in Leviticus xxiii. 32] as "a sabbath of rest shall it be unto you." Hence it is a positive commandment, and the verse stated (immediately before this) is a negative commandment; thus a festival is covered by both a positive and negative commandment, while circumcision is covered by a positive commandment only, and one positive commandment cannot supersede a joint positive and negative commandment.

"*A rule was laid down by R. Aqiba.*" Said R. Jehudah in the name of Rabh: "The Halakha according to R. Aqiba prevails." We have learned also in the matter of Passover sacrifices to the same effect, that every act of labor that can be performed on the day before Sabbath must not supersede the (due observance of) Sabbath, but the killing of the sacrifice, which cannot be done on the day before Sabbath, *does* supersede (the due observance of) Sabbath; and R. Jehudah declared also, in the name of Rabh, that the Halakha according to R. Aqiba prevails. It is necessary that he should so instruct us at both times, because, if he instructed only as concerns circumcision, we might assume that where sacrifices for the Passover are concerned, the preparations which could have been made on the day before Sabbath, but were not, would supersede the due observance of the Sabbath; because failure to bring that sacrifice would involve the punishment of Karath (being cut off), while failure in circumcision would not involve Karath, if not performed at the right time; and, on the other hand, had he instructed us only as concerns sacrifices for the Passover, we might assume that the Sabbath could be violated if the acts necessary for circumcision which could have been performed on the day before, were not; for the reason, that the covenant regarding circumcision is mentioned thirteen times in the Thora,

and is in consequence regarded as a thirteenfold commandment, which must under all circumstances be observed. Hence the necessity for the twofold instruction.

MISHNA: One may perform everything necessary for circumcision on the Sabbath, as circumcising, tearing open, sucking out the blood, applying a plaster or caraway seed. If the latter had not been ground before the Sabbath, one may masticate it with the teeth and then apply it. If one had not mixed wine with oil before the Sabbath, he may apply each separately. One must not prepare an actual bandage (on the Sabbath), but may apply an old piece of linen; and if such had not been prepared before the Sabbath, the circumciser may bring it with him tied around his finger and even from another court (yard).

GEMARA: Let us see: The Mishna enumerates all the acts necessary for the performance of the rite of circumcision; why, then, does it commence by saying, "everything necessary" for circumcision, and then proceed to detail "everything"? What act is there that has not been enumerated? The Mishna means to include what was taught us by the rabbis, as follows: "The circumciser, while engaged in finishing the circumcision, if noticing that excrescences still remain on the gland, whether they are of a nature which make the circumcision invalid or such as do not make it invalid, may remove them. But if he had already finished (and put up his instruments), if excrescences which make the circumcision invalid remain, he may remove them; but if they do not make the circumcision invalid, he must not remove them." (Hence by stating "everything that is necessary," etc., the Mishna means to include, that it is permitted even to remove excrescences which do not make the circumcision invalid, provided the operator had not already finished and put up his instruments.) Who is the Tana who holds, that if the circumciser had already finished he must not return and remove the excrescences? Said Rabha bar bar Hana in the name of R. Johanan, it was R. Ishmael the son of R. Johanan ben Berokah, as we have learned in a Boraitha: "If the fourteenth of Nissan fall on a Sabbath, the animal used for the Passover sacrifice may be skinned only as far as the breast, so saith R. Ishmael the son of R. Johanan ben Berokah; but the sages say, that the whole animal may be skinned." (Now, we see that R. Ishmael holds, that after the work had been completed as far as was necessary no more may be done; hence he is the one who says, that the circumciser must not return to remove the excrescences.) This

is not conclusive evidence! It may be that R. Ishmael in the case of the sacrifice holds, that because it is not necessary that the commandment be beautified.* But in the case of circumcision, where the beautifying of the commandment is necessary (as is taught in Tract Sakkah), we might say, that R. Ishmael is of a different opinion; therefore the sages of Neherdai say, that the Tanas who hold, that after having finished the circumcision the operator must not commence anew, are in reality the rabbis who differ with R. Jose in Tract Menachoth concerning the law of the showbreads.†

The rabbis taught: "If excrescences remain on the gland after circumcision, and are such as make the circumcision invalid, they must be removed; and failure to do so involves the punishment of Karath." Who becomes liable to be punished by Karath? Said R. Kahana: "The circumciser." (If he performed the circumcision on Sabbath and did not finish it, he simply made a wound and did not perform a commandment; hence he becomes amenable to Karath. R. Papa opposed this: "The circumciser might say, 'I have performed one half of a commandment; come ye and complete the other half. Why should I be punished by Karath?' Therefore if the circumcision was performed on an adult who, excrescences which make it invalid having remained, will not permit them to be removed, he becomes amenable to Karath." This was opposed by R. Ashi: "As for an adult, what news does that impart to us? It is expressly stated [Genesis xvii. 14]: 'And any uncircumcised male, who circumciseth not the flesh of his foreskin, that soul shall be cut off from his people'? Therefore *he* says nay; it really refers to the circumciser, and only then if he came late on Sabbath, near twilight, and was told that it would be impossible to finish the operation before night, but persisted in performing it. If in consequence he left excrescences which make the circumcision invalid, he simply made a wound without performing a commandment, and thus he becomes amenable to Karath."

"*Sucking out the blood.*" R. Papa said: "The circumciser who does not suck out the wound places the child in danger, and should be discharged from office." Is this not self-evident?

*The Hebrew word "Veanvehu" is interpreted by the Talmud to signify "and I will beautify him," while in the translation of the Bible, by I. Leeser, it is translated, "I will sing his praise," and the reference made to the verse by the Talmud accepts the term in its Talmudical sense.

† This will be explained in the Tract Menachoth.

It certainly must be dangerous not to do this, or the Sabbath would not be violated in order to perform that duty! We might assume, that the blood having already come to the surface it would run out of itself, and hence by sucking it out the Sabbath is not violated; hence we are given to understand that this is not so: the blood is moved only by the suction, and the Sabbath is violated; but failure to do this would involve danger for the child and hence it is permitted, and is regarded the same as applying a plaster or caraway seeds (mentioned further on in the Mishna), the omission of which would also involve danger to the child.

"*Applying a plaster or caraway seeds.*" Abayi said: "My mother told me, that the most effective plaster for all ills is made of seven different kinds of fat and one kind of wax"; and Rabha said: "The best plaster for all ills is one made of wax and resin." Rabha stated this publicly in a lecture in the city of Mehuza, and two brothers the sons of Minyumi, who were physicians, tore their clothes in anger; for they had known of it and made capital out of the secret, until Rabha came and revealed it. Said Rabha to them: "I will tell you of something that I shall not proclaim publicly, and that is, Samuel said, that one who washes his face and does not dry it thoroughly, becomes afflicted with scabs, and the remedy for such is the fluid extract of mangold."

"*If the latter (caraway seeds) had not been ground before the Sabbath,*" etc. The rabbis taught: "In preparing for circumcision, such things as must not be done on Sabbath, may be done on a festival. One may grind the seeds and mix wine with oil." Asked Abayi of R. Joseph: Why may the caraway seeds be ground on a festival? because they may be utilized for cooking: then why should it not be permitted to mix wine with oil on Sabbath? It *may* be utilized for a sick person who is not dangerously ill. As we have learned in a Boraitha: "Wine and oil must not be mixed for a sick person on the Sabbath," but R. Simeon ben Elazar in the name of R. Meir said, that it may be. Said R. Simeon ben Elazar: It once happened, that R. Meir was sick with stomach trouble, and we wanted to mix wine with oil for him (on the Sabbath), but he would not permit us to do this. So we asked him whether he wished his own words to be made void during his lifetime, and he answered: "Nay; it is allowed to mix wine with oil on Sabbath, but I cannot bring it over me to act contrary to the decree of my colleagues."

Thus we see, that it is at all events allowed to mix wine with oil on the Sabbath. Why, then, does the Mishna say, that if this was not done on the day before the Sabbath, each should be applied separately? The difference lies therein, that when giving it to a sick person, it is merely mixed, but when used for a balm (at circumcision) it must be thoroughly stirred and requires a good deal of labor. Let it be given (applied) just mixed. That is just what the Mishna prescribes, each to be applied separately; *i.e.*, it should not be stirred.

Abayi said: "My mother told me, that if a child appears red all over it is a sign that the circulation is imperfect, and hence circumcision should be postponed until the circulation is perfect. If a child has a greenish cast it is a sign that the blood is impoverished, and circumcision should then be postponed until the blood is richer." This we have also learned in a Boraitha, as follows: "R. Nathan said: 'I once went to a city by the sea, and there met a woman whose first and second child both died in consequence of circumcision. The third child she brought to me, and I noticed that it was quite red. I told her to wait until the blood had settled and then circumcise it. She did so and then circumcised it, and the child lived. The child was then named after me, Nathan the Babylonian. At another time I came to the country of Cappadocia, and a woman came to me telling me that she had had two children circumcised, both of whom had died in consequence of circumcision. The third she brought to me, and I noticed that it had a greenish cast. I also noticed, that if it were circumcised no blood would flow; so I told her to wait until the circulation of the blood was in order. She did so, and the child was circumcised, and lived. She named it also after me, and called it Nathan the Babylonian.'"

MISHNA: One may bathe the child both before the circumcision as well as after (on Sabbath), by sprinkling water over it with the hand, but not by pouring water over it from a vessel. R. Eliezer ben Azariah says: One may bathe a child on the third day (after the circumcision), even if it fall on a Sabbath; for it is written [Genesis xxxiv. 25]: "And it came to pass on the third day, when they were sore." On account of a doubtful child (a child about which there is a doubt whether it was born in the eighth month of its gestation, and is therefore not expected to live) or an hermaphrodite, the Sabbath (-rest) must not be desecrated. R. Jehudah permits this in the case of an hermaphrodite.

GEMARA : The Mishna commences by saying : " One may bathe the child," and then goes on to say that it may only be sprinkled by hand. *That* is not bathing! Said Rabha : " The Mishna means to state, that a child may be bathed as usual on the day of circumcision, either before or after the performance of the rite; but on the third day after circumcision, if that day should be a Sabbath, one may only sprinkle the child by hand, and not bathe it in a vessel." R. Elazar ben Azariah, however, said, that even if the third day fall on a Sabbath the child may be bathed as usual, as it is written [Gen. xxxiv. 15] : " And it came to pass on the third day, when they were sore."

When R. Dimi came from Palestine, he said in the name of R. Elazar, that the Halakha prevails according to R. Elazar ben Azariah. In the West the question was discussed whether R. Elazar ben Azariah meant that the whole body of the child might be bathed, or whether the part circumcised only might be bathed. Said one of the rabbis, whose name was R. Jacob : " It seems to me that the whole body is meant, because if the wound only was meant, wherein does the wound caused by circumcision differ from any other wound? Any wound may be bathed on the Sabbath in water and oil, according to Rabh's opinion." This was opposed by R. Joseph : " Is it immaterial whether the water was warmed on the Sabbath or before the Sabbath?" This was again opposed by R. Dimi : " Whence dost thou know that the Mishna refers to water that was warmed on Sabbath, perhaps they (the sages and R. Elazar) differ even as to water warmed before the Sabbath set in?" Said Abayi : " I was prepared to answer this question myself, but R. Joseph preceded me and said, that of a necessity the water must have been warmed on Sabbath, because the precariousness of the child demanded it."

We were also taught, that when Rabhin came from Palestine, he said in the name of R. Abuha quoting R. Elazar, and according to another version, in the name of R. Abuha quoting R. Johanan, that the Halakha prevails according to R. Elazar ben Azariah, whether it be with water that was warmed on the Sabbath or before the Sabbath, or whether the whole body or only the circumcised part is concerned, because it would be dangerous not to bathe the child on that day.

It was said above in the name of Rabh, that every wound may be bathed on the Sabbath with water or oil; but Samuel said that water may be poured to one side of the wound and it may

run down into the wound. An objection was made: "We have learned, that oil or water must not be put on a piece of cotton to place on a wound?" This is prohibited on account of the necessity to wring the piece of cotton. We have been taught by a Boraitha in accordance with Samuel's opinion; viz.: "Water must not be placed directly on the wound, but near it, that it may run down into the wound."

The rabbis taught: "Dry cotton and dry sponge, but not dry papyrus or dry cloth, may be placed on a wound." This presents a contradiction. Is not dry cotton the same as dry cloth? This is no difficulty. By cloth is meant new cloth, which must not be used, whereas old cloth may be. Said Abayi: "From this we see, that pieces of cloth heal a wound."

"*On account of a doubtful child or an hermaphrodite,*" etc. The rabbis taught: It is written [Leviticus xii. 3], "*his foreskin*"; so, on account of a foreskin which *must* be circumcised, the Sabbath may be violated, but on account of one which is doubtful the Sabbath must not be desecrated. Such also is the case with the circumcision of the foreskin of a true male, but not with that of an hermaphrodite. R. Jehudah, however, says, that the Sabbath may be violated on account of an hermaphrodite, and if the latter is not circumcised he becomes amenable to Karath. The Sabbath may also be violated on account of a child who was born at a certain time, but not on account of one who was born at twilight (and it is not known whether it was born on Sabbath or on the following day). It is not allowed to violate the Sabbath on account of a child who was born without a foreskin, because the school of Shamai (only) contends, that even if a child is born without a foreskin, some blood must be drawn in commemoration of the covenant. The school of Hillel, however, says, "That is not necessary." Said R. Simeon ben Elazar: "The school of Hillel and the school of Shamai did not differ as to a child born without a foreskin; both agree that blood must be drawn from it, because the foreskin is not wholly missing, but is merely ingrown. They differ only as regards a proselyte who was born without a foreskin. When seeking conversion, the school of Shamai contends that blood of the covenant must be drawn from his gland, whereas the school of Hillel does not require this to be done."

The Master said: "On account of a doubtful child, the Sabbath must not be desecrated." What does he mean by "doubtful"? He means to say, what we learned from the rabbis;

viz.: A child born in the seventh month may have the Sabbath violated for it, but if born in the eighth it must not. If it is doubtful whether it was born in the seventh or in the eighth month, the Sabbath must not be violated on its account. Not only this, but a child born in the eighth month must not even be carried on the Sabbath, because it is like a stone (and cannot live). It is allowed, however, for the mother to stoop down and suckle the child, because it is dangerous for the mother to carry too much milk.

We were taught that Rabh said (referring to a child born without a foreskin): The Halakha prevails according to the unknown Tana, while Samuel said, the Halakha prevails according to R. Simeon ben Elazar. R. Ada bar Ahabha had a child that was born without a foreskin; so he carried him to thirteen circumcisers, until the child was maimed and made impotent. Said he: "I deserve this fate, because I did not follow the dictum of Rabh." Said R. Na'hman to him: "Thou hast not only disobeyed Rabh, but also Samuel, for Samuel said, that a child born without a foreskin should be bled only if it was born on a week-day, but not on a Sabbath; and thy child was born on a Sabbath." R. Ada bar Ahabha, however, held, that he had only disobeyed Rabh, because, he was certain that the foreskin of a child is never wholly missing, but is merely ingrown and should be lanced even on Sabbath, as we were taught: Rabba said, that there is fear lest it be an ingrown foreskin; but R. Joseph said, that we were certain that it is so. Said R. Joseph: "Whence do I know this? From the following Boraita: R. Elazar Hakappar said, that the school of Shammai and Hillel do not differ as to a child that is born without a foreskin. Both agree that the blood of the covenant must be drawn from the gland. The school of Shammai, however, contends that this may be done on the Sabbath, while the other holds that the Sabbath must not be desecrated on that account. If, then, R. Eliezer Hakappar holds, that they differ only as to the desecration of the Sabbath, the first Tana must hold, that both schools agree that the Sabbath may be desecrated on that account, and in consequence must also hold, that the foreskin is not wholly missing but is merely ingrown (hence I am certain that it is so)."

Whence do we know that the first Tana holds, as above, and not that both schools agree to the contrary; viz.: that the Sabbath must *not* be desecrated? If such would be the case, for what reason would Hakappar tell us that Beth Shammai holds

that the Sabbath *should* be violated? The Halakha would not prevail thus? Nay! Perhaps R. Eliezer means to tell us, principally, that both schools hold, that if a child is born without a foreskin on a week-day he must have his gland lanced (and incidentally mentions that if a difference existed, it was concerning the Sabbath).

R. Assi said: If a child be born of a woman who, after giving birth, must keep the law mentioned in Leviticus xii. 2, the child must be circumcised on the eighth day; but in a case where the woman need not keep the law mentioned (for instance, if the child was taken out through the sides by means of instruments), or if the woman was a Gentile on the day of giving birth to the child and became a convert to Judaism on the day following (and hence need not observe that law), the child need not be circumcised just on the eighth day (but at any time), as it is written [ibid. ibid.]: "If a woman have conceived seed, and born a male child: then shall she be unclean seven days," etc., etc.; [ibid. 3]: "And on the eighth day shall the flesh of his foreskin be circumcised." Said Abayi to him: "What about the generations before the Law was given? The women knew nothing of the law of uncleanness, and still the children had to be circumcised on the eighth day?" Answered R. Assi: "Since the Law was given, a new Halakha has been in force." Nay; this is not so! Have we not learned, that if a child was taken through the side of a woman, or if it had two foreskins, R. Huna and R. Hyya bar Rabh entertained different opinions as to whether it should be circumcised on the Sabbath or not? one claimed that it should, and the other that it should not. Now we see that they differed only as to a desecration of the Sabbath, but nothing is said about the non-necessity of the child's being circumcised on the eighth day? One is dependent upon the other. (He who holds that the Sabbath should be violated, does so because he also holds that the child must be circumcised on the eighth day; while he who holds that the Sabbath must *not* be violated, does so because he holds that such a child need not be circumcised on the eighth day.)

We have learned in a Boraitha: Rabbon Simeon ben Gamaliel said: Every human child that has lived for thirty days cannot be called a miscarriage, as it is written [Numbers xviii. 16]: "And those that are to be redeemed from a month old shalt thou redeem"; and any young of an animal that has attained the age of eight days, cannot be called a miscarriage, as it is written

[Leviticus xxii. 27]: "When a bullock, or a sheep, or a goat is brought forth, then shall it remain seven days by its mother; and from the eighth day and henceforth shall it be favorably received," etc. And how is it, if the child has not yet attained the age of thirty days, is it still a doubtful child? How then is it allowed to circumcise any child on the Sabbath? (perhaps it is a miscarriage, and in that event it would be wrongful to inflict a wound in vain). Said R. Ada bar Ahabha: "We may do so at all events. If it is a regularly born child, the commandment is fulfilled; and if not, no wound is inflicted, but merely a piece of flesh is cut."

Now, then, we have learned in the above Boraitha, that if it be doubtful whether the child was born in the eighth or in the seventh month the Sabbath must not be violated on its account. Why should this be so? Let it be circumcised at all events. If then it proves to be a regularly born child, it was right to circumcise it; and if not, no labor was performed, but merely an incision in the flesh was made. Said Mar the son of Rabhina: "I and R. Nehumi bar Zacharias have explained it thus: 'The child should be circumcised, but the injunction of the above Boraitha not to violate the Sabbath refers to the preparations which are necessary for circumcision, and this is in accordance with the decree of R. Eliezer.'"

The schoolmen propounded a question: Do the rabbis differ with R. Simeon ben Gamaliel, or do they not? If they do, does the Halakha remain according to R. Simeon, or not? Come and hear: R. Jehudah said in the name of Samuel, that the Halakha prevails according to R. Simeon ben Gamaliel. Now if he says that the Halakha prevails according to R. Simeon, there must be some who differ with R. Simeon.

Abayi said: "If a child was killed by accident, either through falling off a roof or through being killed by a lion before it had lived thirty days, all agree, that it must be presumed that it was a regularly born child. A point of difference arises concerning a child that had lived less than thirty days and during its lifetime was very weak and merely breathing. Some say that it was a miscarriage and others that it was a regularly born child." What difference does it make? It makes a difference where the levirate marriage* is concerned. (If the child is presumed to be a regularly born child, it exempts a man from the levirate

* Concerning the law of levirate marriage, see Deut. xxv. 5-11.

marriage; but if it is presumed to be a miscarriage, it does not exempt a man.)

Let us see! It is said above, that if the child die by accident, all agree, that it is a regularly born child; yet we know that it happened to R. Papa, and R. Huna the son of R. Jehoshua, who were the guests of R. Idi bar Abin, that the latter prepared for them a calf, which was the third in birth of its mother, in the seventh day of its life, and they said to him: "If ye had waited to kill this calf until evening we would eat of it (because it would then have been in its eighth day); but now we will not eat of it." Hence we see, that although this was a healthy calf and met its death violently, they regarded it as doubtful whether it was a miscarriage or not. Hence say, rather, that on the contrary, if the child was weak and barely breathing prior to its death, all agree, that it must be presumed to be a miscarriage; but they differ as to a child which had met its death by accident. Some say, that it must be regarded as a regularly born child, and others, that it was a miscarriage.

The son of R. Dimi bar Joseph had a child born to him which died inside of thirty days, so he went into mourning for it. Said his father to him: "What wouldst thou? Eat delicacies* (that thou sittest in mourning)?" And he answered: "I am positive that the child was a regularly born child."

"*R. Jehudah permits this in the case of an hermaphrodite.*" Said R. Shezbi in the name of R. Hisda: "Not in every case does R. Jehudah hold an hermaphrodite to be a male; for if we would say that in all cases he considers him to be a male, the hermaphrodite would come under the law of estimations [Leviticus xxvii. 2-15], and in the Tract Erachim (estimations) we may learn, that according to R. Jehudah he is exempt. Why is he considered a male as concerns circumcision? because it is written [Genesis xvii. 10]: "Every man child among you shall be circumcised" (and "*every*" includes also hermaphrodites).

MISHNA: If one have two children to be circumcised, one after the Sabbath and the other on the Sabbath, and through forgetfulness circumcised the former on the Sabbath, he is culpable. If one of the children, however, was to be circumcised on the day before Sabbath and the other on the Sabbath, and through forgetfulness one had the former circumcised on the

* It is a custom amongst Jews, that the first meal eaten by a mourner after the burial of his dead must be given him by friends or strangers, and usually some delicacy is brought to him.

Sabbath, R. Eliezer declares him liable for a sin-offering and R. Jehoshua declares him free.

GEMARA: R. Huna learns the Mishna literally; in the first case, "he is culpable." R. Jehudah, however, learns to the contrary, that "he is *not* culpable." R. Huna learns "he is culpable," from what we have learned in a Boraitha; viz.: Said R. Simeon ben Elazar: "R. Eliezer and R. Jehoshua do not differ as to the case where a man has two children to be circumcised, one *after* the Sabbath and the other on the Sabbath, and through forgetfulness circumcised the former on Sabbath. They both declare him culpable. Their point of difference is, if one of the children was to have been circumcised on the day *before* Sabbath and the other on the Sabbath, and through forgetfulness the former was circumcised on the Sabbath, the former declares him culpable and the latter free. Both of them derived their decrees from the law concerning idolatry (all sin-offerings are based upon the sin-offerings incidental to the laws of idolatry). R. Eliezer holds, that as in idolatry so also it is with the Sabbath. If the commandment is, "Thou shalt not do so," and the man did so, he is liable for a sin-offering; and R. Jehoshua says: "Here it is different. The intention was to fulfil a commandment, and if accidentally it was not done he should be free."

And R. Jehudah learns the Mishna "not culpable," deriving his support from the following Boraitha: R. Meir said: "R. Eliezer and R. Jehoshua do not differ as to the case where a man has two children to be circumcised, one before the Sabbath and the other on the Sabbath, and through forgetfulness circumcised the former on Sabbath. They both declare him not culpable. Their point of difference is, if one of the children was to be circumcised on the day after Sabbath and the other on Sabbath, and through forgetfulness the former was circumcised on the Sabbath, R. Eliezer declares him culpable and R. Jehoshua declares him free. Both of them derived their decrees from the law concerning idolatry, as is said above."

MISHNA: A child may be (legally) circumcised on the eighth, ninth, tenth, eleventh, or twelfth day (after its birth), but neither before nor after. How so? Usually (it may be circumcised) on the eighth; one born at (the evening) twilight, on the ninth; one born at (the evening) twilight before Sabbath, on the tenth; if a feast day follows that Sabbath (it may be circumcised) on the eleventh; if both New Year feast-days follow that

Sabbath, on the twelfth. A sick child must not be circumcised until it is thoroughly recovered.

GEMARA: Said **Samuel**: "After the fever has left the child, seven days should be allowed to elapse until the child get well, before the circumcision is performed." The schoolmen propounded a question: Must every day be of twenty-four hours' duration, or may the last of the seven days be counted if only a few hours have passed? Come and hear: **Luda** taught, the last day of the child's convalescence is more important than the day of its birth; for a child may be circumcised on the eighth day after its birth, even if only one hour of that day be passed; but the seventh day of its convalescence after a sickness must be one of fully twenty-four hours, before circumcision is permitted.

MISHNA: The following principal excrescences (knobs) make the circumcision invalid: Flesh that covers the larger part of the gland (of the organ). A man so circumcised must not (if he be a priest) partake of *Terumah* (heave-offerings). If the child be very fleshy and (such imperfect circumcision) is caused thereby, the knobs must, for appearances' sake, be cut away. One who was circumcised without having had the skin torn open, is considered as uncircumcised.

GEMARA: **R. Abbina** in the name of **R. Jeremiah bar Aba**, quoting **Rabb**, said: "By stating 'flesh, that covers the larger part of the gland,' the Mishna means to say the 'upper part of the gland.'"

"*If the child be very fleshy.*" We have learned in a **Boraitha**: "**R. Simeon ben Gamaliel** said: 'If the gland of the child be surrounded by a fleshy coating, and when erect the gland appears to be circumcised, the coating need not be cut away; but if it does not appear to be circumcised, the coating should be cut away.'"

"*One who was circumcised without having had the skin torn open,*" etc. The rabbis taught: The benediction to be pronounced by the circumciser (before performing the rite) should be as follows: "Praised art Thou, Lord, our God, King of the Universe, who hast sanctified us with Thy commandments and hast commanded us the circumcision." The father of the child should pronounce the following benediction (in the interval between the circumcision and the tearing open of the skin): "Who hast sanctified us with Thy commandments and hast commanded us to enter the child into the covenant of Abraham our father." The

bystanders must respond: "As he hath been entered into the covenant, so may he also be entered into the Law, into the bridal canopy, and into good deeds." The man who makes the benediction (over the goblet of wine) should say as follows: "Blessed art Thou, etc., who hast sanctified Thy favored one (meaning the patriarch Isaac, see Genesis xxii. 2) even in the womb (as it is written in Genesis xvii. 19: 'And I will establish my covenant with him'), who hath made a sign in his body, and hath sealed his children with the sign of the holy covenant. Therefore as a reward for this we pray Thee, Thou living God, to command that our children be saved from the grave because of the covenant that is sealed in our flesh. Blessed art Thou, O Lord, who hast made the covenant." One who circumcises proselytes must say: "Blessed art Thou, etc., and hast commanded us the circumcision." The one who pronounces the benediction (over the goblet) must say: "Blessed art Thou, etc., and hast commanded us to circumcise the proselytes, and to draw from them blood of the covenant. For were it not for the blood of the covenant, heavens and earth would not exist, as it is written [Jeremiah xxxiii. 25]: 'If not my covenant by day and night, I would not have instituted the ordinances of heaven and earth.' Blessed be Thou, O Lord, who didst make the covenant." One who circumcises slaves pronounces the same prayer as is used for proselytes, inserting "slaves" where "proselytes" is used; and the one making the benediction does likewise.

CHAPTER XX.

REGULATIONS CONCERNING CERTAIN ACTS OF LABOR WHICH MUST BE PERFORMED DIFFERENTLY ON A SABBATH AND ON A FESTIVAL.

MISHNA: R. Eliezer says: One may stretch a wine-filter (of cloth) over a vessel on a feast-day, and on the Sabbath one may pour wine into it, if it was already fastened (to the vessel). The sages say: One must *not* stretch it (over a vessel) on a feast-day, and on Sabbath one must not pour (wine) into it, but the latter act is allowed on a feast-day.

GEMARA: How is it possible that R. Eliezer should decide, that one may stretch a wine-filter, etc., on a festival, if he does not even allow a window-blind to be added to a temporary tent, as is explained by Rabba bar bar Hana in the name of R. Johanan [Chapter XVII., p. 272]. In that case he does not even allow the addition of a blind, and here he permits the stretching of a filter to commence with? R. Eliezer holds as R. Jehudah, as we have learned in a Boraitha: There is no difference between the Sabbath and the festival, except that the preparation of food is permitted on the latter. R. Jehudah, however, even permits the arrangements for the preparation of food. What arrangements for the preparation of food are we aware of, that R. Jehudah permits? Such as cannot be made at any time before the festival; but did we hear of his permitting the arrangements for the preparation of food that could be made *before* the festival, to be made on the feast-day? In this respect R. Eliezer is more lenient than R. Jehudah, for he permits all arrangements for the preparation of food to be made on the festival.

"*The sages say: One must not stretch it,*" etc. The schoolmen propounded a question: What if a man *did* stretch the filter over a vessel on a festival? Is he culpable? Said Abayi: "This is only a rabbinical prohibition, that one should not do on a festival such things as one does on a week-day."

Abayi collected all the rabbinical prohibitions to be found in the Boraithas, and taught as follows: A leather bag, a wine-filter,

a baldachin, and a folding-chair as used in the city of Galin, must not be spread; but if one does so, he is not culpable. Tents, however, which are permanent, must not be put up, and if a man does this he is culpable. One *may*, however, set up an ordinary bed, a chair, a tripod, and a stool with impunity.

"*One must not pour wine into it,*" etc. The schoolmen asked: "What if a man *did* pour wine into it? Is he culpable?" Said R. Kahana: "Yea; he is liable to bring a sin-offering." R. Shesheth opposed this: "Have ye ever seen that R. Eliezer should permit a certain thing to be done to commence with, which the rabbis hold would make one liable for a sin-offering?" R. Joseph interposed: "Why not? Have we not learned (p. 114), in the case of a woman who went out with a golden ornament, that R. Meir held her liable for a sin-offering and R. Eliezer permitted her to go out with it to commence with?" Said Abayi to him: "Dost thou think that R. Eliezer opposes R. Meir in the above passage? Nay; he merely opposes the sages, who said that a woman must not go out wearing the ornament, but if she do so, she is not culpable; whereas he says, that she may do so to commence with."

How should a man be warned not to pour wine into the filter? (*i.e.*, in what category of labor is that act to be classed, so that the man can be warned that he is performing a certain prohibited principal act of labor? *). Rabba said: "He is to be warned against fruit-cleaning." R. Zera said: "Against sifting." Said Rabba: "It seems to me that my decision is more in conformity with reason, for as in fruit-cleaning the good fruit is separated from the bad, so it is also in this case: he separates the clean wine from the lees." Said R. Zera: "It seems to me that my decision is more in conformity with reason, because as in sifting the good falls to the bottom and the bad remains in the sieve, so it is also in this case: the good wine falls into the vessel, while the lees remain in the filter."

Rami the son of Ezekiel taught: "A folded garment should not be spread on poles to serve as a sun-shade; but if a man do this, he is free. If, however, a string or a hanger was already attached to the garment with which it could be fastened to the poles, this may be done to commence with."

R. Kahana asked of Rabh: "What is the law regarding a baldachin?" and he answered: "Even a bed is not permitted."

* See Chapter VII., note to page 138.

R. Kahana then inquired: "What is the law regarding a bed?" and Rabh answered: "Even a baldachin is allowed." "What is the law regarding a bed and a baldachin?" "A bed is allowed but a baldachin is not allowed." In spite of this, there is no difficulty. In not permitting even a bed, Rabh had reference to a folding-bed as used by the Karmanites, and where he said, "Even a baldachin is allowed," he had reference to a baldachin as described by Rami bar Ezekiel; *i.e.*, one which had strings attached to it. In saying, "A bed is allowed and a baldachin is not allowed," he meant to say, that an ordinary bed, such as is generally used, may be set up, but a baldachin, that had no strings or hangers attached, must not be set up. Said R. Joseph: "I have seen the baldachins in the house of R. Huna; at night (on Sabbath eve) they were folded up and in the morning they were all set up."

Rami bar Ezekiel sent to R. Huna and asked him to impart to him some of the good sayings of Rabh, two concerning the Sabbath and one concerning the Law. So R. Huna sent him the following sayings: Concerning what we have learned in a Boraitha, that a leather-bag which had strings already attached may be spread on poles on Sabbath, Rabh said, that this may be done jointly by two men but not by one.* Said Abayi: "A baldachin which must not be set up must not even be set up by the joint efforts of ten men." What was the other good saying of Rabh concerning Sabbath? Concerning what we have learned in a Boraitha, that if an iron stove had one leg missing it may be handled, but if two legs were missing it must not be handled, Rabh said, that it must not be handled even if one leg was missing, as a precaution lest one might be tempted to fasten the missing leg, and that would constitute building. What was the good saying of Rabh concerning the Law? Rabh said: There will be a time when the Law will be forgotten by Israel, as it is written [Deut. xxviii. 59]: "Then will the Lord render wonderful thy plagues," etc., and I could not understand what is meant by "wonderful plagues"; but it is written [Isaiah xxix. 14]: "Therefore, behold, I will do yet farther a marvellous work, doing wonder on wonder, so that the wisdom of their wise men shall be lost, and the understanding of their prudent men shall be hidden."

* Rashi remarks that, although some explanation for this passage was ventured upon by the Gaonim, still he does not understand it himself, and hence can give no satisfactory explanation.

The rabbis taught: When our teachers went into the vineyard at Jamnia, they said that the Law would be forgotten by Israel, as it is written [Amos viii. 11]: "Behold, days are coming, saith the Lord Eternal, when I will send a famine in the land, not a famine for bread, nor a thirst for water, but to hear the words of the Lord"; and [ibid. 12]: "And they will wander about from sea to sea, and from the north even to the east, they will roam about to seek the word of the Lord; but they shall not find it." By the word of the Lord is meant: Halakha, the end of exile (*i.e.*, the coming of the Messiah), and also the prophecies.*

In another Boraitha we have learned: R. Simeon ben Jo'hai said: "May God forbid that the Law be forgotten by Israel. It is written [Deut. xxxi. 21]: 'For it shall not be forgotten out of the mouth of their seed.' How then can the previous passage, 'And they will roam about to seek the word of the Lord, but they shall not find it,' be verified? It means they shall not find a perfect Halakha (which shall be incontestable), nor a Mishna (which shall be beyond refutation) anywhere on earth."

We have learned in a Boraitha: If thou shouldst live in a generation in which there is much trouble (persecution), go and investigate amongst the judges of Israel; for most of the trouble that happens in this world happens only on account (of the corruption) of the judges, as it is written [Micah iii. 9-11]: "Hear this, I pray you, ye heads of the house of Jacob and ye princes of the house of Israel, that abhor justice and make crooked all that is straight. They build up Zion with blood-guiltiness and Jerusalem with wrong; her heads judge for bribes, and her priests teach for reward, and her prophets divine for money, and yet will they lean upon the Lord," etc. They are all wicked, and yet they all lean upon the One who spoke and the world was created; and therefore the Lord will bring upon them three troubles for the three sins of which they were guilty as mentioned above (judging for bribes, teaching for reward, and divining for money), as it is written [ibid. 12]: "Therefore for your sake shall Zion be ploughed up as a field, and Jerusalem shall

* Rashi explains the above passage as follows: That by the word of the Lord is meant Halakha, may be derived from the verse [Deut. v. 5], "To announce to you the word of the Lord," which is synonymous with Halakha. As for the end of exile also being part of the word of the Lord, I do not know what verse that can be based on. That by the word of the Lord is also meant the prophecies, can be inferred from the verse [Hosea i. 1]: "The word of the Lord that came unto Hosea."

become ruinous heaps, and the mount of the house, forest-covered high-places"; and the Holy One, blessed be He, will not permit his Shekhina to rest again amongst Israel until the corrupt judges shall be removed and the guardians of the peace shall be abolished from Israel, as it is written [Isaiah i. 25 and 26]: "And I will turn my hand against thee, and purge away as with lye thy dross, and remove all thy tin. And (then) I will restore thy judges as at the first, and thy counsellors as at the beginning."

Ula said: "Jerusalem will not be redeemed except through charity (righteousness), as it is written [Isaiah i. 27]: 'Zion shall be redeemed through justice, and her converts through righteousness.'" R. Papa said: When the proud men will be destroyed, then also will the men who slander and cause us to be hated be destroyed, as it is written: "and purge away as with lye thy dross." And when the corrupt judges will be removed, the bailiffs will also become extinct, as it is written [Zephaniah iii. 15]: "The Lord hath removed thy punishment; he hath cleared away thy enemy."

Melai in the name of R. Eliezer ben R. Simeon said: "It is written [Isaiah xiv. 5]: 'Broken hath the Lord the staff of the wicked, the sceptre of the rulers.' The staff of the wicked refers to the judges who made of themselves a staff upon which their servants (scribes) should lean (*i.e.*, they gave them all the opportunities to extort money, of which they took a share). The sceptre of rulers refers to the judges who made their relatives rulers."

Mar Zutra said: "The above verse refers to the teachers who turn out ignorant men and allow them licenses to be judges (and through ignorance they were incapable of judging rightfully)."

R. Elazar ben Melai said in the name of Resh Lakish: "It is written [Isaiah lix. 3]: 'For your hands are defiled with blood, and your fingers with iniquity: your lips have spoken falsehood, your tongue uttereth deception.' 'Your hands are defiled with blood' refers to the judges, 'your fingers with iniquity' refers to the scribes of the judges, 'your lips have spoken falsehood' refers to the lawyers, 'and your tongue uttereth deception' refers to the litigants themselves."

R. Melai said again in the name of R. Itz'hak of Magdala: "From the day that Joseph left his brethren, he tasted not wine, as it is written [Genesis xlix. 26]: 'These shall be on the

head of Joseph, on the crown of the head of him that was separated* from his brothers.' " R. Jose bar Hanina said, that the brothers of Joseph also did not taste wine, because it is written [ibid. xliii. 34]: " And they drank, and were merry with him " (because it says " with him," the inference is, that without him they did not drink).

R. Melai said again: " The reward due Aaron for what is written [Exod. iv. 14]: ' And when he seeth, he will be glad in his heart,' was given him in the breastplate of judgment " [see ibid. xxviii. 15].

The inhabitants of the city of Bashkar sent a query to Levi, as follows: " What is the law concerning a baldachin, what is the law concerning flax sown in a vineyard, does it come under the head of Kelaim or not, and what is the law concerning one who dies on a festival ? " While the messenger was on his way, Levi died. Said Samuel to R. Menasseh: " If thou wouldst be wise, answer thou these queries." So R. Menasseh answered as follows: " As for a baldachin, we have investigated on all sides and found no permission (for setting it up). As for flax sown in a vineyard, it constitutes a case of Kelaim. As for a man that had died on a festival, the corpse should be kept until after the second day of the festival, and it should not be interred, neither by Israelites nor by Gentiles." This is not so! Rami bar Ezekiel found permission for a baldachin as previously said! R. Tarphon decided that flax sown in a vineyard does not constitute Kelaim, and Rabha decreed, that a corpse may be interred on the first day of a festival by Gentiles and on the second day even by Jews? However, because the men of Bashkar were ignorant, R. Menasseh gave them the stricter decrees, lest they take advantage of the more lenient.

R. Abin bar R. Huna said in the name of R. Hama bar Gurya: " A man can wrap himself in the canopy that has not been fastened to the poles, together with its fringes, and go out into public ground with impunity." In what respect does this decision differ from that of R. Huna, who said in the name of Rabh, that one who went out into public ground wearing a Talith (toga) without Tzitzith (show-threads) is culpable and liable for a sin-offering? In the case of a Talith, the show-threads, being the most important part of that garment, are

* " Separated " is expressed by the word Nazir, which means also one who has vowed to drink no wine.

valuable, and without them the Talith is simply a burden; whereas the fringes of a canopy are not an essential part of the canopy, and having used the latter for a garment it may be worn even with fringes.

Rabba bar R. Huna said: "A man may with cunning stretch a wine-filter over a vessel and say, that he intends to use it as a receptacle for pomegranates, but when it is already stretched he may filter wine through it." Said R. Ashi: "He may do this only if he had previously placed pomegranates in the filter." In what respect does this decision differ from the following Boraitha: During the intermediate days of a festival (either Passover or the Feast of Tabernacles) a man may brew beer for consumption on those days but not for use on other days, be it beer made of dates or of barley; and although he have stale beer still on hand, he may with cunning brew new beer and drink it. (Should he have any left over he may keep it for other days; hence we see that it is not necessary to dissemble by doing something else before performing the act really intended.) In the latter case it is not known whether the man have any stale beer on hand or not, and hence it might be presumed that he has none and must brew more; but in the former case, when the wine-filter is stretched and wine is being immediately filtered through it, the presumption would be that it was stretched for that purpose only.

Said the disciples to R. Ashi: "We would call the attention of the master to this young scholar, R. Huna bar Hyvan or Heluvan by name, who takes the clove of garlic and stops up a hole in a wine-barrel with it, saying, that he intends merely to preserve the clove of garlic. He also goes and lies down on a ferry, presumably to sleep; in the meantime he is ferried across the river, and on the other side he watches his fields, saying, however, that he merely intended to sleep." Answered R. Ashi: "Ye speak of cunning (trickery). All the acts mentioned by you are prohibited by rabbinical laws only, and in the case of a scholar, there is no danger that he will commit them publicly (without resorting to cunning)."

MISHNA: One may pour water on yeast in order to thin the latter; and one may filter wine through a cloth or an Egyptian wine-basket. One may put a beaten egg in a mustard sieve. One may also make honey-wine on Sabbath. R. Jehudah says: "On Sabbath this may be done only in a cup, on feast-days even in a lug (pitcher), and on the intermediate days

even in a barrel." R. Zadok says: "At all times it should be made according to the number of guests."

GEMARA: Zera said: "A man may pour clear wine or clear water into a filter with impunity." May clear wine only, and not dimmed wine, be poured into a filter? Have we not learned, that R. Simeon ben Gamaliel said: "A man may stir up a cask of wine, with the lees, on the Sabbath and pour it through a filter with impunity"? Zera explained the decree of R. Simeon ben Gamaliel to the effect, that the latter spoke of wine that was just being pressed, when it is customary to drink the wine with the lees (hence the wine is not improved, as it can be drunk without filtering).

"*One may filter wine through a cloth.*" R. Simi b. Hyya said: "Providing the cloth is not turned into a funnel (that the cloth should not subsequently be wrung)."

"*An Egyptian wine-basket.*" Said R. Hyya bar Ashi in the name of Rabh: "Providing the wine-basket is not lifted above the bottom of the vessel to the height of one span."

"*One may put a beaten egg in a mustard sieve.*" R. Jacob Kar'hah explained this as follows: "Because the yolk is used only for coloring; the white of the egg is nevertheless as much an article of food as the yolk (hence no sifting takes place)."

It was taught: Mustard which had been prepared before Sabbath may be ground on the Sabbath, either by hand or with a vessel. Honey may also be placed in the mustard on Sabbath; it must not be thoroughly mixed, however, but merely stirred. Cresses which had been cut up before the Sabbath may be mixed with oil and vinegar on the Sabbath, and one may also add mint; it must not be thoroughly mixed, however, but merely stirred. Garlic which had been ground before the Sabbath may be mixed with broad-beans and peas, but must not be ground together; mint may also be added. Said Abayi: "We see, that mint is good for the spleen."

"*One may make honey-wine on the Sabbath.*" The rabbis taught: "One may make honey-wine on the Sabbath, but not an oil-wine salve." The difference between honey-wine and oil-wine salve is that the former is made of honey, wine, and pepper, while the latter is made of old wine, clear water, and aromatic balsam to be used as a lotion after a bath.

Said R. Joseph: "Once I went with Mar Uqba to a bath-house. When we came out, he gave me a cup of wine which, when drinking, I felt all over from the roots of my hair to the

nails of my feet; and had he given me another, I am afraid that the reward due me in the world to come would have been lessened in proportion." Mar Uqba drank this wine every day? He was accustomed to it.

MISHNA: One must not put laserpitium in tepid water for the purpose of softening the former, but one may put it in vinegar. One must not soak bran nor grind it, but may put it in a sieve or in a basket. One must not sift feed-straw through a winnow, nor lay it in a high place so that the chaff fall out, but one may take it up in a winnow and then pour it into the crib.

GEMARA: The schoolmen asked: "What if one did put laserpitium in tepid water?" Said Abayi: "This is only a rabbinical prohibition, that it should not be done as on a week-day."

R. Johanan asked of R. Yanai: "Is it allowed to put laserpitium in cold water (on Sabbath)?" and he answered: "It is not." Said R. Johanan: "We have learned in the Mishna, that it is not allowed to put it in tepid water, but in cold water it should be allowed." Answered R. Yanai: (If thou askest me concerning a Mishna) what difference is there between me and thee? The Mishna is according to the opinion of one man, and the Halakha does not prevail according to his opinion, as we have learned in a Tosephta: Laserpitium must not be put in either cold or tepid water. R. Jose said: "It is not allowed to put it in tepid water, but it may be put in cold water." For what purpose is it used? For a heavy feeling in the chest.

R. Aha bar Joseph had a heavy feeling in the chest, so he came to Mar Uqba, and was told to drink laserpitium to the weight of three shekels in three days. He drank some on Thursday and Friday, and on Sabbath he came to the house of learning to inquire whether he might drink it. He was told, that the disciples of Ada, others say of Mar bar R. Ada, taught, that one may drink even a Kabh or two Kabhs with impunity. He then said to them: "I am not asking whether I may drink it. That I know is allowed, but I should like to know whether I may put the laserpitium in water in order to drink it. How shall I do?" Said R. Hyya bar Abin to them: "The same thing happened to me, so I went to R. Ada bar Ahabha and asked him, but he did not know; so I asked R. Huna, who said, that Rabh decided that first it should be put in cold water and then it may be put in warm water."

R. A'ha bar Joseph leaned on the shoulders of his nephew, R. Na'hman bar Itz'hak, and went out into the street, and told him, when they came to the house of R. Safra, to lead him in. When they got there, they went in, and R. A'ha asked of R. Safra: "May a shirt that had been laundered too stiffly be rubbed and softened by hand on the Sabbath? Shall we assume, that it is only intended to soften the shirt and is therefore permissible, or that it is intended also to bleach it and is hence prohibited?" R. Safra answered, that it might be done, and asked him: "Why dost thou ask about a shirt, why not ask also about a turban?" "I have already asked concerning a turban of R. Huna, and he said, that it is not permitted." "Why, then, didst thou come to ask about a shirt? Thou couldst have inferred, from the turban, that the other was also not permitted?" Answered R. A'ha: "A turban is bleached by unfolding and rubbing, but a shirt is not."

R. Hisda said: "If a shirt had been hung up to dry by means of a stick drawn through the armholes, it should be taken down from the stick, but the stick should not be taken down alone (because the stick is not a vessel and hence must not be handled)." Said Rabha: "If the stick was one that may be used by a weaver, it may be taken down (because it is regarded as a vessel)."

R. Hisda said again: "A bundle of herbs, if suitable for cattle-food, may be handled on the Sabbath. If not, it must not be handled." Said R. Hyya bar Ashi in the name of Rabh: "Dried salt meat may be handled on Sabbath (because it can be eaten uncooked), but dried salt fish must not (because it cannot be eaten uncooked)."

R. Hisda said again: "A man who attends school, and has not sufficient bread, should not eat herbs, because it creates hunger. I myself have never eaten herbs, neither when I was poor nor when I was rich. When I was poor I did not want to stimulate my appetite, and when I was rich I rather ate meat and fish in place of herbs." Again he said: "A young pupil who lacks food should not eat a little at a time. He should wait until he can accumulate sufficient for a hearty meal, and then eat. When I was poor I never ate until I could put my hand in the basket and find sufficient to satisfy my hunger."

The same R. Hisda said to his daughters: "Be chaste in the eyes of your husbands. Do not go about eating in the presence of your husbands. Do not eat herbs at night (for fear of bad

breath). Do not eat dates at night. Do not drink beer at night, and use not the same toilet that men do. When some one knocks at your door, do not ask 'Who is it?' in the masculine, but in the feminine."

"*One must not sift feed-straw through a winnow.*" This Mishna is not in accordance with the opinion of the Tana of the following Boraitha: R. Eliezer ben Jacob said: "A winnow must not be touched at all."

MISHNA: One may clean out (the crib) for the (stalled) ox and throw (the superfluous fodder) over the side, so that it does not become unclean, so says R. Dosa. The sages declare this to be prohibited. One may remove the fodder in front of one animal and place it before another, on the Sabbath.

GEMARA: The schoolmen propounded a question: Do the sages dissent from the first part of R. Dosa's decree, from the last part, or from both? Come and hear: "We have learned in a Boraitha: 'The sages said: "Neither one nor the other may be thrown over the side."'" Said R. Hisda: "The sages differ with R. Dosa only when the crib was a separate vessel, but if it was part of the stall and fixed to the ground, all agree that it is prohibited to clean it out."

"*One may remove the fodder from in front of one animal,*" etc. In one Boraitha we learned, that one may remove the fodder from cattle with healthy snouts and place it before cattle with diseased snouts; and in another Boraitha we learned the contrary, that fodder may be removed from cattle with diseased snouts and placed before cattle with healthy snouts. Said Abayi: "According to both Boraithas, the fodder of an ass may be placed before an ox, but the fodder of an ox must not be placed before an ass. The first Boraitha refers to fodder placed before an ass who does not emit phlegm from the mouth, and which may be placed before a cow who does emit phlegm; and the other Boraitha, which permits the placing of fodder of animals with bad snouts, also refers to an ass, and calls the snout of an ass bad (diseased) because he feeds on all manner of things, like thistles, etc. The cow is referred to as having a healthy snout because she is very particular as to what she feeds on (hence the two Boraithas do not differ)."

MISHNA: Straw on a bed must not be shaken up with the hand, but it may be moved with the body. If it be designed for fodder, or a pillow or cloth lie over it, it may be shaken up by hand. A clothes-press which is kept in the house may be

opened, but must not be used for pressing. The clothes-presses of the professional washers must not be touched. R. Jehudah says: "If the press was partly open before the Sabbath, it may be entirely opened and drawn out (others say, the clothes may be drawn out)."

GEMARA: R. Jehudah said: "It is permitted to triturate pepper seed with the handle of a knife one by one, but not two together (on Sabbath)." But Rabha said, that as a man usually triturates pepper in a mortar on a week-day, he may on Sabbath triturate as many together as he chooses with the handle of a knife.

R. Jehudah said again: "(On the Sabbath) a man who bathes should first dry himself standing in the water and then go out; otherwise he carries water into unclaimed ground for four ells." If that is so, what about the man going into the water? By entering he pushes the water forward four ells (into the lake or river) by mere motion? Motion has not been provided for in the prohibitions of unclaimed ground.

Said Abayi, according to another version R. Jehudah: "If a man stepped into loam, he should wipe his feet on the ground and not on a wall." But Rabha said: "Why should he not do that, because it might be presumed that he plasters the wall and is engaged in building? Nay; this is not ordinary building (but more like field-work). On the contrary: If he wipe his feet on the ground he may perchance smoothen out an incavation, hence he should rather wipe his feet on the wall. For the same reason, he should not wipe his feet on the side of an incavation, lest he smoothen it out."

Rabha said again: "One should not cork a bottle with a piece of cotton or cloth, lest he wring it." R. Kahana said: "The dirt on a garment should be removed by rubbing the cloth on the inside and not on the outside, lest it seem like washing." R. Abuha in the name of R. Elazar, quoting R. Yanai, said: "One may scrape off dirt on an old shoe, but not a new one. With what should it be scraped off? With the back of a knife," said R. Abuha. Said a certain old man to him: "Withdraw thy teaching before that of R. Hyya: One must not scrape off dirt on an old nor on a new shoe. One must also not rub his foot with oil, while it is still in the shoe. He may, however, rub his foot with oil and then put on his shoe or his sandal. He may also anoint his whole body with oil and lie down on a skin, although the skin is benefited by the oil." Said R. Hisda:

“ Providing the oil dripping from the body on to the skin is only sufficient to polish the skin, but if there is enough to soften the skin one must not lie down on it.”

The rabbis taught: A small man should not wear a large shoe (lest it fall off and he be forced to carry it on the Sabbath). He may, however, wear a large shirt (as there is no fear of his taking that off and carrying it). A woman should not go out with a torn shoe on the Sabbath (lest she be laughed at and carry the shoe). She also must not accept Chalitza in such a shoe; but if she did so, the Chalitza is valid. She also should not wear a new shoe, that she had not tried on before the Sabbath (lest it be too large and she take it off and carry it). Such is the explanation of Bar Qappara.

In one Boraitha we have learned, that one may remove the shoe of a statue, while in another we were taught that it must not be removed. This presents no difficulty. The one Boraitha is in accordance with the opinion of the rabbis, who differ with R. Eliezer, while the other is in accordance with the opinion of R. Eliezer; as we have learned in another Boraitha: R. Jehudah said in the name of R. Eliezer, that if the shoe was loose and easily removed it might be taken off.

CHAPTER XXI.

REGULATIONS CONCERNING THE POURING OUT OF WINE FROM VESSELS COVERED WITH A STONE (WHICH MUST NOT BE LIFTED), AND THE CLEARING OFF OF CRUMBS, ETC., FROM THE TABLE.

MISHNA: One may lift up a (petted) child, that has a stone in its hand, also a basket in which there is a stone; one may also handle unclean Therumah (heave-offerings), together with clean and with ordinary grain. R. Jehudah saith: "One may also take out Therumah from mixed grain in proportion of one to the hundred."

GEMARA: Rabha said: "If a man carried out a child to whose neck a purse of money was fastened, he is culpable of carrying the purse; but if he carried out the corpse of a child which had a purse of money fastened to it, he is free." Why is the man culpable in the first instance, for the carrying of the purse and not for carrying the child? He holds with R. Nathan, who said, that a living thing carries itself. Why not say, that the purse is an accessory to the child? Have we not learned in a Mishna (p. 182), that if a man carried out a person on a litter he is not culpable of carrying even the litter, because it is of no consequence to the person? A litter is regarded as of no consequence to the person, but a purse is not held to be part of a child. Why, in the second instance, is the man not culpable for carrying the corpse of the child? Rabha holds, with R. Simeon, that every labor which is not performed for its own sake does not make a person culpable (and he is not culpable for carrying the purse, because in his sorrow he does not think of the purse that the child was wont to play with).

An objection was made (to Rabha's teaching by virtue of the above Mishna): One *may* lift up a child with a stone in its hand? The disciples of R. Yanai explained this as follows: "A child is referred to that yearns for its father, and if it were not carried it would become sick." The stone is no hindrance to its being carried. If that is the case, why is a stone mentioned? why not money? Did not Rabha say, that the child may be carried if it

have a stone in its hand, but not money? That is simple. If the stone fall to the ground the father will not pick it up, but if money falls he will pick it up. We have been taught by a Boraitha in support of Rabha: If one carry his clothes, folded, on his back, or his sandals or his rings in his hand, he is culpable; if he wear them, however, he is free. If he carry out a man dressed in clothes, sandals, and rings, he is also free; but if he carried the clothes, sandals, or rings alone, he would be culpable.

"*A basket in which there is a stone,*" etc. Why should a man not be culpable for carrying it? Is not the basket a basis for a prohibited thing? Said R. Hyya bar Ashi in the name of Rabha: "Here a basket is spoken of which is broken, and where the stone fills in the gap, making the basket whole."

"*One may also handle unclean heave-offerings.*" Said R. Hisda: "When may unclean heave-offerings be handled? If the clean heave-offering be at the bottom and the unclean on top, the unclean may be removed; but if the clean be on top, it may be removed, and the unclean must remain untouched." If the unclean *be* on top, let it be thrown off until the clean is reached! Answered R. Ilai, Rabh said: "Here fruit is spoken of, that would be spoiled by being thrown off."

An objection was made: We have learned in a Boraitha: "Unclean heave-offerings may be handled with clean and with ordinary grain; it makes no difference where it lies: on the top or at the bottom." This is a refutation of R. Hisda? R. Hisda might say, that our Mishna treats of a heave-offering that is needed for food, while the Boraitha treats of a heave-offering when the space it occupies is needed. What impels R. Hisda to explain the Mishna in that manner? Said Rabha: "From the latter part of the Mishna it seems to be in the sense explained by him, for that part of the Mishna says, that if money lie on a bolster, the bolster may be turned so that the money shall fall down; and Rabba bar bar Hana in the name of R. Johanan explained, that such is the case only if the bolster itself be needed; but if the space occupied by the bolster is required, one may lift the bolster, with the money, and deposit it elsewhere. Now, if this part of the Mishna refers to the demand for the object itself, the first part does likewise."

"*R. Jehudah saith: 'One may take Therumah from mixed grain in proportion of one to the hundred.'*" How can this be done? In doing it, one would make a useless thing useful, and that is not permitted? R. Jehudah holds with R. Simeon ben

Elazar, who declares, that one may look upon one side of a mixed-grain pile and consider it Therumah, and eat from the other. How can it be said, however, that R. Jehudah holds with R. Simeon ben Elazar, for have we not learned in a Boraita, that they differ on this question, the former holding that one may take a measure of grain from the pile, of one to the hundred, set it aside as Therumah, and use the remainder, while the other says, that one should look upon one side of it and eat from the other? R. Jehudah is even more lenient; for he permits all of it to be used after a measure had been set aside, while R. Simeon permits only part of it to be used.

MISHNA: If a stone lie at the opening of a barrel, the barrel may be bent over, so that the stone fall down. If the barrel stand amongst other barrels, it may be lifted and then bent over, in order that the stone fall down. If money lie on a bolster, the bolster may be turned, so that the money fall down. If dirt be found on the bolster, it may be cleaned off with a rag; and if the bolster be of leather, water may be poured on it until the dirt is removed.

GEMARA: Said R. Huna in the name of Rabh: "The Mishna refers to a case where the stone lying at the opening of the barrel was left there by accident. If it was placed there purposely, the barrel becomes a basis to a prohibited thing and must not be handled."

"*If the barrel stand amongst other barrels,*" etc. Who is the Tana who holds, that where there are both a permissible and a prohibited thing we must engage ourselves only with the permissible thing and not with the prohibited? Said Rabba bar bar Hana in the name of R. Johanan: "That is R. Simeon ben Gamaliel, who said in Tract Betza, that if the waste was in a larger quantity than the eatable portion, the eatable portion might be taken, but the waste must not be touched. In the case of the barrel, the useful portion is certainly in a larger quantity than the useless (why, then, should he not remove the stone?). If a man should wish to remove the wine, it would necessitate his lifting the barrel at all events; with the barrel the stone would also be lifted, and in that case the useless would surpass in quantity the useful."

We have learned in a Boraita: R. Jose said: "If a barrel stood in a cellar amongst other barrels, or among glassware (and there is danger that if the barrel is lifted and bent over the stone covering it will fall upon another barrel, or upon some of

the glassware and break it), it may be lifted, carried to another place, bent over so that the stone roll off, its contents removed to the quantity required, and returned to its former place."

"*If money lie on a bolster,*" etc. Said R. Hyya bar Ashi in the name of Rabh: "The Mishna here refers to a case where the money was accidentally left on the bolster; but if it is laid there on purpose, the bolster becomes a basis to a prohibited thing and must not be handled."

Hyya the son of Rabh of Diphti taught the same as Rabba bar bar Hana in the name of R. Johanan, viz. (page 323), that if the space occupied by the bolster is required, the bolster together with the money may be moved.

R. Oshea said: "If a purse of money was accidentally left in private ground, one may put a loaf of bread or a child on it and take it back to the house." R. Itz'hak said: "This rule applies not only to a purse of money, but also to a brick that is needed for any purpose."

Said R. Jehudah bar Shila in the name of R. Assi, that a box of money was once forgotten in the market and R. Johanan was asked what was to be done. He ordered them to place a loaf of bread or a child on it, and take it in. Said Mar Zutra: "All these rules are laid down in the case of where the things referred to were left by accident." But R. Ashi said, that such is not the case, and that a child or a loaf of bread can be used to move a corpse only.

When Abayi had to bring in stalks of grain, he would put on them some article of food (or some vessel) and bring it into the house; and when Rabha had to bring in (an uncooked) dove, he would put a knife on it and bring it into the house. When R. Joseph heard of this, he said: "How sagacious are the minds of these young scholars! When did the rabbis permit this to be done? When the things to be brought were forgotten on the outside; but they did not permit their being moved to commence with." Abayi answered: "(I have done right.) For were I not a trustworthy man, I would not have used those means to bring in the grain at all. Stalks of grain are a useful thing to sit on, and may be handled." And Rabha said: "(I have also done right.) For were I not a trustworthy man, I would not have placed a knife on the dove at all, as there are some people who eat it raw (hence it may be handled on the Sabbath)." Shall we say, that Rabha holds that the raw dove may be handled only because it is eaten (raw) by some people,

and were it not so it could not be handled (on Sabbath), hence he holds as R. Jehudah in Tract Betza? Did not Rabha say to his servant on a festival: "Fry a duck for me and throw the entrails to the cat"; and we see thence that he permitted his servant to handle the entrails because they were food for a cat? The entrails would have spoiled if left over for the next day, and we must assume therefore that they were designed as food for the cat from the day preceding.

MISHNA: The school of Shamaï teaches: "Bones and husks may be removed from the table." The school of Hillel, however, teaches: "One may only lift the whole table board (or cloth), and shake off what is left over." All crumbs smaller than an olive may be removed from the table; also the hulls of beans and lentils, because they may serve for fodder. It is allowed to use a sponge for wiping, providing it has a handle made of leather; otherwise, it is not allowed. At all events, one may handle a sponge on the Sabbath, and it is not subject to defilement.

GEMARA: Said R. Na'hman: We know that the school of Shamaï holds to the opinion of R. Jehudah (who accepts the theory of Muktzá), and that the school of Hillel holds to the opinion of R. Simeon (who disregards the law of Muktzá). (Hence the order of the Mishna should be reversed.) The dictum of the school of Shamaï should be credited to the school of Hillel, and *vice versa*.

"Hulls of beans," etc. The permission to remove the hulls of beans, etc., is certainly in accordance with R. Simeon, who disregards the law of Muktzá; and the latter clause of the Mishna referring to a sponge, which must not be used for wiping off the table unless it have a handle (because without the handle it would be wrung and that is prohibited, although the intention to wring it did not exist), is in accordance with the opinion of R. Jehudah, who holds, that one must not perform an act even unintentionally. In this case R. Simeon also agrees with R. Jehudah, because it again presents a parallel case to the beheading of a creature where no intention to kill it exists.

The pits of dates (Armiassa) to which some of the meat adheres may be handled, and those of Parsiassa* must not be handled. Samuel used to handle the latter with bread, holding to his opinion that anything at all may be done with bread (while

* For explanation of the terms Armiassa and Parsiassa, see Vol. I., p. 45.

others hold that bread should not be put to any uses except for food). Rabba would hold them with a pitcher of water. R. Shesheth would throw them out by means of his tongue, and R. Papa would throw them underneath the bed. It was told of R. Zacharias ben Abkulos, that he would turn his face towards the back of the bed and throw them out with his tongue.

CHAPTER XXII.

REGULATIONS CONCERNING PREPARATION OF FOOD AND BEVERAGES.

MISHNA: Should a cask break open, sufficient may be saved for three meals. The owner may also call to others: "Come and save for yourselves (whatever you can)." No portion of the leakage, however, may be sponged up (soaked up with a sponge). One must not press fruit in order to extract the juice; and if it ooze out by itself, it must not be used. R. Jehudah said: "If the fruit is for eating, the juice which oozes out may be used; but if it is for beverage, it must not be used. If honeycombs be broken on the eve of Sabbath and the honey ooze out, the honey must not be used." R. Eliezer, however, permits this.

GEMARA: We have learned, that wine must not be soaked up with a sponge, and oil must not be dipped with a spoon, in the same manner as it is done on week-days (there must be a slight change).

The rabbis taught: If fruit becomes scattered in a courtyard (private ground) it may be gathered up and eaten, but this must not be done as on a week-day; *i.e.*, gathered in a basket.

"*One must not press fruit*," etc. Said R. Jehudah in the name of Samuel: "R. Jehudah (of the Mishna) agrees with the sages in the case of olives and grapes." Why so? Because this class of fruit is intended only for pressing, and the juice which must of a necessity ooze out might be calculated upon by the owner for a beverage. Ula said, that R. Jehudah differed with the sages even in the case of olives and grapes. R. Johanan said, that the Halakha prevails according to R. Jehudah as far as other fruit is concerned, but not as regards olives and grapes.

Said R. Aba in the name of R. Jehudah, quoting Samuel: "R. Jehudah subsequently agreed with the sages as regards olives and grapes, and the sages also agreed with him later concerning other fruit." Said R. Jeremiah to R. Aba: "Wherein *do* they differ?" and R. Aba answered: "Go and seek, and thou wilt find it!" Said R. Na'hman bar Itz'hak: "It seems to me

that they differ concerning berries and pomegranates, for we have learned in a Boraitha: The juice of olives or grapes, which after having been pressed and brought into the house had oozed out by itself, must not be used, whether the fruit had been brought in for eating or beverage. If a man squeezed out the juice of berries and pomegranates and brought the pressed fruit into the house to eat, if any more juice oozed out, he might drink it; but if he brought the fruit expressly for eating purposes or for beverage, or without any express design, he must not drink the juice that had oozed out, so said R. Jehudah. The sages, however, prohibit the use of the juice under any circumstances."

Said R. Jehudah in the name of Samuel: "A man may squeeze out a bunch of grapes directly into a pot, but not into a bowl. (Why not? Because if he squeezed it into the pot it is proof positive that it will be used for food, but if squeezed into the bowl it might be used as a beverage.) Said R. Hisda: "From the decree of our master we can learn, that a man may milk a goat right into the pot, but not into a bowl." Thus we see that Samuel holds, that beverages when mixed with eatables are also regarded as eatables.

Said R. Zera in the name of R. Hyya bar Ashi, quoting Rabh: "A bunch of grapes must be squeezed directly into the pot, but not into a bowl, but the oil of fish may be pressed out even into a bowl." R. Dimi repeated this decree. Said Abayi to him: "Ye teach this in the name of Rabh, hence ye have no objection; but we learn this in the name of Samuel, hence we have the following objection: 'Can Samuel say that the oil of a fish may be squeezed out even in a bowl? Were we not taught, that if a man squeezed out herbs which were soaked in wine and vinegar, it is, according to Rabh, permitted to commence with, if the herbs were to be eaten; but if the juice only was to be used, the man would not be liable for a sin-offering, but he should not do it to start with? If the herbs, however, were cooked, whether the man wished to eat them or only use the juice, he might squeeze them out into a bowl. Samuel, however, decreed, that be the herbs cooked or raw, one may do this only if he intends to eat the herbs, but not if he only intends to use the juice; if he does, however, he is not liable for a sin-offering.'"

R. Dimi answered: "By the Lord! My eyes have seen it, and not as a stranger, that I heard this decree from R. Jeremiah,

he from R. Zera, he again from R. Hyya bar Ashi, and the latter from Rabh's mouth."

In regard to the quoted Boraitha concerning the herbs that one had squeezed out (we have heard the opinion of Rabh and Samuel), R. Johanan said: "Be they cooked or raw herbs, he may do so to commence with, if he intends to eat the herbs; but if he only desires the juice he must not do so, and if he does he is liable for a sin-offering." All this, however, is opposed by the following Boraitha: "One may squeeze out herbs which were soaked in wine and vinegar on the Sabbath for use on the same day, but not for later use; but one must not press olives or grapes, and if he does, he is liable for a sin-offering." Now, this is in opposition to all three: Rabh, Samuel, and R. Johanan. Rabh could explain this in accordance with his teaching; viz.: The herbs may be pressed on the Sabbath, for use on that day and not later, providing he uses the herbs for eating; but if he wishes to use the juice he must not do so, but if he does he is not liable for a sin-offering; and cooked herbs he may squeeze out, whether he requires the herbs or the juice; olives and grapes he should not press: if he does, he is liable for a sin-offering. Samuel could explain it according to his own opinion: A man may squeeze out herbs on Sabbath for that same day, but not for later use; and the same law applies to cooked herbs, provided they are used for eating, but if the juice is wanted they must not be pressed, *etc.* R. Johanan could explain the Boraitha in accordance with his teaching, as follows: Be the herbs cooked or soaked, they may be squeezed out if intended for eating; but if the juice is required he must not, and if he did so it is equal to pressing olives or grapes, and he is liable for a sin-offering.

Said R. Hyya bar Ashi in the name of Rabh: "According to biblical law one cannot be culpable except for pressing olives and grapes. So have taught the disciples of Menasseh. Also according to biblical law, a witness that testifies from hearsay must not be accredited, with the exception of a case where he testifies to having heard that a woman's husband had died."

"*If honeycombs be broken on the eve of Sabbath.*" When R. Hosea came from Neherdai he brought a new Boraitha; viz.: "If olives and grapes were crushed before the Sabbath, and the juice oozed out, it must not be drunk; but R. Eliezer and R. Simeon both permit it." Said R. Joseph: "He just tells us of another man in addition to R. Eliezer!" Said Abayi to him:

"He taught us a great deal; for from our Mishna I would say, that honeycombs were eatables before being crushed and also afterwards; therefore R. Eliezer permits the use of the honey, but in the case of olives and grapes which were previously eatables and subsequently became beverages, it might be presumed that even R. Eliezer would not permit their use. Hence we were instructed by R. Hosea to the contrary."

MISHNA: Whatever has been dressed with hot water on the eve of Sabbath, may be soaked in hot water on the Sabbath; and whatever has not been dressed with hot water on the eve of Sabbath, must only be passed through hot water on the Sabbath: excepting only stale salt fish and Spanish kolias (a kind of fish which was generally cured to make it eatable), for passing these through hot water is all the dressing required for them.

GEMARA: What does the Mishna refer to? For instance, the hen of R. Aba! He would cook a hen, then soak it in water, and when it would fall to pieces he would eat it. Said R. Safra: "I was there at one time and R. Aba served me with some of that dish, and had he not given three-year-old wine immediately after it, I would have been forced to vomit."

R. Johanan would spit every time he was reminded of Babylonian Kutach (a dish made of small salt fish boiled in milk). Said R. Joseph: "Yea, and let us spit when we think of R. Aba's hen." And R. Gaza said: "I was in Palestine at one time, and made that same dish (kutach); so they begged me to give them some for all the sick in Palestine."

"*And whatever has not been dressed with hot water,*" etc. What is the law concerning one who had passed kolias or stale salt fish through hot water? Said R. Joseph: "He is liable for a sin-offering." Said Mar the son of Rabhina: "We have understood it so from the Mishna, because the last clause is 'for passing these through hot water is all the dressing required for them,' and the finishing of a certain kind of labor is equivalent to hammering."

R. Hyya bar Aba and R. Assi once sat in the presence of R. Johanan, and R. Johanan dozed off. So R. Hyya bar Aba asked R. Assi why the fowls of Babylon were so fat. R. Assi answered: "Go to the desert of Aza in Palestine, and I will show thee fatter ones." "Why are the Babylonians so merry during the festivals?" asked R. Hyya again. "Because they are poor (and during the entire year they have no pleasures, so they take

advantage of the festivals)," was the answer. "Why are the scholars of Babylon so well dressed?" queried R. Hyya. "Because they are ignorami" (and must wear good clothes in order to command respect), answered R. Assi. At that moment R. Johanan awoke, and said to them: "Youngsters! Did I not tell you, that it is written [Proverbs vii. 4]: 'Say unto wisdom, Thou art my sister,' which means: If a thing is as certain to thee as the fact that thou canst not marry thy own sister, then say it? Otherwise, thou shalt not say it. (Then why speak such foolishness?)" Then said they: "Let Master tell some things (which would benefit us)!" Said R. Johanan: "The fowls of Babylon are fat because they were never driven away from home, as it is written [Jeremiah xlviii. 11]: 'Moab was ever at ease from his youth, and he was resting on his lees, and was not emptied from vessel to vessel, and had not gone into exile: therefore had his taste remained in him and his scent was not changed.' Whence do we know that the fowls of Palestine were driven from home? It is written [ibid. ix. 9]: 'Both the fowls of the heavens and the beasts are fled; they are gone away.'—[R. Jacob said in the name of R. Johanan, that the fowls and the beasts and all else came back to Palestine with the exception of the Spanish kolias (the reason will be explained in Tract Bechorath.)—'Why are the Babylonians merry during the festivals?' Because they were not included in the curse of [Hosea ii. 13]: 'And I will cause to cease all her mirth, her festival, her new moon, and her Sabbath, and all her appointed feasts.'"

Said R. Itz'hak: "(Indeed it was so.) There was not a single feast in Palestine, that the military did not come to Sephoris"; and R. Hanina said: "There was not a single feast in Palestine, that captains, guards, and supervisors did not come to Tiberias."—"Why are the scholars of Babylon so well dressed?" "Because they are all strangers. As the saying goes: In a city where a man is known, he may wear whatever he chooses; but where he is not sufficiently known he should dress well."

R. Joseph taught: It is written [Isaiah xxvii. 6]: "In the future shall Jacob yet take root: Israel shall bud and blossom; and shall fill the face of the world with fruit." What is meant by "bud and blossom"? The scholars of Babylon, who wind blossoms and wreaths around the Torah.

MISHNA: A man may break open a cask, to eat dry figs therefrom; provided, he does not intend using the cask afterwards

as a vessel. He must not pierce the bung-hole of a cask, such is the decree of R. Jehudah (or R. Jose); the sages permit this to be done. And one must not bore a hole in the side of it; but if it was already perforated, he must not fill it up with wax, because he would smoothen the wax thereby. Said R. Jehudah: "Such a case was brought before R. Johanan ben Sachai, at Arab, and he observed: 'I doubt whether that act does not involve liability to bring a sin-offering.'"

GEMARA: Said R. Oshea: "When may a man hold a dirk to open a cask of figs? If the figs are very tightly packed, for then he would have to use a knife or a dirk to get the figs out; but if they were packed loose he must not use a knife to open the cask."

An objection was raised: We have learned, that R. Simeon ben Gamaliel said: "A man may bring in a cask of wine, cut off the bung-head with a knife, and serve it to the guests with impunity." This Boraitha is in accordance with the opinion of the sages, while our Mishna is in accordance with the decree of R. Nehemiah (who holds that no vessel may be used for any other purpose but that for which it was originally intended). What impelled R. Oshea to make the entire Mishna conform with the dictum of R. Nehemiah? Let him say, that the cask may be opened with a knife even if the figs are loose, and thus be in accord with the sages? Answered Rabha: "The reason is, that R. Oshea could not quite comprehend why the Mishna specified figs: it could have said fruit, and on that account he reasoned as stated."

In one Boraitha we have learned: Palm-leaf baskets containing dried figs and dates may be untied, taken apart, or cut; and in another Boraitha we were taught, that they may be untied, but not taken apart or tied. This presents no difficulty; for one Boraitha is in accordance with the opinion of the sages, and the other is in accord with R. Nehemiah.

A question was asked of R. Shesheth: "May a cask be bored with an auger on the Sabbath? Shall we assume, that one intended to make an opening in the cask and hence it is prohibited, or that he intended merely to make a larger space for the flow of the wine and it is therefore permitted?" The answer was: "The intention was to make an opening, and it is prohibited." An objection based upon the teaching of R. Simeon ben Gamaliel previously mentioned was raised, and the answer was: "There the intention certainly was to make the space

larger, while here it is obvious that the intention was to make an opening; otherwise, he would have broken open the cask with a knife."

"*One must not pierce the bunghole of a cask.*" Said R. Huna: "They differ only in reference to the top of a bunghole of a cask; but as for the side, all agree that it is not allowed, and this is carried out by the later clause in the Mishna; viz.: 'And he must not bore a hole in the side of it.' " R. Hisda, however, said: "They differ only as far as boring a hole in the side of the bunghole is concerned, but as for the top, all agree that it is permitted; and the later clause of the Mishna means to state that one must not bore a hole in the side of the cask itself."

The rabbis taught: One must not bore a new hole on Sabbath, but if it was already made he may enlarge it; and others say, that he must not enlarge it; but all agree, that if the hole was merely stopped it may be reopened. The first Tana prohibits the boring of a new hole, because thereby an opening is made. Does not enlarging a hole improve the opening? Said Rabba: According to biblical law, an opening through which one cannot enter or go out is not considered a door, but the rabbis made this a precaution on account of chicken-coops, the holes of which are made for the purpose of admitting fresh air and emitting the foul. (Therefore making a hole in a coop is equivalent to making a whole coop, for without holes it is of no value.) Enlarging a hole, however, is permitted, because one would enlarge a hole in a chicken-coop, lest an ichneumon should enter and kill a chicken. Why do some say, then, that holes should not even be enlarged? Because it might be that one did *not* make the hole in a chicken-coop large enough, and *would* enlarge it. R. Na'hman taught in the name of R. Johanan, that the Halakha remains according to the last dictum.

All agree, that a hole which had been stopped up may be reopened. Said R. Jehudah in the name of Samuel: This was said only in the case of where a hole had been stopped to preserve the aroma of the wine. If, however, the hole was stopped up in order to strengthen the cask, it must not be reopened. What is meant by preserving the aroma and by strengthening the cask? Said R. Hisda: "If the hole was on top of the cask and was stopped up, it was for the purpose of preserving the aroma; but if at the bottom, it was for the purpose of strengthening the cask." Rabha said: "If it was at the bottom, it was also only for the purpose of preserving the aroma; and only if

the hole was stopped up right underneath the lees of the wine, it was for the purpose of strengthening the cask."

Rabh prohibits the inserting of a faucet into a cask, and Samuel permits it. All agree, that cutting a hole in the cask for the purpose of inserting a faucet is prohibited, and that replacing the faucet, if once removed, is permitted. They differ, however, only when a hole had already been made in the cask before the Sabbath, but it was not quite fit for the faucet. Those who say, that it is prohibited, do so as a precaution lest one cut a fresh hole, while those that permit this to be done say no precautionary measure is necessary.

This is like the following difference between Tanaim: We have learned that a screw must not be fitted on a festival, much less on a Sabbath; but if it fall out it may be replaced on Sabbath, and so much more on a festival; and R. Yashia makes the ordinance more lenient. What does R. Yashia make more lenient? Shall we assume, that he refers to the first part and permits a screw to be cut? In that event, he would be improving a vessel, and that is certainly not allowed! Shall we assume, on the other hand, that he refers to the second part; the first Tana alone permits this? We must say, therefore, that the screw was already cut, but did not quite fit, and he permits the fitting of it. (Hence the same difference exists here as between the previous Tanaim.) R. Shesheth the son of R. Idi in the name of R. Johanan said: "The Halakha prevails according to R. Yashia."

"*But if it was already perforated,*" etc. To fill it up with oil is, according to Rabh, prohibited, as a precaution lest he fill it with wax; and according to Samuel it is permitted, as the latter does not deem a precautionary measure necessary. Said R. Samuel bar bar Hana to R. Joseph: "Thou hast said distinctly in the name of Rabh, that oil is permitted." Answered R. Joseph: "Thou hast caught me in a trap."*

Said Samuel: "The leaf of myrtle must not be put in the bung-hole of a cask, so that the wine flow over it." Why so? R. Yimar of Diphti said: "As a precaution lest a groove (channel) be made." R. Ashi said: "As a precaution lest the leaf be broken off (from its stem)." What difference is there? The difference is in the case of a leaf that had already been broken off (from its stem). (The precautionary measure of R. Yimar remains, while that of R. Ashi falls to the ground of itself.)

* See note to page 114 of this tract.

Is it permitted to wrap one's self in a bolster in public ground and bring it into private ground? Rabh prohibits this and Samuel permits it. If the bolster were soft and could be folded, they do not differ, all agreeing that it is permitted. If it were hard and could not be folded, all agree that it is prohibited. They differ only concerning a bolster that was neither soft nor hard, but a medium between the two. One says, that it appears like a burden and should not be carried, while the other holds that it is not a burden and may be carried; and the opinion just ascribed to Rabh was not stated by him expressly, but was merely inferred from the following incident: "Rabh came to a certain place and found that he lacked room; so he went out into a lane (unclaimed ground), and when a bolster was brought to him he would not sit down on it. Those who saw this inferred therefore that he did not hold it to be permissible." As a matter of fact, this was not so. Rabh had it proclaimed that a bolster was allowed to be used, but in honor of the masters who were with him he would not sit down on that bolster. Who were those masters? R. Kahana and R. Assi.

MISHNA: One may put cooked victuals into a cave (or cellar) for the purpose of preserving them; also put clean water (contained in a vessel) into water that is not drinkable, in order to keep it (the former) cool; likewise cold water (in a vessel) into hot water, in order to warm the former. One whose clothes have dropped into the water while on the road, may unhesitatingly go on with them. As soon as he arrives at the outmost court (of the city or village), he may spread his clothes in the sun to dry, but he must not do this publicly.

GEMARA: Is this not self-evident? One might say, that there should be a precaution against grading (smoothing) any incavations that might be in the cave; hence we are told that such is not the case.

"*Clean water into water that is not drinkable,*" etc. Is this not self-evident? Yea; but this is taught on account of the later clause in the Mishna, *i.e.*, putting cold water into hot. Is this also not self-evident? One might say, that this should be prohibited, as a precaution lest one also put a vessel containing cold water into glowing cinders to warm; so we are told, that such a precaution is not necessary.

"*One whose clothes have dropped into the water,*" etc. Said R. Jehudah in the name of Rabh: "All things which were forbidden on account of causing suspicion among the people (that

one is committing a wrongful act) should not be done, not only publicly, but even in the innermost recesses of one's rooms." Is this not contradictory to our Mishna, which says, that one may spread his clothes in the sun, but *not publicly*? This is a difference between Tanaim, for in reference to this Mishna we have learned in a Boraitha, that both R. Eliezer and R. Simeon hold, that it is prohibited even when *not* done publicly.

Said R. Huna: "He who dusts his clothes on a Sabbath is liable for a sin-offering. This refers only, however, to a new garment, but not to an old one, and the new garment only when it is black; but garments of other colors *may* be dusted. Referring to a black garment, it is only then prohibited to be dusted if its possessor is particular about it (to such a degree, that he never puts it on without dusting it)."

Ula once came to Pumbaditha and he saw the rabbis dusting their clothes on a Sabbath, so he said: "The rabbis are violating the Sabbath!" So R. Jehudah said to his disciples: "Dust your clothes right before his eyes: we are not particular."

Abayi stood before R. Joseph. R. Joseph said to him: "Give me my hat." And seeing that the hat was very dusty, Abayi hesitated to give it to him. So R. Joseph said: "Take hold of it and dust it: we are not particular."

We have learned in a Boraitha: Those who deal in clothes, and carry them folded on their shoulders on Sabbath, are liable for a sin-offering: this refers not only to clothes-dealers, but also to others; clothes-dealers, however, are mentioned, because that is their usual custom. The same is the case with a merchant who carries out a bag of money. He is liable for a sin-offering; and not only a merchant, but also others; but merchants are mentioned because it is their wont to carry money in that manner.

Said R. Jehudah: "It once happened that Hyrcanos the son of R. Eliezer ben Hyrcanos went out on Sabbath with a kerchief folded on his shoulder and tied to one of his fingers with a piece of twine (in order that it might not fall down); and when the sages heard this, they said that the twine was unnecessary, for he could have carried the kerchief without it."

It happened that Ula came to the house of Assi bar Hini, and he was asked whether it was allowed to make a groove of the clothes on Sabbath. (The Babylonians wore long garments, and by turning them up at the bottom a quasi-groove was made.) Ula answered: "So said R. Ilai: It is prohibited to make a

groove on Sabbath." What is a groove? Said R. Zera: "A groove made of the clothes of the Babylonians." Said R. Papa: "Bear this rule in mind: If the clothes are turned up for the purpose of preventing their becoming soiled, it is prohibited; but if they are turned up to improve their appearance, it is allowed, as R. Shesha the son of R. Idi would always arrange his cloak (toga) tastefully (on a week-day, hence it is customary and may also be done on Sabbath)."

When R. Dimi came from Palestine, he related: It once happened that Rabbi went out into the field, and both ends of his toga hung on his shoulders. Said Jehoshua the son of Ziruz, the son of R. Meir's father-in-law before Rabbi: "Did not R. Meir say, that in a case of this kind one is liable for a sin-offering?" Said Rabbi: "Was R. Meir so particular, that he determined just how far down the ends of one's toga should reach?" Still he (Rabbi) let down his toga; and when Rabhin came from Palestine he said, that it was not Jehoshua ben Ziruz who made that remark, but Jehoshua ben Bepusai the son-in-law of R. Aqiba; and not that R. Meir said what has just been cited, but that R. Aqiba had said that. Also, that Rabbi had inquired whether R. Aqiba was so particular; and lastly, that Rabbi let down his toga. When R. Samuel ben R. Jehudah came from Palestine he said, that Rabbi was only asked concerning such a case (but not that he himself was the party referred to).

MISHNA: One who bathes in the water of a cavern or in the hot springs of Tiberias, though he wipe himself with ten towels, must not carry them off in his hand; but if ten persons wiped themselves, their faces, their hands, and their feet, with one towel, they might carry it off in their hands.

One may anoint and rub the stomach with the hands, but not so as to cause fatigue. One must not brush the body with a flesh-brush or descend into a kurdima.* One must not take an emetic, or stretch the limbs of an infant, or put back a rupture; one who has strained his hand or foot must not pour cold water on it, but he may wash it in the usual way: if he thereby becomes cured, it is well.

GEMARA: The Mishna teaches, "the water of a cavern," in connection with the hot springs of Tiberias; hence it must be, that the water of a cavern is also hot. And again it says, "one

* A bathing place with a loamy bottom, into which it is easy to descend, but from which it is quite an exertion to ascend.

who bathes," and not "one may bathe," from which we see, that to commence with, bathing in those waters is not allowed; but merely to rinse one's self is permitted, even to commence with. This is according to the opinion of R. Simeon.

"*Though he wipe himself with ten towels,*" etc. The first part of this clause in the Mishna imparts something new and unexpected in that it teaches, that, although if one man wipe himself with ten towels, there will be very little water contained in the towels, still he might through thoughtlessness wring them; and the latter part of the clause also imparts something new and unexpected, stating, as it does, that if ten men wipe themselves with one towel, although the towel will contain a great deal of water, they will mutually remind each other that it must not be wrung.

The rabbis taught: "A man may wipe himself with a towel and leave it at the window of a house that is nearest to the wall of the bathhouse; but he must not give it to the bathhouse employees, because they are suspected of wringing it on the Sabbath." R. Simeon, however, says: "A man may wipe himself with one towel and carry it in his hand to his house." Said Abayi to R. Joseph: "How is the law?" and he answered: "Did not R. Hyya bar Aba in the name of R. Johanan say, that the law prevails according to R. Simeon?" Did R. Johanan say this indeed? Did he not say elsewhere, that the Halakha prevails according to the anonymous teachers in the Mishna, and the Mishna teaches, that even if one man wiped himself with ten towels he must not carry them off in his hand? R. Johanan teaches, that the Mishna concludes with, "So said the son of Hakhinai" (hence it is the teaching of one individual).

R. Hyya bar Aba in the name of R. Johanan said: "The bathhouse employees may carry the sheets with which the women wipe themselves in the bathhouse on the street by wrapping them around their bodies; provided they wrap them over their heads and the greater part of their body."

R. Hyya bar Aba said in the name of R. Johanan: "A large veil which is worn by women should have the two ends that hang down in the back tied." And he said again, that they should be tied underneath the shoulders.

Rabha said to the inhabitants of Mehuzza: "If ye must carry clothes for the military on Sabbath, wrap them around you underneath the shoulders."

"*One may anoint and rub his stomach.*" The rabbis taught:

"The stomach may be rubbed and anointed on the Sabbath, provided it is not done the same as on week-days." How should it be done? R. Hama bar Hanina said: "He should first anoint it and then rub it"; but R. Johanan said, that he might do both at the same time.

"*But so as not to cause fatigue,*" etc. Said R. Hyya bar Aba in the name of R. Johanan: "It is not allowed to stand on the bed of Lake Deumseth, because the loam at the bottom is saline and immersion in the lake causes fatigue." Said R. Jehudah in the name of Rabh: "The days on which a cure in that lake (for bodily ills) may be effected are only twenty-one, and Pentecost occurs during those twenty-one days." The school-men asked: "Does Pentecost fall at the beginning of the twenty-one days or at the end?" Come and hear: Samuel said, that all waters taken for a cure are effective only from Passover to Pentecost. As for waters taken internally, Samuel may be right (because during cool weather one takes more exercise and thus the waters are effective), but for bathing it would seem that Pentecost should be the commencement.

Said R. Helbo: "The wine of the land of Purgaitha and the waters of the lake Deumseth robbed Israel of ten tribes (because indulgence in these pleasures are detrimental to spiritual welfare)." R. Elazar ben Aroch happened to be there, and indulged in those luxuries to such an extent that he forgot his learning, and afterwards the sages had to pray for his return unto the Law. This is as we have learned elsewhere (Aboth): R. Nehurai said: "Go into exile only in a place of learning and think not that the Law will follow thee, or that thy comrades will preserve it in thy hands, and do not depend upon thy acquired knowledge." This R. Nehurai is, according to some, the same Elazar ben Aroch, and he was called Nehurai, because this signifies (in Hebrew) "light of the eyes"; for he enlightened the eyes of many scholars with his interpretations.

"*One must not brush the body,*" etc. The rabbis taught: One must not brush the body with a flesh-brush on Sabbath. R. Simeon ben Gamaliel said: "If one's feet were soiled, he might brush them the same as on week-days unhesitatingly." The mother of Samuel the son of Jehudah made her son a silver brush.

"*Or descend into a kurdima.*" Why so? Because the bottom of a kurdima is slippery (and one might fall and wet his clothes, and thus be tempted to wring them).

"*One must not take an emetic.*" Said Rabba bar bar Hana in the name of R. Johanan: "One must not take a medication as an emetic, but may thrust his finger down his throat and thus cause vomiting."

"*Or stretch the limbs of an infant.*" Said Rabba bar bar Hana in the name of R. Johanan: "To swathe a child on Sabbath is allowed."

"*Or put back a rupture.*" Said R. Hana of Bagdad in the name of Samuel: "The Halakha prevails, that it may be done." (Samuel learns in the Mishna, instead of "it is *not* allowed," "it *is* allowed.")

Rabba bar bar Hana once came to Pumbaditha, but did not go into the college of R. Jehudah. So R. Jehudah sent for Ada, the officer of the college, and said to him: "Go and take a pledge of Rabba bar bar Hana." The officer went and did so. Afterwards Rabba bar bar Hana came to the college. When he came he heard R. Jehudah teach, that a rupture must not be put back on the Sabbath. Said he to him: "So said R. Hana of Bagdad in the name of Samuel, that the Halakha prevails permitting this to be done." Answered R. Jehudah: "It is our Hana and our Samuel. Yet we never heard of this before. Now thou canst see that I was right in demanding a pledge for thy appearance. Hadst thou not come, we would never have heard this."

"*One who has strained his hand or foot,*" etc. R. Ivia sat in the presence of R. Joseph, and he dislocated his hand. Said he to R. Joseph, making a motion to replace it: "May I replace it thus?" "Nay," said R. Joseph. "And thus may I?" asked R. Ivia, making another motion. "Nay," was the answer again. Thus questioning, he finally succeeded in replacing his hand. Said R. Joseph to him: "What didst thou ask me for? It is expressly stated in our Mishna, that if one strained his hand or his foot, he must not pour cold water on it, but he may bathe it in the usual way. If he thereby becomes cured, it is well."

"Did we not learn in the same Mishna that a rupture must not be put back, and still Samuel permitted it to be done?" asked R. Ivia. Answered R. Joseph: "Canst thou weave everything into one garment? What we have learned, we may follow; but what we have not learned, we cannot."

CHAPTER XXIII.

REGULATIONS CONCERNING BORROWING, CASTING LOTS, WAITING FOR THE CLOSE OF THE SABBATH, AND ATTENDING TO A CORPSE.

MISHNA: A man may borrow of an acquaintance jugs of wine or oil (on Sabbath), provided he does not say to him: "Lend (them to) me." A woman may also borrow bread from her acquaintance. If the man is refused (by his acquaintance), he may leave his upper garment (as a pledge) with the lender, and settle his account after Sabbath. Thus, also, in Jerusalem, the custom was, if the eve of Passover fell on a Sabbath, a man might leave his upper garment with the vender, take his paschal lamb, and settle his account after the holiday.

GEMARA: Rabha bar R. Hanan said to Abayi: "What is the difference between saying: 'I want to borrow' and 'Lend me'?" Answered Abayi: "The difference is, if a man says, 'I want to borrow,' he usually returns what he has borrowed and the lender will not be compelled to write it down; but if he says, 'Lend (trust) me,' the lender generally writes down what he has lent." Said Rabha again: "During the week it makes no difference, the lender is not particular whether one says, 'I want to borrow,' or 'Lend me.' He writes it down just the same; then why should a distinction be made on Sabbath?" And Abayi answered: "The saying of 'I want to borrow,' on Sabbath, is a reminder to the lender that the sages said, that one must not say 'lend me,' and thus prevents him from writing it down."

The same said again to Abayi: "Let us see! The sages said, that everything done on a festival which can be done in a different manner from that on a week-day should so be done. Now, why do we not see women, who go for water with jugs, perform that work differently from their manner on a week-day?" He answered: "Because that would be impossible! For how should they do? Shall we say, that one who carries a large jug should carry a small one? That would necessitate her going twice. Or that one who carries a small jug should carry a larger

one? Then she would have a heavier burden to carry. Should she cover it with a cloth? Then she might wring it. Should she cover it with a lid? Then she might have to untie it. Hence it is impossible." *

"*A woman may also borrow bread from an acquaintance,*" etc. From the Mishna we see, that only on Sabbath a woman must not say, "Lend me," when borrowing bread, and on week-days that would be permitted. Would this not be against the decree of Hillel, who prohibits this on account of possible usury (as explained in Tract Baba Metzia)? Nay; we can say that the Mishna is in accordance with Hillel's decree, but here it refers to such places where bread has a fixed value, while Hillel refers to places where bread has not a fixed value.

"*If the man be refused,*" etc. It was taught: "A loan on a festival is, according to R. Joseph, uncollectable by law, and Rabba say it *is collectable*." R. Joseph says, that it is uncollectable, because otherwise the lender will write it down; and Rabba says, if we say that it is uncollectable, the lender will not trust the borrower and the latter will not have the means of celebrating the festival. Is this not a contradiction to our Mishna, which teaches, that if the man be refused trust, he may pledge his garment, etc.? If the loan be uncollectable, the pledging is quite right; but if it be collectable by law, why should the borrower pledge his garment? The lender can sue him by law? The lender might say, that he does not care to be troubled by law-suits and judges. R. Ivia would take pledges, and Rabba bar Ula would trick the borrower (by in turn borrowing something from him after the holiday and holding that for a pledge).

MISHNA: A man may count the number of his guests and also of his extra dishes verbally, but not from a written list. He may let his children and household draw lots at table (as to who is to have one dish, and who is to have another), provided he does not intentionally stake a larger portion against a smaller one. They may also draw lots for the holy sacrifices on a festival (as to which priest is to have one sacrifice and which is to have another), but not for the eatable portions of the sacrifices (to whom one piece belongs, and to whom another piece belongs).

GEMARA: Why should a man *not* read from a written list?

* The additional quotations of Rabba bar Hanan to Abayi concerning festivals will appear in Tract "Festivals," where they properly belong.

Said R. Bibhi: "Lest he might strike out a guest's name or an extra dish from the list." Abayi said: "This is a precautionary measure against reading of business papers on Sabbath." What is the point of difference between them? If the list is engraved on the wall! In that case there is no fear of striking out a name, but the precaution against reading business papers still remains, and the Amoraim differ in this case with the Tanaim in the following Tosephta, as we have learned: "A man must not look into a mirror on Sabbath (lest he trim his hair with scissors), but R. Meir permits looking into a mirror which is attached to a wall." Now, why may a man look into a stationary mirror; because by the time he goes to fetch scissors, he will be reminded that it is Sabbath? Why not say, that the same is the case with another mirror, which he holds in his hand? By the time he lays down the mirror and goes for scissors, he will also be reminded that it is Sabbath? The mirror prohibited to be used by the first Tana of the Tosephta is one that is attached to an instrument which can be used to trim hair, and that is in accordance with the dictum of R. Na'hman as stated by Rabba bar Abuha in his name: "Why did the sages prohibit the use of an iron mirror? Because a man might use it to trim his superfluous hair."

The rabbis taught: An inscription at the foot of pictures of beasts or men must not be read on the Sabbath; and gazing on the picture of a man is prohibited even on week-days, because it is written [Leviticus xix. 4]: "Ye shall not turn unto the idols." With what tradition do you supplement this verse, that you may infer therefrom the prohibition to gaze at a picture? Said R. Hanin: "Ye shall not turn to the idols which your imagination alone hath created."

"*He may let his children and household draw lots,*" etc. It says, "his children and household": we must assume, that strangers are not to be included; if not, why not? As R. Jehudah said in the name of Samuel: A party of men eating on a festival, where the portions distributed to each are exactly alike in size and quantity, are guilty of the following prohibited acts; viz.: measuring, weighing, counting, borrowing and lending* (all of which acts are prohibited on a festival). According to Hillel's opinion, they are guilty of usury also. If that is so, why

* Guilty of borrowing and lending can only be explained by presuming that, if one received a smaller portion than another, the host would promise to make up for the deficiency on another day.

should it be allowed for his children and household? Here the reason is as related by R. Jehudah in the name of Rabh, who said: "It is allowed to borrow or lend from and to one's children and household and charge interest, in order to exemplify the evils of usury." If that is so, why is it not allowed, according to the Mishna, to stake a larger portion against a smaller? As a matter of fact, it is allowed; but the Mishna is defective and should read: "He may let his children and household draw lots at table, and *even* stake a larger portion against a smaller." Why so? As R. Jehudah said in the name of Rabh above: He may let his children and household draw lots, but not strangers. Why so? As R. Jehudah said in the name of Samuel above: A larger portion must not be staked against a smaller one even on week-days for strangers. Why so? On account of Kubeia.*

"*They may also draw lots for the holy sacrifices,*" etc. What is meant by "but not for the eatable portions"? (Why should that not be done? The eatable portions of the sacrifices must be eaten on a festival.) Said R. Jacob the son of the daughter of Jacob: "That prohibition is only applicable to the eatable portions of the sacrifices left over from the preceding day. Is this not self-evident? I would say, that because it is written [Hosea iv. 4]: 'And thy people are contentious equally with the priests,' that the priests are contentious, and hence they should be permitted to cast lots for the eatable portions of the sacrifices (for the sake of peace); therefore we are taught, that the sacrifices of the day may be drawn for, but not those of the preceding day."

The same R. Jacob said: "A man on whose account another man has been punished, either through divine or human judgment, is not admitted into the abode of the Holy One, blessed be He." Whence is this adduced? Shall we assume that it is from the verses [I Kings xxii. 20-22]: "And the Lord said, Who will persuade Achab, that he may go up and fall at Ramoth-gil'ad? And one said, In this manner, and another said, In that manner. And there came forth a spirit, and placed himself before the Lord and said, I will persuade him. And the Lord said unto him, Wherewith? And he said, I will go forth, and I will be a lying spirit in the mouth of all his prophets. And He said, Thou wilt persuade him, and also prevail: go forth and

* From the Greek *κυβεια* = dice. The above prohibition is a precautionary measure against the possibility of casting lots degenerating into a game of hazard.

do so." And it was asked who the spirit was, and R. Johanan said, it was the spirit of Naboth; and Rabh said that by saying, "Go forth," the Lord meant to expel the spirit from within His abode. Perhaps the reason for expelling the spirit was because it is written [Psalms ci. 7]: "He that speaketh falsehoods shall not succeed before my eyes." Therefore we must say that the basis for R. Jacob is the following. It is written [Proverbs xvii. 26]: "To punish the just with a fine even is not good." (This is explained to signify, that even punishment through a just man is not good.) What is not good is certainly evil, and it is written [Psalms v. 5]: "For thou art not a God that hath pleasure in wickedness: evil cannot abide with thee"; and this means, that "because Thou, God, art righteous, evil cannot remain in Thy abode."

"*They may draw lots*," etc. How do we know that the word "Choloshim" * means lots? It is written [Isaiah xiv. 12]: "How art thou fallen from heaven, O morning-star, son of the dawn! how art thou hewn down to the ground, crusher of nations!" ("Crusher" is expressed by the word "*Cholesh*," and the inference is made from the supposition that lots were cast which nation was to be crushed first.)

It is written [Daniel iv. 33]: "And additional greatness was added unto me." What was that additional greatness? Said R. Jehudah in the name of R. Jeremiah bar Aba: "From this we can infer, that he (Nebuchadnezzar) rode a male lion and twisted a snake round the lion's head, to verify what is written [Jeremiah xxvii. 6]: 'And also the beasts of the field have I given him to serve him.'"

MISHNA: One must not hire laborers on the Sabbath, nor may he commission another man to hire them for him. One must not stand at the extreme limit of the "techoom" † and wait for dusk (the end of Sabbath), in order to hire laborers (beyond the techoom), or gather fruit beyond it; but if watching fruit beyond the techoom, he may await the dusk at its extreme limit, and in that case bring the fruit back with him. Abba Saul laid down the rule: "Whatever I am permitted to prepare for the day following the Sabbath, *on* the Sabbath, I may get ready for at dusk."

* The term "casting lots" is expressed in the Mishna by the word "*Choloshim*," and the root of the word "Choloshim" is "Cholosh," and has a variety of meanings.

† By "techoom" is meant the distance of 2,000 ells which a man may traverse on the Sabbath, and refers to the limits of that distance.

GEMARA: What is the difference between a man and his neighbor? The Mishna teaches he should not hire laborers on Sabbath nor commission another man to hire them for him? Is this not self-evident? His neighbor is also a Jew. Said R. Papa: "That refers to a Gentile neighbor." R. Ashi opposed this, and said: "The prohibition to commission a Gentile to do something on a Sabbath is merely rabbinical, for the sake of the Sabbath rest (Shbhuth),* and to hire laborers on the Sabbath is also prohibited only by rabbinical law. How then can one rabbinical law be supplemented by another of the same character? Hence I may say, that the Mishna refers to a Jewish neighbor and should be explained thus: A man must not commission him to hire laborers on Sabbath, but he may say to him, 'Come to me after dusk and we will do something together.' The Mishna is in accordance with the opinion of R. Jehoshua ben Kar'ha, as we have learned elsewhere: A man must not say to his neighbor, 'I would like to see thee after dusk for the purpose of talking business,' and R. Jehoshua ben Kar'ha says he may do so, and Rabba bar bar Hana in the name of R. Johanan taught, that the Halakha prevails according to R. Jeshoshua ben Kar'ha."

Rabba bar bar Hana in the name of R. Johanan said again: "What reason did R. Jehoshua ben Kar'ha have for saying so? Because it is written [Isaiah lviii. 13]: 'By not following thy own business, and speaking vain words.' It is not allowed to speak, but surely thinking is permitted!"

R. A'ha bar R. Huna asked Rabha concerning the following contradiction: "How can we say, R. Johanan states, that though it is not allowed to speak it is allowed to think; did not Rabba bar bar Hana say in the name of R. Johanan, that everywhere it *is* allowed to think, excepting in a bathhouse and a toilet-room, for where it is not allowed to speak of the Law it is also not allowed to think of it?" "In that case it is different, for it is written [Deuteronomy xxiii. 15]: 'Therefore shall thy camp be holy,' and a bathhouse and a toilet-room cannot be holy; hence thinking of the Law in those places is not allowed." Speaking of other things except the Law is not permitted (on Sabbath). Did not R. Hisda and R. Hamnuna both say, that it is allowed to count up charitable disbursements on Sabbath; and R. Elazar say, that one may figure out amounts to be distributed among the poor (on Sabbath); and R. Jacob bar Idi say

* See Introduction to Tract Sabbath, p. xxii.

in the name of R. Johanan, that all things pertaining to the saving of human beings or the affairs of the community may be discussed on Sabbath, and that it is allowed to go to the school-houses and call meetings for deliberation upon the community's business; and R. Samuel bar Nahmeni say in the name of R. Johanan, that even halls may be visited for the purpose of calling business meetings together; and the disciples of Menasseh say, that betrothal of daughters may be discussed and the advisability of choosing a profession for a child may be deliberated upon, on the Sabbath? The passage cited in the Law states, that "following thy business" is prohibited, but affairs sanctioned by Heaven may be discussed (and all the above affairs are pleasing to the Lord).

R. Jehudah said in the name of Samuel: "Accounts concerning which advice is requested by others and which have no bearing upon one's own business may be figured on the Sabbath." The following Boraitha is cited in support of this: "Accounts of disbursements in the past and of future expenditures must not be calculated on the Sabbath; but such as are of no importance, and concerning which advice was asked, may be calculated." Is the following Boraitha not contradictory to the one cited? "Accounts which are of no importance at all may be calculated on Sabbath, but not such as are of importance." How so? A man may say to his neighbor, "I have hired so much labor to cultivate a certain field," or "I have expended so many Dinars on such a dwelling," but he must not say, "I have expended so much and must expend so much more." (The contradiction arises from the fact that in the previous Boraitha it is prohibited to calculate disbursements made in the past, while in the last Boraitha it is permitted.) But according to your opinion, why not cite the contradiction occurring in the previous Boraitha itself; viz.: Firstly, it is said that disbursements of the past must not be calculated, and then, that accounts of no value may be figured? This presents no contradiction at all (neither in the previous Boraitha itself, nor from one to the other). If the disbursements of the past have already been made and nothing is owing, then the accounts of same are of no value and may be spoken of on the Sabbath; but if any amount of such expenditures is still due, then it becomes an important account and must not be discussed.

"*One must not stand at the extreme limit of the 'techoom,'*" etc. The rabbis taught: It once happened that the fence of the

field belonging to a pious man was broken, and noticing it on a Sabbath, he was about to mend it, when he recollected that it was Sabbath; so he left it. A miracle occurred, and kaffir-corn began to sprout in the place of the broken fence and furnished him and his family with their sustenance. R. Jehudah said in the name of Samuel: "A man may say to his neighbor, 'Tomorrow I intend to go to a certain town.' Why may he say this? Because, if there are huts on the road to that town at distances of seventy ells apart, he may even go on Sabbath; hence, though there be no huts on the road, he may say that he intends going on the morrow."

An objection was made, based upon our Mishna; viz.: "One must not stand at the extreme limit of the techoom and wait for dusk in order to hire laborers or gather fruit." It would be quite right, if the hiring of laborers only was concerned; for a thing which must not be done on Sabbath must not be waited for at the techoom; but as for gathering fruit, if there were walls around the town, that would be permitted? Why, then, should it be prohibited to wait at the techoom until dusk? This may refer to fruit which was still attached to the ground (and could not be gathered on Sabbath even if the town had walls). How can this be said? Have we not learned that R. Oshea taught: "One must not wait at the techoom to bring straw and chaff." It would be correct concerning straw which is still attached to the ground; but how can this apply to chaff? This may refer to chaff which is used to mix with loam, and hence was designated for building purposes.

Another objection was made! Come and hear: We have learned in the succeeding Mishna, that nightfall may be awaited at the techoom in the case of a bride and corpse; hence for other purposes one must not await nightfall at the techoom. It would be quite right if it said, in the case of things pertaining to a bride, for instance to cut off a myrtle-branch; but what things can be done pertaining to a corpse? Only the bringing of the coffin and the shroud? Why, then, should a man not be allowed to bring things which are the equivalent of the necessities pertaining to a corpse? for if there were walls surrounding the town, he would be allowed to bring them. Why, then, should he not be permitted to wait at the techoom for the purpose of bringing them? Because the case may be, that things (as shrouds) pertaining to the corpse were not already prepared, but must be cut.

"But if watching fruit beyond the techoom, he may await the dusk," etc. May he do this even if he had not yet recited the Habhdalah prayer? Why! R. Elazar ben Antignous said in the name of R. Elazar ben Jacob, that a man must not transact his business at the close of Sabbath, before reciting the Habhdalah prayer. And if it be that he said the Habhdalah prayer while reciting the evening prayer, did not R. Jehudah in the name of Samuel say, that even if a man included the Habhdalah prayer in the evening prayer, he must say it again over the goblet of wine? Should it then be said, that he said the prayer over the goblet also; how could he have done that in a field? This case refers to the time of wine-pressing (when it is possible to obtain a goblet of wine even in the field); such is the explanation of R. Nathan bar Ami to Rabh. Said R. Aba to R. Ashi: "In the West (Palestine) we simply say the benediction, 'Blessed be he, etc., who distinguishes between holy and ordinary days,' and go right to work." And R. Ashi said: "When we were in the house of R. Kahana, he would pronounce the same benediction, and we would go and chop wood."

"Abba Saul laid down the rule," etc. Concerning what clause of the Mishna does Abba Saul lay down this rule? Shall we assume that he refers to the first clause of the Mishna, which decrees, that one must not stand at the extreme limit of the techoom and wait for dusk, and thus applies his rule? Then, instead of saying, "Whatever I am permitted to prepare," etc., he should have said in the negative, "Whatever I am not permitted to say to another man he should do for me, I must not wait at the techoom to do myself." If we assume, however, that the rule refers to the latter clause of the Mishna, namely, "but if watching fruit, he may await the dusk," etc., then Abba should have applied his rule to the contrary; viz.: "Whatever I am permitted to wait for at the techoom, I may tell another man to do for me." Abba Saul applies his rule to the latter clause of the Mishna, and he refers to the following dictum of R. Jehudah in the name of Samuel, viz.: "A man may say to his neighbor: 'Watch my fruit which is in your vicinity, and I will watch such of yours as is in my vicinity.'" This is commented upon by Abba Saul, addressing the first Tana as follows: "You certainly admit that a man may say to his neighbor, 'Watch my fruit in thy vicinity and I will watch thine in my vicinity.' Now, say, 'Whatever I am permitted to tell my neighbor to do, I am also permitted to wait for at the techoom

to do it myself.' " What does Abba Saul intend to supplement by laying down a rule? He means to add what was taught by the rabbis, as follows:

One must not wait at the techoom to bring home a stray animal; but if it is seen from the limits of the techoom, it may be called, so that it will come to within the techoom by itself. To this Abba Saul applied the rule, that if one may call to the animal, he may also wait at the techoom limits until dusk and bring it in himself. A man may also wait at the techoom limits to forward what is necessary for a bride; and also what is necessary for a corpse, to bring a coffin and shrouds for him; and we may say to him: "Go to a certain place and take it; and if thou dost not find it in that place, go to another place; and if thou canst not buy it for one hundred Zuz, buy it for two hundred." R. Jose the son of R. Jehudah said: "One must not specify the amount the necessities are to be bought for, but merely say, 'If thou canst not get it for little money, get it for more.'"

MISHNA: One may await the dusk at the limits of the techoom, to furnish what is necessary for a bride and for a corpse, and to bring a coffin and shrouds for the latter. If a Gentile brought mourning fifes on the Sabbath, an Israelite must not play (mourn) on them, unless they be brought from the vicinity. If a coffin had been made and a grave dug for him (on the Sabbath), an Israelite may be buried therein; but if it was done on purpose for an Israelite, he must not at any time be buried therein.

GEMARA: What does the Mishna mean by saying, "unless they be brought from the vicinity"? Rabh said: "By that is meant a place within sight, where one is positive that it was within the limits of the techoom." Samuel said: "Even if it is not positively known that they came from within the limits of the techoom, but where it is presumed that such is the case, the fifes may be used." Our Mishna seems to be in accord with Samuel's explanation, because it says in the next clause, "If a coffin had been made and a grave dug for him, an Israelite may be buried therein," and it does not say positively that the two things were done for a Gentile; hence we see, that where an object is doubtful, we may presume that it is allowed. Thus in the case of the fifes, if there is a doubt as to whence they were brought, they may nevertheless be used by an Israelite. We have learned in a Boraitha, however, a support to Rabh's opinion; viz.:

A city which contains both Israelites and Gentiles, and there is a bathhouse there which is heated on the Sabbath, if the majority of the inhabitants are Gentiles an Israelite may go there immediately after sunset on the Sabbath. If there are more Israelites than Gentiles there, the Israelite must wait the length of time required to heat water afresh before going to the bathhouse; and the same is the case in a city where there is an equal number of Jews and Gentiles. (This is a support to Rabh, because, though it is doubtful whether the bath was heated for a Jew or a Gentile, still, the Israelite must wait.) R. Jehudah said: "If the capacity of the bath be limited (so that water be heated quickly) and a notable man be present, the Israelite need not wait." What is meant by a notable man? Said R. Jehudah in the name of R. Itz'hak the son of R. Jehudah: "If there was a man present who had ten servants, who could heat ten jars of water at the same time, an Israelite might go and bathe himself." *

"If a coffin had been made and a grave dug for him," etc. Why should we not wait until the length of time in which a new grave can be dug elapses? Said Ula: "This refers to a paved way, where a grave is seldom dug for an Israelite (hence it must have been dug for a Gentile)." What can be said in reference to the coffin? Said R. Abuha: "If the coffin lie on the same grave."

MISHNA: One may do all that is necessary for a corpse (on Sabbath), anoint and wash it, provided he does not dislocate its limbs. The pillow may be moved from under its head; the corpse may be put on sand, in order to keep it (from putrefying) the longer; its jaws may be tied, not for the sake of bringing them together more closely, but to prevent them from dropping lower. In like manner, a beam that had been broken may be upheld by a stool or bedstead, not in order to make it erect again, but to keep it from breaking still more.

GEMARA: Did not R. Jehudah in the name of Samuel say, that it once happened that a disciple of R. Meir, while entering behind his master into the bathhouse, wished to rinse off a place for his master to sit down, and his master would not permit it; so he wanted to grease the steps with oil, but the master said that the floor must not be oiled? Hence we see, that a thing which must not be handled must not be anointed or

* Others say that this above Boraitha really supports Samuel on account of R. Jehudah, and Rashi remarks that he finds that the more plausible supposition.

washed. How then is it permitted to wash and anoint a corpse? If the floor of a bathhouse be allowed to be washed, there is fear lest another floor will be washed also (and thus smoothen any holes which may be in the floor); but a corpse and a floor cannot be confounded, and it is allowed to wash and anoint a corpse out of respect to the dead.

What is meant to be supplemented by "all that is necessary for a corpse"? They meant to add what was taught by the rabbis; viz.: "One may bring vessels for cooling the corpse, or iron vessels may be put on the belly of the corpse to keep it from swelling, and one may stop up any holes in the corpse to keep the air from entering."

MISHNA: One must not close the eyes of the dead on the Sabbath, nor (even) on the week-day, while he is expiring. Whoever closes the eyes of a dying person the instant he expires, is equal to the man who sheds blood (like a murderer).

GEMARA: The rabbis taught: Who closes the eyes of a dying man is like a murderer, for it is the same as a candle which is about to go out. If a man lays a finger on the flame, it immediately becomes extinguished, but if left alone would still burn for a little time. The same can be applied to the case of an expiring man; if his eyes were not closed, he would live a little longer, and hence it is like murder.

We have learned in a Boraitha: R. Simeon ben Gamaliel said: "One who wishes that the eyes of a corpse should close, should inject wine into the nostrils of the corpse and anoint the eyelids with a little oil, and then pull the big toes of the feet, when the eyelids will close of themselves."

We have learned in another Boraitha: "One should violate the Sabbath even for a child of one day, if it still have life; but for a corpse, even be it that of David, King of Israel, the Sabbath must not be violated." The reason for this is: For a child of even one day, the Sabbath should be violated, saith the Torah, in order that it may keep many Sabbaths in the future; but David, King of Israel, when dead, can keep no more commandments. This is in accord with the saying of R. Johanan; viz.: It is written [Psalms lxxxviii. 6]: "Free among the dead," etc.; which means, that when a man is dead, he is free from keeping any commandments.

We have also learned in a Boraitha: R. Simeon ben Elazar said: A child of a day need not be guarded from the attacks of cats and dogs, but even when Og the King of Bashan is dead he

must be guarded, as it is written [Genesis ix. 2]: "And the fear of you and the dread of you shall be upon every beast of the earth," etc. Hence, as long as a man lives, the beasts are in dread of him; but as soon as he is dead, the fear is destroyed.

We have learned in another Boraitha: R. Simeon ben Elazar said: As long as thou canst, practise charity: as long as thou hast the opportunity and as long as it is in thy hands. For Solomon said in his wisdom [Ecclesiastes xii. 1]: "But remember also thy Creator in the days of thy youthful vigor, while the evil days (meaning old age) are not yet come, nor those years draw nigh of which thou wilt say, I have no pleasure in them." By that is meant, the days of the Messiah, because at that time there will be neither rich nor poor: all will be rich (and no opportunity for charity will present itself). This differs with the teaching of Samuel, who says, that there is no difference between the present time and the days of Messiah, only that one is subject to the government at the present time, while then it will not be so, as it is written [Deut. xv. 11]: "For the needy will not cease out of the land."

We have learned in a Boraitha: R. Elazar Hakappar said: A man should always pray for deliverance from poverty, although if he himself will not eventually come to poverty, his children or his grandchildren will, as it is written [Deut. xv. 11]: "For the needy will not cease out of the land, *therefore* do I command thee," etc. (The Hebrew term for "therefore" is "Biglal," and the school of Ishmael taught that Biglal is the equivalent of Galgal, meaning a "wheel," thus inferring, from that word, that poverty is like a wheel, always turning from one to the other.)

R. Joseph said: "There is a tradition extant, that a diligent young scholar will never become poor." But we see that he sometimes does become poor? Still, we have never seen one so poor that he had to beg his bread from house to house.

Said R. Hyya to his wife: "If thou seest a man about to beg bread from thee, hasten to give it to him, that he might at some other time do likewise for thy children." Said she to him: "Art thou cursing thy children?" "Nay; I am simply quoting the verse above, as interpreted by the school of Ishmael, that poverty is a wheel continually turning."

We have learned in a Boraitha: Rabbon Gamaliel the Great *

* This means Gamaliel the Second, who was the Nassi in Jamnia, and he is entitled "the Great" in many places.

said thus: "It is written [Deut. xvii. 18]: "And grant thee mercy and have mercy upon thee, and multiply thee," etc. This means to say, that one who hath mercy upon creatures will be granted mercy from above, but one who hath not mercy upon other creatures will not be granted mercy from above.

It is written [Ecclesiastes xii. 2]: "While the sun, and the light, and the moon, and the stars are not yet darkened." The sun and the light are compared to the brow and the nose, the moon to the soul, the stars to the cheeks; and further, the verse reads: "And the clouds return not again after the rain," which means, that after weeping the eyes become dim. (The entire verse is, according to this interpretation, not applicable to the end of the world but to a human life.)

Samuel said: "Up to forty years of age, the eyes of a man which have become dim through tears may yet be restored by different remedies, but beyond that age there is no remedy for them"; and R. Na'hman said: "The dye used for the eyes makes them brighter until a man is forty years of age; after that age, however, it may preserve the eyes, but does not help them, even if the eyes are filled with dye." What are we given to understand by this statement? We are told that, the larger the brush used for applying the dye to the eye, the better it is for the eyes.

One of R. Hanina's daughters died, and he did not weep over her death. Said his wife to him: "Was a hen carried out of thy house?" "Is it not sufficient that our child died; wouldst thou have me lose my eyes through weeping?" replied R. Hanina; and he is of the opinion of R. Johanan, who said in the name of R. Jose ben Katzartha: "There are six kinds of tears in the eyes, three of which are good for the eyes and three bad. Tears generated by smoke, weeping, or disorder of the bowels are bad for the eyes; but those that are caused through laughing, acrid fruits (such as mustard), and medicaments which are applied to produce tears, are good for the eyes."

It is written [Ecclesiastes xii. 3]: "On the day when the watchmen of the house will tremble": this refers to the bowels and the sides which protect the bowels; "the men of might will bend themselves," meaning the legs of the man; "and those be darkened that look through the windows," refers to the eyes.

Cæsar asked of R. Jehoshua ben Hananiah: "Why didst thou not come to the debating rooms?" and he answered: "The mountain is covered with snow" (meaning his head was

gray), "the surrounding paths are icy" (meaning his beard was gray), "the dogs do not bark any more" (meaning his voice was inaudible), "and the millstones grind no more" (meaning his teeth were decayed).

The school of Rabh would say of an old man: "He hath lost nothing and is constantly seeking" (meaning that he was always bowed down).

We have learned in a Boraitha: R. Jose bar Kisma said: "Two are better than three" (referring to two legs, instead of two legs and a stick). "Woe is to the one who goeth away and doth not return," so said he. What does he mean by it? Said R. Hisda: "Youth."

When R. Dimi came from Palestine, he said: "Youth is a crown of roses, and old age a crown of thorns."

We have learned in the name of R. Meir: Be heedful of thy teeth and thou wilt show it in thy step, as it is written [Jeremiah xliv. 17]: "When we had plenty of food and fared well and saw no evil." Said Samuel to his disciple R. Jehudah: "Thou sagacious man! When thou goest to eat, untie thy stomacher and bring in thy bread! Before the age of forty, eating is more wholesome; but after that, drinking is better."

A eunuch (who was a Sadducee) said to R. Jehoshua, who was bald-headed, with the intent to tease him: "How far is it from here to Bald city?" and he answered: "Just as far as from here to Castrate city." The eunuch said again: "I noticed that a bald goat only cost four Zuz"; and R. Jehoshua said: "Yea! and I noticed that the privates which were cut away from a he-goat cost eight Zuz." The eunuch noticed that R. Jehoshua did not wear shoes, and said: "He who rides a horse is a king, he who rides an ass is a nobleman, he who wears shoes is at least a man, but he who does not even wear shoes is worse off than a corpse in his grave." Said R. Jehoshua: "Thou eunuch! Thou hast told me three things, and three things thou shalt presently hear from me: The beauty of the face is a beard, the joy of the heart is a wife, and God's inheritance is children. Blessed be the place that has kept thee from all these joys." The eunuch retorted: "Thou bald-head! Wouldst thou quarrel with me!" and R. Jehoshua replied: "Thou eunuch! Thou camest to tease *me*."

Rabbi said to R. Simeon the son of Halaphta: "Why did we not have the pleasure of thy company on the festivals, as our parents had the pleasure of thy parents' company?" and he

answered: "The hills have become mountains, those who were near have become distant, two have become three, and the peacemaker of the house is gone" (meaning, "I have become old, can make but short steps, must have a cane to lean on, and my teeth are gone").

It is written [Ecclesiastes xii. 4]: "And when the two doors on the streets will be locked, while the sound of the mill becometh dull, and man riseth up at the voice of the bird"; and means, that in old age a man's stomach refuses to digest and he cannot excrementize, and he becomes so weak that the least sound, such as piping of a bird, will awaken him from his slumbers. Even so said Barzillai the Gileadite to King David [II Samuel xix. 36]: "I am eighty years old this day; can I discern between good and evil?" which proves to us that the mind of an old man changes; and further, it says: "Or can thy servant taste what I eat or what I drink?" From this we see that an old man's sense of taste is lost; and further, again: "Or can I listen yet to the voice of singing men and singing women?" which proves to us that old men become hard of hearing. Said Rabh: "Barzillai the Gileadite was a liar; for the servant who was in the house of Rabbi was ninety-two years old, and she would taste all the dishes that were being cooked." Said Rabha: "Barzillai was a lascivious man, and a man of that kind ages very rapidly and loses all his senses."

We have learned in a Boraitha: R. Ishmael bar R. Jose said: "The older scholars become, the more wisdom comes to them, as it is written [Job xii. 12]: 'So is with the ancients wisdom, and with those of length of days understanding.' With ignorant men, however, it is different. The older they become, the more ignorant they are, as it is written [ibid. 20]: 'He removeth the speech from trusty speakers and taketh away the intelligence of the aged.'"

It is written [Ecclesiastes xii. 5]: "Also when men will be afraid of every elevation." To an aged man, even a little hillock appears as a high mountain; "and are terrified on every way," and they are afraid of everything on their way; "and the almond-tree will refuse (its blossom)," meaning that the joints of the limbs will refuse to do their duty; "and the locust will drag itself slowly along, and the desire will gainsay compliance," means that the desires of old men wane.

Said R. Kahana: "What is written [Psalms xxxiii. 9]: 'For

he spoke, and it came into being,' refers to a woman; and 'he commanded, and it stood fast,' refers to children."

It is written [Ecclesiastes xii. 5]: "Because man goeth to his eternal home." Said R. Itz'hak: "This proves that every righteous man is given a dwelling in the world to come according to his merit, and this is like a king with his slaves entering a city. They all enter through one gate, but when night comes every man is given a berth in accordance with his rank."

R. Itz'hak said again: "It is written [Ecclesiastes xi. 10]: 'For childhood and the time when the head is black* are vanity,' and means to say, that the deeds committed in youth blacken the reputation in old age."

R. Itz'hak said again: The worms are as disagreeable to a corpse as pricks of needles are to a man, even if an excrescence only is pricked, as it is written [Job xiv. 22]: "But his body on him feeleth pain, and his soul will mourn for him." R. Hisda said: "The soul of a man mourns for him the first seven days after his death, and that is based upon an analogy of expression; viz.: It is written [Genesis l. 10]: 'And he made for his father a mourning of seven days'; and the verse in Job previously quoted also contains the word 'mourn,' hence the analogy."

R. Jehudah said: "If a corpse has left none to mourn him, ten men should go to the place where he died and mourn his death." A stranger, who had none to mourn him, died in the neighborhood of R. Jehudah; so every day R. Jehudah took ten men, went to the place where the stranger died, and mourned for him. After seven days, the spirit of the stranger appeared to R. Jehudah in a dream, and said to him: "May thy heart be as light as thou hast made mine."

Said R. Abuha: "All that is said in the presence of a corpse is known to the latter, until he is buried and the earth is thrown on top of him." R. Hyya and R. Simeon bar Rabbi differ concerning this: One says, until the corpse is buried, and the other, until the flesh is decomposed. He who says until the flesh is decomposed, bases his assertion on the previously cited verse: "But his body on him feeleth pain, and his soul will mourn him." The other, who says "only until he is buried," bases his assertion upon the verse [Ecclesiastes xii. 7]: "When the

* The Hebrew expression for "the time when the head is black" is "Shachrus," meaning blackness.

dust will return to the earth as it was, and the spirit will return unto God who gave it."

The rabbis taught: "Return the soul to the Lord as clean as He gave it to thee." This is illustrated by a parable of a king who once gave to his attendants suits of clothes. The wise among them took care of them, kept them clean and folded, and used them on special occasions only. The fools put them on and performed their work in them. Naturally, the clothes became dirty. All at once, the king demanded the clothes back again. The wise men returned them clean and whole, but the fools returned them in a dirty and dilapidated condition. The king was well pleased with the wise men, and told them to depart in peace, and had their clothes stored; but the clothes of the fools he ordered to be sent to the washers, and the fools were sent to prison. So does also the Holy One, blessed be He. Concerning the bodies of the righteous men, He saith [Isaiah lvii. 2]: "He shall come in peace: they shall repose in their resting-place"; and concerning the souls he saith [I Samuel xxv. 29]: "Yet will the soul of my lord be bound in the bond of life with the Lord thy God." Concerning the bodies of the wicked, He saith [Isaiah lxviii. 22]: "There is no peace, saith the Lord, unto the wicked"; and concerning the souls of the wicked, He saith [I Samuel xxv. 29]: "And the soul of thy enemies will he hurl away, as out of the middle of the sling."

We have learned: R. Eliezer said: "The souls of righteous men are deposited underneath the throne of honor, as it is written: 'Yet will the soul of my lord be bound in the bond of life'; and the souls of the wicked are crowded together until they are crushed, as it is written: 'The souls of thy enemies will he hurl away.'" "How is it with the souls of men who are neither righteous nor wicked?" asked Rabba of R. Na'hman. He answered: "If I were dead, ye would not know it." Samuel said: The souls of the righteous, of the ordinary men, and of the wicked are given over to the angel whose name is Domah, who has charge of all souls. The souls of the righteous are given their resting-place soon; the others are not given rest until they come before the divine judgment.

Said R. Mari: "The bodies of righteous men also decompose, as it is written: 'When the dust will return to the earth, as it was.'"

Diggers were digging some earth belonging to R. Na'hman. They came to the grave where R. Achai bar Yashia was buried,

and the corpse scolded them. The diggers came to R. Na'hman, and told him that a man who was buried on his ground had scolded them. So R. Na'hman went himself to the grave, and asked: "Who art thou, Master?" and the man in the grave answered: "I am called Achai bar Yashia." Said R. Na'hman to him: "Did not R. Mari say, that the bodies of the righteous shall turn to dust?" and the corpse replied: "Who is this Mari? I know him not." But R. Na'hman persisted: "It is written: 'When the dust shall return to the earth, as it was.'" And the corpse retorted: "He who taught thee Ecclesiastes, did not teach thee Proverbs, where it is written [Ch. xiv. 30]: 'Jealousy is the rottenness of the bones'; and if thy teacher had explained this to thee, thou wouldst have known, that he who hath jealousy in his heart, his bones shall rot after death, but he who hath no jealousy in his heart, his bones shall not rot." Thereupon R. Na'hman felt the dead man's bones, and truly they were sound. So he said to him: "Let the Master arise and go home with me for a while." And the dead man answered: "By this remark thou hast proven to me that thou hast not even studied the prophets, for it is written [Ezekiel xxxvii. 13]: 'And ye shall know that I am the Lord, when I open your graves, and when I cause you to come up out of your graves' (for this would tell thee, that only the Lord can make me arise, and still thou askest me to go with thee)." "Yea," quoth R. Na'hman; "but there is another passage [Genesis iii. 19]: 'For dust thou art, and to dust thou shalt return.'" "This will, however, be only one hour before the final resurrection," answered the corpse.

A certain Sadducee said to R. Abuha: "Ye say that the souls of the righteous are deposited underneath the throne of honor. How, then, could the woman of the familiar spirit whom King Saul consulted,* bring up the soul of Samuel?" R. Abuha answered: "That happened during the first twelvemonth after the death of Samuel, as we have learned in a Boraitha, that during the first twelvemonth the souls of the deceased come up and down; but after that period the soul ascends to heaven and does not return."

Said R. Jehudah, the son of R. Samuel bar Shila, in the name of Rabh: "From the funeral sermon held over the remains of the deceased, it may be observed whether they will enter the

* See I Samuel xxviii.

kingdom of Heaven or not." (If the funeral sermon is in the form of a eulogy and the deceased was much beloved, it can be presumed that he will have a happy time in the beyond.) This is not so! For did not Rabh say to R. Samuel bar Shila: "See that thou makest my funeral oration exceeding touching, for I shall be there." R. Jehudah meant to say, that when the sermon is touching, and elicits a responsive chord in the breasts of the audience; for some orations may be made ever so touching, but if the deceased was not deserving, it will produce no effect whatever. Said Abayi to Rabba: "Thou, Master, who hast not a single friend in Pumbaditha, who will mourn thy death?" "Thou and Rabba bar R. Hana will suffice," answered Rabba.

R. A'ha asked Rabh: "Who is the man that will live in the world to come?" He answered by quoting the verse [Isaiah xxx. 21]: "And thy ears shall hear the word behind thee, saying, This is the way; walk ye in it, when ye turn to the right hand and when ye turn to the left." * R. Hanina said: "The man who gives satisfaction to our masters."

It is written [Ecclesiastes xii. 5]: "And the mourners go about the streets." The Galileans said: "Do such things as will be spoken of to thy credit in thy funeral sermon"; and the Judæans said: "Do such things as will be spoken of after thy burial." There is no difference in the two statements, for in Galilee the funeral sermon was held before burial, and in Judæa after burial.

We have learned (in the Mishna Abhoth): "One day before thy death, thou shalt repent of thy sins," said R. Eliezer; and his disciples asked him, "Can a man know on which day he will die?" and he answered: "For just that reason, he should repent to-day, lest he die to-morrow. Thus all his days will be spent in repentance. So also hath Solomon said in his wisdom [Ecclesiastes ix. 8]: 'At all times let thy garments be white, and let not oil be wanting on thy head.'" Commenting upon this, R. Johanan ben Zakkai said: "This is illustrated by a parable about a king who invited his retainers to a banquet, but did not state the time; the wise among them dressed and were ready, standing in front of the palace, for they said: 'In a king's house nothing is wanting. Perhaps the banquet takes place to-day.' The fools, however, went about their business,

* The significance of the verse is explained by Rashi as follows: When we hear of a man who has died, and we are told to walk in his ways and to do as he did, such a man will live in the world to come.

saying: 'Can a banquet be given without preparation?' Suddenly the king called in his retainers to the banquet. The wise went in becomingly attired, while the fools went in in their working clothes. The king was well pleased with the wise, and angry with the fools, and said: 'Those that are prepared and attired for the banquet shall sit down, eat, drink, and be merry; but those that are not, shall stand and look on, but shall receive nothing.' " Said the son-in-law of R. Meir, in the latter's name: Then it would appear as if those standing were waiting upon those who were sitting (and they would not be ashamed). They were also to sit down, but while the others ate they would be hungry, and while the others drank they would remain thirsty, as it is written [Isaiah lxxv. 13 and 14]: "Therefore, thus hath said the Lord Eternal, Behold, my servants shall eat, but ye shall be hungry; behold, my servants shall drink, but ye shall be thirsty; behold, my servants shall rejoice, but ye shall be made ashamed; behold, my servants shall sing for joy of heart, but ye shall cry out from pain of heart, and from a broken spirit shall ye howl"; and on this account it is written: "At all times let thy garments be white," etc.

CHAPTER XXIV.

REGULATIONS CONCERNING A MAN WHO IS OVERTAKEN BY DUSK ON THE EVE OF SABBATH WHILE TRAVELLING, AND CONCERNING FEEDING OF CATTLE.

MISHNA: One who (on the eve of Sabbath) is overtaken by the dusk on the road must give his purse to a Gentile (while it is yet day). If there is no Gentile with him, he must put it on the ass. As soon as he arrives at the outmost court (dwelling of the first town or village he reaches), he must take off all such things as may be handled on the Sabbath; and as for the things which must not be handled he must loosen the cords, so that they fall off themselves.

GEMARA: Why was it allowed for a man to give his purse to the Gentile accompanying him [he (the Gentile) acts for him]? Because it was known to the rabbis that a man is anxious about his money, and if it were not allowed, he might carry it himself in public ground. Said Rabha: "He may do this with his own purse; but if he found something, he must not have it carried for him." Is this not self-evident? Did we not learn in the Mishna, "his purse"? We might assume that the same would apply to something found, and the Mishna says only "his purse," because that is the usual occurrence; hence Rabha teaches us as mentioned. Even in the case of something which was found, the prohibition applies only if the man had not yet had it in his hand; but if he had, it is regarded the same as his purse.

"*If there is no Gentile with him,*" etc. If there *is* a Gentile with him, he must give his purse to the Gentile. Why not put it on the ass in the first place? Because concerning the ass there is a commandment to let it rest, but no such commandment exists for a Gentile. How is the case if the man had accompanying him an ass, a deaf-mute,* an idiot, and a minor? To whom must he give his purse in that event? He must put it on

* A deaf-mute is exempt by law from keeping any commandments.

the ass. Why so? Because the deaf-mute and the minor are human beings, and he might by accident give it to an Israelite who was not a deaf-mute or a minor. How is it if he had with him a deaf-mute and an idiot only? He must give it to the idiot (because a deaf-mute has more sense than an idiot). How is it with an idiot and a minor? He must give it to the idiot. All this has been finally decided, but the question that presented itself to the schoolmen was, to whom the purse must be given if the man had with him a deaf-mute and a minor. Some say he should give it to the deaf-mute, and others, to the minor.

How is it if the man have nobody along, no Gentile, no ass, no deaf-mute, no idiot, and no minor? What should he do then? Said R. Itz'hak: "There was another mode of procedure, which the sages would not reveal." What was that? He should carry it less than four ells at a time (*i.e.*, carry it a little less than four ells and stop, then start and carry it on again for less than four ells, and so on). Why would the sages not reveal this? Because it is written [Proverbs xxv. 2]: "It is the honor of God to conceal a thing; but the honor of kings is to search out a matter." Where is the honor of God concerned in this matter? Perhaps the man will not stop, but go on and carry it over four ells.

We have learned in a Boraitha: R. Eliezer said: "On the day when the eighteen precautionary measures were instituted in the attic of Hananiah ben Hizkyah ben Garon (this measure concerning the purse of the traveller was also instituted, viz., that he should not carry it but give it to the Gentile), and the measure of laws was made heaping full." R. Jehoshua, however, says, that the measure was smoothened in too great a degree,* and we have learned that R. Eliezer meant to say what his simile illustrates; viz.: There was a basket filled with cucumbers and beets to the brim; and if a man put in mustard-seed, there is an addition, without, however, forcing out anything else. Thus the measure was full, but not overflowing. R. Jehoshua, however, compares it as follows: There was a tub filled with honey, and nuts were thrown into it, in consequence of which the honey overflowed and some was spilled. (This means, that by the institution of those precautionary measures the Mosaic laws were undermined.)

The Master said: "If there was no Gentile with him, he

* See Appendix.

should put it on the ass?" How is it that he may do this? If he put it on the ass, he will be compelled to drive the ass, and surely this is also labor, which is prohibited on the Sabbath, as it is written [Exod. xx. 10]: "On it thou shalt not do any work." Said R. Ada bar Abha: The man must put the purse on the ass, while the latter is walking along; in that case, no transfer from one fixed point takes place (because while both are walking it cannot be said that the purse is resting in one particular place). It is, however, impossible that the ass should not rest at some place for a little while? When the ass rests, the man removes the purse; and when it commences to walk again, he puts it back. If that is so, it would be the same if he would transfer his purse to a fellow-Israelite while walking, and he would never be guilty of the act of transferring from one (fixed) place and depositing in another? Said R. Papa: An act which, if committed by one man unassisted, would make him liable for a sin-offering (*e.g.*, if he, while running or walking, should pick up something off the ground even without stopping, he would become liable for a sin-offering), he must not commit *with* the assistance of a companion; but if he did so, he is not liable for a sin-offering (*e.g.*, if he picked up a thing and placed it on his companion while the latter was walking, in that event neither is culpable, for the one did not deposit it in a fixed place, and the other did not remove it from a fixed place). Such acts, however, as must not be committed with the aid of a companion may be done with the assistance of an ass in the first place.

R. Ada bar Abha said again: "If a man has a bundle on his shoulders before dusk on the Sabbath while on the road, he may run with the burden until he reaches home, but he must not walk his usual gait." Why so? Because, if he walks in the usual manner, he might stop (and by stopping carry out the prohibited transfer from one fixed point and depositing in another). When he reaches home, however, he must stop for some time, and thus he would bring a thing from public ground into private ground? The remedy for this is, to throw the bundle from his shoulders backwards, and not in the usual manner.

Rabha the brother of R. Mari bar Rachel taught the following decree in the name of R. Johanan: "One who drives cattle on the Sabbath (even if they are burdened) is free." Why so? If he did so unintentionally, he cannot be liable for a sin-offering, because Sabbath laws are identical with those of idolatry. In like manner, as a man cannot be guilty of idolatry unless he

worship with his own body, so it is with the Sabbatical law. If he perform labor through the medium of his cattle, without doing any himself, he cannot be guilty. Even if he did it intentionally, he is also not guilty. Why so? Because we have learned in a Mishna (Tract Sanhedrin): "Among those who are subject to capital punishment (by stoning) is he who violates the Sabbath by an act which, if done intentionally, carries with it such punishment (stoning), and which, if done unintentionally, makes one liable for a sin-offering." Hence, if the unintentional performance of such an act does not carry with it liability to bring a sin-offering, its intentional performance cannot carry with it the punishment of stoning, nor the punishment of stripes; because, where the penalty for the violation of a negative commandment is death, stripes cannot be inflicted; and even according to the Tana who holds that stripes can be inflicted for such violation, in this case it could not be done, because, were the verse to be read, "Thou shalt not do any labor, nor thy cattle," it would be right; but the verse distinctly says, "Thou shalt not do any labor, neither thou, etc., nor thy cattle." Hence, when the work was not done jointly by the man and his cattle, he cannot be punished in any manner for a violation of the Sabbath.

"*As soon as he arrives at the outmost court,*" etc. Said R. Huna: "If the ass was laden with glassware, he may bring cushions and place them on the ground, so that when he loosens the cords the glassware may fall on the cushions and escape being broken." We have learned, however, that such vessels as may be handled on the Sabbath may be removed from the ass; and why may not the glassware be handled? R. Huna refers to glassware which belongs to a surgeon, and being dirty (bloody) is unfit for use in a household. In that case, then, the man would render the cushions which he places on the ground to receive the falling glassware unfit for their proper use, and this is prohibited on the Sabbath? The cushions are only to be used in order to break the fall of the glassware, and after the glassware rolls off on to the ground, the cushions can be used as before.

We have learned in a Boraitha: R. Simeon ben Jochai said: "If a sheaf of grain (the tithes of which had not yet been separated) is on the back of the ass, the man may push it off with his head, so that it fall to the ground." The ass of R. Gamaliel was once laden with honey, and, the Sabbath having set in, R. Gamaliel would not allow the ass to be unloaded until the Sab-

bath was over. This proved too much for the animal and it dropped dead.

We have learned in the Mishna, that such things as may be handled on Sabbath *may* be removed from the animal; why was not the honey removed? The honey had become spoiled. If the honey was spoiled, why was it brought? It was intended to be used for the bruises on camels. Then the cords should have been loosened and the honey allowed to fall off? The honey was in (inflated) skins, and would have burst if allowed to fall. Then cushions should have been placed on the ground to receive them? The cushions would have become soiled, and thus rendered unfit for use. Pity should have been taken on the animal, and it should not have been allowed to stand laden all day? Pity for animals is only a rabbinical institution according to R. Gamaliel, and thus he could not observe it lest he violate the Sabbath.

Abayi once saw Rabba playing with his little son, and setting him on the back of an ass, so he said to him: "Why! Does Master use an animal on Sabbath!" and Rabba answered: "This cannot be called using an animal in the regular manner, but just incidental use, and that was not prohibited by the rabbis."

Abayi objected: "Have we not learned that if two walls of a booth (to be used on the Feast of Tabernacles) were made by hand, and the third wall was already made by a tree, the booth might be used for ritual purposes; but it is not allowed to ascend to the roof of the booth on a festival, because the tree serves as a support to the roof, and by ascending the roof the tree would be used, which is prohibited? Hence we see that, although that would be incidental and not direct use, still it is prohibited?" Rabba answered: "In the case cited by thee, a tree is referred to, the branches of which were also part of the roof." The Mishna seems to have this meaning attributed to it by Rabba, for in a later clause it is stated, that should the tree (which partly supports the booth) be removed, and the booth can stand by itself, one may ascend it; hence the tree is regarded as an independent wall.

MISHNA: One may untie bundles of straw for cattle, also strew stalks for them, but one must not undo tied bundles of Zirin.* Herbs used as fodder, and carob-pods, must not be cut

* This term will be explained in the Gemara farther on.

up for cattle, large or small. R. Jehudah permits the cutting up of carob-pods for small cattle.

GEMARA: Said R. Huna: "There is no difference between bundles of straw and stalks, except that the former are tied twice while the latter are trebly tied, and by Zirin is meant the young branches of a cedar-tree (which when young are still tender and are eaten by cattle); and the Mishna should be explained thus: One may untie bundles of straw for cattle, and also strew them, and the same may be done with stalks, but not with Zirin; the latter must neither be untied nor strewn." Said R. Hisda: "What reason has R. Huna for explaining the Mishna in this manner? He means to say, that on account of such things as are already proper fodder for cattle one may trouble himself on Sabbath, but on account of such as must first be prepared as fodder, one should not trouble himself." R. Jehudah, however, says, that bundles of straw and Zirin are identical, except that the former were tied twice and the latter trebly, but stalks signify cedar boughs; and he explains the Mishna thus: "We may untie bundles of straw for cattle, but not strew them; stalks may also be strewn; the Zirin, however, may be untied, but not strewn." Said Rabha: "What is the reason for R. Jehudah's explanation? He holds, that we may prepare things for the use of cattle, but we must not trouble ourselves on account of such things as are already fit fodder for cattle."

An objection was made to the foregoing (based on the latter clause of the Mishna): "Herbs used for fodder and carob-pods must not be cut up for cattle." As herbs are mentioned in conjunction with carob-pods, we must assume, that as the herbs were soft, so were also the carob-pods; and, it being prohibited to cut them up, we see that with such things as are already proper fodder we must not trouble ourselves, and this is contrary to the dictum of R. Huna? R. Huna might say to the contrary, that as the carob-pods are hard, so also are the herbs. Where do we find that herbs should be cut up for cattle, they generally eat them as they are? This refers to young calves and mule-colts.

(Another objection was raised.) Come and hear: One may cut up pumpkins for cattle and carrion for dogs. Then we may say, that as carrion is soft, so also are the pumpkins; and hence we see, that we may trouble ourselves even with such articles as are already fit fodder for cattle, and this is contradictory to R. Jehudah's opinion? R. Jehudah might say to the contrary, that as the pumpkins were hard, so was also the carrion. How

can that be? Supposing it was the carcass of an elephant, or the dogs were young and could not eat carrion without having it cut up for them.

MISHNA: A camel must not be crammed (to fatten it), nor may it be forced to eat: but the food may be put into its mouth. Calves must not be crammed, but the food may be put into their mouths. Poultry may be fed and crammed; water may be poured on bran, but the bran must not be kneaded. One must not put water before bees, or before doves in a dove-cot; but one may put it before geese, before poultry, and before house-pigeons.

GEMARA: What is meant by "must not be crammed"? Said R. Jehudah: "By that is meant, that the stomach of the camel should not be turned into a feed-bag." Can such a thing be done? Said R. Jeremiah of Diphti: "Yea; I saw with my own eyes, that an itinerant merchant fed his camel a measure of grain, and when it had consumed that, he forced another measure down its throat."

"*Calves must not be crammed, but the food may be put into their mouths,*" etc. What is the difference between cramming and putting food into the calf's mouth? R. Jehudah said, that cramming is accomplished when the food is stuffed down into the calf's mouth so that it cannot eject it, and putting food into its mouth is merely as is implied by the term; and R. Hisda said, that in both cases the food is forced down so far that the calf cannot eject it; but in cramming, some instrument is used, and the other is done by hand.

R. Joseph objected: We have learned in a Boraitha, that poultry may be crammed, and so much the more food may be given to the poultry a little at a time. The contrary is the case with doves. Food must not be given them even a little at a time, and much less may they be crammed. Now what is the difference between cramming and forcing them to eat a little at a time? Shall we assume that by cramming is meant, forcing the food down by hand, and by giving them food a little at a time is meant, throwing it to them? If so, why should doves not be fed in that manner? Is it then prohibited to throw them food? We must therefore say, that in both cases the food is given by hand, but in cramming the food is forced down so that it cannot be ejected, while in the other case it can be ejected. If this applies to poultry, then we must certainly assume that, as for calves, cramming is done by forcing the food down with an in-

strument, and this would be contradictory to R. Jehudah? R. Jehudah might say, that by feeding poultry is meant, throwing food to them; and the reason that one must not feed doves is because they do not belong to him, whereas poultry belongs to him and must be fed by him, as we have learned in a Boraitha, that one may give food to a dog but not to a pig; and the reason is, that a man is in duty bound to feed his dog, but a pig that he does not own he need not feed. Said R. Ashi: "This we also learn from our Mishna: 'One must not put it before bees, or before doves in a dove-cot; but we may put it before geese, poultry, and house-pigeons.'"

We must assume the reason of the Mishna to be because one is not obliged to take care of the bees and doves, but must take care of those which he owns. According to this, then, why is water only spoken of, why not wheat or barley? We must say that water is easily obtainable, and hence there is no necessity to trouble one's self on that account.

R. Jonah taught at the door of Nassi: It is written [Proverbs xxix. 7]: "The righteous considereth the cause of the indigent." The righteous, synonymous with the Holy One, blessed be He, knoweth that a dog hath not much food, and hath thus ordained, that the food in his stomach remains undigested for three days, as we have learned in a Mishna: How long must the food (carrion) remain in the stomach, that it may still be considered unclean? In the stomach of a dog three days, but in the stomach of a bird or a fish only as long as it would take it to burn up if thrown into the fire.

Said R. Hamnuna: "From what was said above, it may be implied that one may throw food before a dog." How much? Said R. Mari: "A small piece, and the dog should immediately be driven off." This refers to a dog in the field, but within the city a strange dog should not be fed at all, lest he run after the man; however, a dog belonging to him may be fed.

Said R. Papa: "There is nothing poorer than a dog, and nothing richer than a pig (meaning that a dog is very fastidious about food, while a pig will eat anything)."

We have learned in a Boraitha, in support of the dictum of R. Jehudah: What is the difference between cramming and putting food into the mouth of a calf? Cramming is accomplished by laying the calf down, forcing open its mouth, and stuffing it with soaked grain; and putting food into its mouth is merely feeding and watering it separately, while the calf is standing.

"*Poultry may be fed and crammed*," etc. Said Abayi: "I asked my master, with whose opinion was the Mishna in conformity, and he told me with that of R. Jose bar Jehudah, as we have learned: Water must not be poured on bran, said Rabbi, but R. Jose bar Jehudah said that it may be done."

The rabbis taught: "When water is poured on parched corn the corn must not be kneaded on Sabbath, but others say that it may be kneaded." Who is meant by "others"? Said R. Hisda: "R. Jose bar Jehudah." Such is the case, however, only when it is done differently than on a week-day. How can it be done differently? By kneading a little at a time and not in a lump. All agree, however, that Shthitha* may be kneaded on the Sabbath, and that Egyptian beer may be drunk. Was it not said, that kneading was not allowed on Sabbath? This presents no difficulty. Fine corn may be kneaded, but coarse must not; and even then it must be kneaded differently than on a week-day. How can this be done? On week-days the vinegar is first put in and then the Shthitha, and on Sabbath the latter should be put in first.

Levi the son of R. Huna bar Hyya once found the herder of his father's cattle pouring water on bran and giving it to the cattle. He scolded him. Afterwards R. Huna met his son, and said to him: Thus said the father of thy mother in the name of Rabh (meaning R. Jeremiah bar Aba): "It is allowed to pour water on bran but not to put the mixed bran into the mouth of the cattle (but young cattle, that cannot eat themselves, may be fed by hand)." And this may be done, providing it is done differently than on a week-day. How should that be done? The bran should only be stirred once lengthwise and once crosswise. It will not mix well, however, in this manner. Said R. Jehudah: "Then it should be poured into another vessel."

We found in the diary of Zera: "I asked of my Master R. Hyya, whether kneading was permitted on the Sabbath, and he said, 'No.' I asked him whether transferring from one vessel to another was permitted, and he said it was." Said R. Menasseh: "It is allowed to give one animal a measure of grain, and two measures for two animals, but one must not give three measures for two animals." R. Joseph, however, said that a whole Kabh, or even two Kabhs, may be given for one or two or three animals, and Ula said that even a Kur or more may be given.

* Shthitha is the name of a dish prepared from parched corn.

It was written in the diary of Levi: "I related in the presence of my master, who was Rabbi the Holy (Jehudah Hanassi), that in Babylon they were kneading Shthitha on Sabbath and Rabbi protested against it; but no one paid attention to it, and he had no power to prohibit it, because R. Jose bar Jehudah once permitted it (as mentioned previously)."

It was written in the diary of R. Jehoshua ben Levi: "One who is born on the first day of the week will be a man, and not one thing will be in him." What does that mean? That there will not be any one good thing in him? Did not R. Assi say that he was born on the first day of the week? Shall we say, that not one bad thing will be in him? R. Assi said: "I and Dimi bar Kakusta were both born on the first day of the week, and, behold! I am a prince and he is a leader of robbers!" What, then, is meant by "not one thing will be in him"? This means, that he will be either wholly bad or wholly good. "A man who was born on the second day of the week will be a man of violent passion." Why so? Because on the second day the water was separated. "A man born on the third day will be rich and lascivious." Why so? Because grass was created on the third day. "A man born on the fourth day will be wise and have a good memory." Why so? Because on the fourth day the lights were created. "A man born on the fifth day will be a charitable man." Why so? Because on that day the fishes and fowls were created. "A man born on the sixth day will be a very devout man." [R. Na'hman bar Itz'hak said: "He will be zealous in the fulfilment of commandments."] "A man born on the Sabbath will also die on the Sabbath, because on his account the great day of Sabbath was violated." Said Rabba bar R. Shila: "He will, however, be called a great and pious man."

Said R. Hanina to the men who related what was written in the diary above: "Go and tell the son of Levi, that the fortune of a man does not depend upon the day, but upon the hour he was born in. One who is born in the hour of sunrise will be a bright man; he will eat and drink of his own, but he will not be able to keep secrets and will not be successful in stealing. One who is born under Venus will be a rich man, but will be lascivious, because fire is generated under Venus. One who is born under Mercury will be bright and wise, because that star is the scribe of the Sun. One who is born under the Moon will be sickly or troubled. He will build and demolish, will not eat and

drink his own, but will keep secrets, and will be successful in stealing. One who is born under Saturn will have all his thoughts and aims come to naught; and others say, to the contrary, all aims against him will come to naught. One who is born under Jupiter will be a righteous man, and R. Na'hman bar Itz'hak said he will be very devout. One who is born under Mars will be a man who will shed blood. He will either be a surgeon or a robber, a butcher or a circumciser, said R. Ashi. Rabba said that he was born under Mars. Said Abayi to him: "Thou, Master, reprovest men, and whom thou reprovest, he dieth; hence thou, also, sheddest blood."

It was taught: R. Hanina said: "One who is born under a lucky star may be either rich or wise, and the same thing applies to Israelites also." R. Johanan said: "An Israelite does not come under this fate"; and R. Johanan says this in accordance with his dictum elsewhere; viz.: Whence do we know that the Israelites are not subject to fate? Because it is written [Jeremiah x. 2]: "Thus hath said the Lord, Do not habituate yourselves in the way of the nations, and at the signs of the heavens be ye not dismayed, although the nations should be dismayed at them." So the nations may be dismayed at the signs of the heavens, but not the Israelites; and Rabh holds likewise, that the Israelites are not subject to fate. R. Jehudah said in the name of Rabh: Whence do we know that the Israelites are not subject to fate? Because it is written [Genesis xv. 5]: "And he brought him forth abroad." Abraham said before the Holy One, blessed be He: "Creator of the Universe, lo, one born in my house will be my heir"; and the Lord answered: "He that shall come forth out of thy own bowels shall be thy heir" [Gen. xv. 4]. And Abraham said again: "Creator of the Universe! I have consulted my horoscope, and have found that I am not capable of having a son"; so the Lord said to him: "Away with thy horoscope! An Israelite hath no fate!"

Of Samuel it is also known, that he thought the Israelites had no destiny, for Samuel and Ablat were once sitting together, and some men went past a meadow. Ablat (who was an astrologer) said to Samuel, pointing to one of the men: "That man will not return. A snake will bite him and he will die." Said Samuel: "If he is an Israelite, he will come back." While they were talking, the man came back; so Ablat arose and examined him, and he found a snake cut in two on the man's clothes.

Said Samuel to the man: "What didst thou do to-day, that thou hast escaped death?" The man answered: "It is our custom, when going out with a party of men, that we all contribute our share of victuals, and then have our meal in common. I knew that one of our party had no (bread) victuals, and not wishing to make him ashamed, I secured the basket to gather the food; and when coming up to him I pretended to put in his share, but in reality put in mine, and thus he was not ashamed." "Then thou hast committed an act of charity," said Samuel; and when he went out he preached that charity may be the cause of saving a man's life, and not only from a violent death, but also from death which otherwise would have overtaken a man naturally.

Of R. Aqiba it is also known, that he did not believe the Israelites to be subject to fate, for R. Aqiba had a daughter, and the soothsayers predicted that on the day on which she should enter the garden a snake would bite her and she would die. He was very much troubled on that account. One day his daughter took off her headdress in the garden, and the needle protruding from it stuck on the side of the fence where a snake happened to be, and piercing the eye of the snake, the latter was killed. When R. Aqiba's daughter went back to the house the snake dragged after her. Asked R. Aqiba: "What didst thou do to-day, to escape death?" and she answered: "At dawn a man came to the door begging bread. Everybody, however, was at the table, and no one heard him but myself. I took my own meal, that thou gavest me, and gave it to him." Said R. Aqiba: "Thou didst an act of charity, and this saved thee from death." He then went forth and preached, that charity may be the cause of saving a man's life, and not only from a violent death, but also from one that was to have come naturally.

R. Na'hman bar Itz'hak is also known to discountenance the theory of the Israelites being subject to fate; for the mother of R. Na'hman was told by astrologers that her son would turn out to be a thief, so she would not let him go out bare-headed, saying: "Always keep thy head covered, that thou mayest fear the Lord, and pray to Him for mercy"; and he did not know why she always told him this. One day he sat underneath a tree studying, when his head-wear fell off, and looking up, he saw the tree filled with delicious dates. He was very much tempted to take some of the fruit, although the tree did not belong to him, and accordingly climbed the tree, and bit off a branch with his teeth.

MISHNA: Pumpkins may be cut up for cattle, and carrion for dogs. R. Jehudah saith: "If the carrion was not yet carrion (if the beast had not yet died) before the Sabbath, it must not be cut up; because, in that case, it is not part of what had been provided (for consumption on Sabbath)."

GEMARA: It was taught: Ula said, the Halakha prevails according to R. Jehudah, and of Rabh it is also known that he agrees with R. Jehudah, as may be seen from his decree concerning covers of a vessel (on page 29). Levi also admits, that the Halakha prevails according to R. Jehudah; for when a carcass was brought to him for decision as to its fitness for use, or unfitness, on a festival, he would not inspect it unless it had lain in the dirt; because, should he hold it to be fit, it would forthwith become carrion and not even be fit for dogs, by reason of its turning into carrion on the festival (and thus not having been provided on the day before for consumption on the festival).

Samuel, however, said, that the Halakha prevails according to R. Simeon, as also does Zera, because a Mishna elsewhere, which teaches, that if an animal died (on Sabbath or on a festival) it must not be removed, was explained by Zera to refer only to such an animal as was designated for a sacrifice and which must not be made use of at all; but any ordinary carcass may be removed. R. Johanan also said, that the Halakha according to R. Simeon prevails.

Is it possible that R. Johanan said this? Have we not learned that R. Johanan always holds Halakhas to be in accordance with the abstract decrees of the Mishna, and in another Mishna we have learned that the wood of a beam that had been broken on a festival must not be used on the festival? R. Johanan claims, that the Mishna above was taught in the name of R. Jose bar Jehudah.

Come and hear (another objection): "It is permitted to commence taking from a heap of straw on a festival for use as fuel, but not from wood designated for another purpose." This is also taught abstractly (and is certainly contrary to the opinion of R. Simeon). This above teaching refers to cedar beams intended for building purposes, and being very expensive should not be used as fuel, even according to R. Simeon.

Come and hear (another objection based upon another abstract Mishna): "It is not permitted to water or to slaughter animals living in their wild natural state, but it is allowed as regards domestic animals." (This is also contrary to R. Simeon?)

R. Johanan, however, found an abstract Mishna that was in accord with R. Simeon; viz.: That Mishna concerning bones and husks which may be removed from the table (page 326), and R. Johanan holds as R. Na'hman (did later), that all decisions rendered by the school of Shammai are in accordance with the opinion of R. Jehudah, while those rendered by the school of Hillel agree with those of R. Simeon.

It is related of R. A'ha and Rabbina, that one said that all laws pertaining to Sabbath remain as decreed by R. Simeon, with the exception of one thing, that had been set aside on account of causing disgust, namely, an old candlestick that had become soiled with the dripping tallow; and the other said, that even in this instance the Halakha prevails according to R. Simeon, but the one thing that does not remain as decreed by R. Simeon is the case of a candlestick which had been used on the same Sabbath. (Both admit, however,) that as for the theory of designation where expensive articles are concerned, R. Simeon accepts it in that case, and declares, that they may not be used on Sabbath, as we have learned in a Mishna (page 268) concerning the large wood-saw and the ploughshare, which, according to R. Simeon, also must not be handled, because they are expensive (and being used only by mechanics should not be handled by others).

MISHNA: A man may annul vows (of his wife or daughter) * on the Sabbath, and consult (a sage) as to vows (relating to objects) required for the Sabbath. Window-light may be shut out by blinds; a piece of stuff may be measured, and also a Mikvah (plunge-bath), to ascertain whether it be of legal size. It happened in the days of R. Zadock's father, and in the days of Abba Saul ben Botnith, that they closed a window with an earthen jar, and then tied another vessel to a pole with papyrus, in order to ascertain whether, in a covered vessel, there was an opening one span high or not. From them we learn, that (in certain cases) it may be permitted to close, to measure, and to tie on the Sabbath.

GEMARA: The schoolmen propounded a question: Does the term, "required for the Sabbath," in connection with vows, apply to both clauses of that sentence; and if it does not, neither may be done on the Sabbath, whence we shall learn, that the time in which a man may annul the vow of his wife

* See Numbers xxx. 2.

or daughter does not expire with the day, but continues for twenty-four hours; because, if the vows do not relate to the Sabbath and neither of the above two clauses may be executed, the man can annul the vow at night after the Sabbath; or shall we say that the term, "required for the Sabbath," applies only to the latter clause, that of consulting as to vows, and not to the first clause, that of annulling the vow, which would establish the fact that the time for annulment expires with the day and does not continue for twenty-four hours? Come and hear: R. Zoti, one of the disciples of R. Papi, taught, that only such vows as relate to the Sabbath may be annulled on the Sabbath; thence we may learn, that the time for annulment of vows does not expire for twenty-four hours? Said R. Ashi: "Did we not learn (in a Mishna of Tract Nedarim), that the time for annulment of vows continues for one day only?" Concerning this, there is a difference of opinion among the Tana'im (as will be explained in Tract Nedarim).

"*And consult as to vows,*" etc. The schoolmen propounded a question: "Does this mean to say, that the man had not time before Sabbath (*i.e.*, that he made the vow on the Sabbath), or even if he had time before Sabbath, but wishes to be released from his vow at once?" Come and hear: The rabbis complied with the wish of R. Zutra the son of R. Zera, and released him from his vow on a Sabbath, although he had plenty of time to have this done before Sabbath.*

R. Jose wished to state, that, as to vows, a man may consult on Sabbath only a man who is a competent authority (Chacham), but he must not consult three ordinary men, because that would appear as a judgment on business affairs. Abayi said to him: "Whereas three men may be consulted standing, or even if they are of kin, or even at night, it will not appear as an ordinary judgment."

When a man wishes to annul the vow of his wife on the Sabbath, he must not say to her, as on a week-day: "Thy vow is annulled," or, "I release thee from thy vow"; but merely: "Go and eat," or, "Go and drink," and this releases her from her vow. Said R. Johanan: "The man must, however, think at the time that he is annulling her vow."

We have learned in a Boraitha: The school of Shamai said:

* All this is originally part of Tract Nedarim. We have in consequence omitted it, but a part of that passage being necessary for the elucidation of the above text, we have incorporated it in the Tract Sabbath.

"On Sabbath a man must annul the vow in his mind only, but on a week-day he must proclaim it by word of mouth." The school of Hillel said, however, that be it Sabbath or a week-day, it is sufficient if the man annul the vow in his mind without proclaiming it.

"*They closed a window with an earthen jar,*" etc. Said R. Jehudah in the name of Rabh: "There was a small bridge between two houses, and underneath the bridge lay a part of a corpse, and a cracked tub stood on top of the two houses; but it was not known whether the crack in the tub was large enough to admit of the penetration of the uncleanness arising from the corpse. So, first of all, all holes which were in the walls of the two houses were stopped up with towels; then another vessel (a small jar) was tied with papyrus to a pole and laid on the tub, in order to see whether the crack was one span deep or not." *

"*From them we learn that (in certain cases) one may close, measure,*" etc. Ula once came into the house of the Exilarch on Sabbath, and saw Rabba bar R. Huna sitting in a tub of water and measuring it. Said Ula to him: "The rabbis only permitted the measuring of a plunge-bath for ritual purposes; but did they permit it to be done for no purpose?" Rabba bar R. Huna answered: "I am doing this merely to while away the time (I have nothing else to do, and must not think of the Law while bathing, so it makes no difference)."

* This explanation is taken from Rashi. The other commentary by Tosphath differs with Rashi, but the explanation is even more complicated than the above. Hence we have chosen the former.

END OF TRACT SABBATH.

THE PRAYER AT THE CONCLUSION OF A TRACT.

Abayi said: "May it be reckoned to me (for my reward in the world to come), that whenever I noticed a young scholar (of my college) had finished a tract of the Talmud, I gave a feast to all the sages of the day." (Pages 250 and 251 of this tract.)

[Bearing the above motto in mind and as a matter of peculiar interest, we shall translate below the laudatory prayer published in every edition of the ancient Talmud at the conclusion of each tract, and in justification of this our digression from the actual text would state the following :

With all pious Israelites who were exclusively engaged in the study of the Talmud, and even with those who made it an incidental feature of their lives, it has since time immemorial been the custom to celebrate as a happy event the completion of the study of each tract. So marked was the degree of gratification at this frequent occurrence, that it became customary for the first-born sons in Israel, who in commemoration of one of the plagues sent by the Lord upon the Egyptians were in the habit of fasting on the eve of Passover, to complete the study of a tract of the Talmud on that day, and, thanks to the feast given in honor of the occasion, escape the rather onerous duty of fasting; and even in the nine days of penance occurring before the Fast of the Ninth of Abh, when the Temple was destroyed, when meat was not to be eaten and wine was not to be drunk, the same subterfuge would be resorted to, in order that a feast might be given and thus break the fast of the nine days. Apart from this, the prayer is rich in sentiment, and deserves to be rendered at the end of this volume once for all.]

We shall return to thee, Tract Sabbath,* and mayest thou return to us! We shall bear thee in mind, Tract Sabbath, and mayest thou bear us in mind! May we not be forgotten by thee, Tract Sabbath! and thou shalt not be forgotten by us on this earth nor in the world to come!

[This is to be repeated three times, when the following is to be recited:]

May it be Thy will, O Lord, our God and God of our fathers, that Thy Law may be our pursuit in this world and in the world to come! May there be together with us, in the world to come, Haninah bar Papa, Rami bar Papa, Na'hman bar Papa, Ahayi bar Papa, Abba Mari bar Papa, Raphram bar Papa, Rakhesh bar Papa, Sur'hab bar Papa, Ada bar Papa, and Doro bar Papa.†

* At the conclusion of another tract, name it instead of Tract Sabbath.

† At the close of a learned work, entitled "Answers and Questions," by Rabbi Moses Iserles, and also in the work entitled "Sea of Solomon," by Solomon Lurie, Tract Baba Kamah, may be found the reasons why the above ten names must be mentioned in the prayer.

Make sweet, O Lord, our God, the words of Thy Law in our mouths, and in the mouth of Thy people the house of Israel; and may we, our children, and the children of Thy people the house of Israel, all know Thy Name and learn Thy Law.

Wiser than my enemy doth Thy commandment make me; for it is perpetually with me. Let my heart be entire in the statutes, that I may not be put to shame. Never will I forget Thy precepts; for with them Thou hast kept me alive. Blessed art Thou, O Lord! teach me Thy statutes. Amen, Amen, Amen. Selah, Vaed (Forever)!

We thank Thee, O Lord, our God and God of our fathers, that thou hast cast our lot amongst those that dwell in the houses of learning, and not amongst the occupants of the markets. For we arise early, and they arise early. We arise to the words of Law, and they arise to words of vanity. We strive, and they strive. We strive and receive our reward, while they strive in vain. We run, and they run. We run towards everlasting life, and they run towards death, as it is written: "But Thou, O God! Thou wilt bring them down into the pit of destruction; let not the men of blood and deceit live out half their days; but I will indeed trust in Thee!"

May it be Thy will, O Lord my God, that as Thou hast assisted me in the conclusion of Tract Sabbath, so mayest Thou assist me in the commencement of other tracts and books of Law, and in their conclusion: that I may live to learn and teach, to observe and to do and to keep all the words of the teachings of Thy Law with affection. And may the merits of all the Tanaim and Amoraim and other scholars uphold me and my children, in order that the Law may not escape from my mouth, from the mouths of my children and children's children forever, and may it be verified in me (all that is written): "When thou walkest, it shall lead thee; when thou liest down, it shall watch over thee; and when thou art awake, it shall converse with thee. For through me shall thy days be multiplied and the years of thy life shall be increased unto thee. Length of days are in her right hand, in her left are riches and honor. The Lord shall give strength unto His people; the Lord will bless His people with peace."

[Revised July 22, 1896, and found all correct.—ISAAC M. WISE.]

APPENDIX.

²²
PAGE 24 of Volume I. of this tract contains a Mishna commencing with the statement: "And these are some of the regulations enacted in the attic of Hananiah ben Hizkyah ben Garon," and concluding, "they enforced eighteen regulations on that day." At the same time, the Mishna fails to enumerate in the place mentioned, or elsewhere, these eighteen regulations. The Gemara, however, conjectures upon their character and cites them in a scattered and incoherent manner. As a matter of course, this is not done without the adduction of numerous and varied opinions; but the conclusion is, that the eighteen regulations are those which we shall enumerate farther on.

In another section of the Gemara it is related, that three hundred jars of wine and a like number of jars of oil were taken up into that attic in order to afford the sages no opportunity to leave their places until their deliberations concerning the regulations were finally concluded.

Among these regulations there are, however, only two or three concerning Sabbath, the rest being dispersed throughout the Talmud in their proper departments and merely mentioned as regulations enacted during that session, but they are not enumerated in regular order either of sequence or time of enactment. Hence we, in consistency with our method of translation—viz., to place everything in its proper department—have omitted in this tract the enumeration of these regulations, together with the diverse opinions concerning the reasons for their institution, which reasons as cited by the Gemara are very abstruse and for the most part untenable.

In the last chapter of this tract, however, mention is again made of the eighteen regulations, and it is declared, that their measure was made "heaping full," while elsewhere in the Gemara the assertion is made, that the day on which they were enacted was as grave in its consequences for Israel as the day on which the golden calf was made. It is these two statements that have impelled us at the last moment to embody these eigh-

teen regulations in an appendix at the end of this volume, and state as best we can, after careful study and consideration of the subject, the most potent reasons for their enactment.

With this purpose in view, we shall divide the eighteen regulations into five classes, as follows: Those pertaining to Therumah (heave-offerings), Tumah (uncleanness), Chithon (mingling with other nations), Mikvah (legal bath), and Sabbath.

Therumah is rendered useless when brought into contact with any one of the following ten subjects: First: With a man who eats a thing that had been contaminated by a parent of uncleanness* and had thus become unclean in the first degree. Second: With a man who had eaten a thing unclean in the second degree (*i.e.*, had been touched by a thing unclean in the first degree). Third: With a man who had drunk unclean beverages. Fourth: With a man who had bathed his head and the larger portion of his body in water that had been pumped up (drawn or scooped), and not in a legal bath. Fifth: With a clean person (*i.e.*, one who had already taken a legal bath, but was subsequently drenched with three lugs of drawn water). Sixth: With the sacred scrolls of the Holy Writ, either in part or in its entire form.† Seventh: With hands of which one was not quite certain that they had been kept clean the whole day. Eighth: With one who had taken a legal bath, if the Therumah was touched before sunset. Ninth: With eatables and utensils which had become unclean through beverages (as will be explained in Tract Yodaim). When brought in contact with any one of these nine subjects, Therumah is rendered useless. Tenth: The crop raised from Therumah (seed) is of the same character as the seed; if the latter was clean when planted the crop is clean, but if the seed was unclean the crop is the same. Nevertheless, it is still considered Therumah, and subject to the

* By a "parent of uncleanness" is meant any object that had come in direct contact with a corpse. See explanation in Tract Shekalim.

† Why contact with the Holy Writ should render Therumah unclean can in our opinion be explained only as follows: When the priests came to demand their share of the Therumah, it is highly probable that they did this with a correspondingly impressive ceremony and read the part of the Law referring to the Therumah before the donors. If such was really the case, they no doubt carried the scrolls with them wherever they went, and in consequence the regulation was enacted which rendered the Therumah unclean when brought into contact with the scrolls or book containing the Holy Writ. Our basis for this assertion is the ordinance to be found in Tract Yodaim, which proclaims that the scrolls or books containing the Holy Writ render hands unclean when coming in contact with them, and doubtless the hands of the priests, which were afterwards to handle Therumah, are meant.

laws of Therumah. Thus we have ten regulations concerning Therumah.

Concerning uncleanness, there were four regulations enacted: First: All movable things bring uncleanness on a man by means of a tent, not larger even than a span, covering a corpse, even if the space between the corpse and the tent was but an awl's width. (For explanation, see Tract Ahaloth.) Second: The daughters of the Samaritans are considered unclean (as women suffering from their menstruation) from the day of their birth. Third: A child of a heathen is considered unclean, because it is considered as one afflicted with venereal disease. Fourth: One who presses grapes or olives renders the vessels used to receive the must or the oil susceptible to uncleanness. (This is explained in detail in Tract Kelim.)

Concerning Chithon, but one regulation was enacted, covering four subjects: It was prohibited to partake of the bread, oil, or wine of other nations in order to prevent intermarriage with their daughters.

Concerning Mikvah, one regulation only was enacted; viz.: If the water running out of a rain-gutter flow directly into a Mikvah, the Mikvah is not invalidated; but if the water was intercepted by a vessel from which it flowed into the Mikvah, the latter becomes invalid; or even if three lugs of drawn water were poured into the Mikvah, they render it useless (see Tract Mikvaoth).

Concerning Sabbath, two regulations were enacted: First: One shall not search for vermin or read before lamplight (on Friday night).* Second: One who was overtaken by dusk on the Sabbath eve while on the road must give his purse to a Gentile.

The learned reader who is not familiar with the intricate teachings of the Talmud, and even the student of the Talmud who has delved in its labyrinths of lore for the sake of probing into the ordinances and discussions contained in its volumes, will be quite amazed at the seeming unimportance and triviality of the above regulations, unless thoroughly comprehensive of the spirit of the Talmud and the object of the sages in their day.

At the time when these regulations were enacted and enforced,

* There are differences of opinion in the Gemara as to the division of the regulations. Some hold that they should be grouped, while others would count them separately. The matter is of no importance, however, and hence we have grouped them in conformity with the number stated by the Mishna.

there appeared no reasonable grounds for their enactment; and even the reasons advanced by the Gemara itself in a faltering, groping manner are in many instances quite absurd. Entirely contrary to their usual custom, the sages themselves did not base these regulations upon any inference, analogy, passage, or ordinance contained in the Holy Writ, a very remarkable occurrence indeed. Furthermore, at a casual glance, the student will not find in any one of the regulations a motive based even on common sense.

Strange to say, it has also occurred that our excellent Hebrew poet L. Gordon, in a poem pungent with deepest sarcasm and pointed ridicule, commented upon these eighteen regulations, saying, amongst other things: "Not for political purposes, not for the improvement of the government moral or material, did our sages seclude themselves in their attic, but merely to prohibit matters as trivial and absurd as that of reading by lamp-light on the eve of Sabbath," etc.

Had the poet, however, devoted deeper study and closer research to the environments, influences, and conditions prevailing in the days of these sages, he would readily have discovered that the greatest political import, the gravest questions of government both moral and material, actuated the institution of these apparently ridiculous regulations, all culminating and leaning towards the accomplishment of one great object; viz., that of keeping the small nation of Jews intact and guarding it from the dangers menacing it not only from the exterior world but from its interior vampires and oppressors.

It should not be overlooked that when the deliberations anent these regulations were about to be commenced, the hall used for the session was closely guarded by men armed with keen-edged swords, under instructions to permit all who desired to enter to do so, but to instantly thrust their swords through any one endeavoring to retreat; and what was the discussion commenced with? Merely an argument determining the uncleanness of certain vessels, which the priests could not approach (as will be seen farther on). Still, Hillel the Prince, the mighty sage, sat before his old-time opponent Shamai, and listened to him with the most profound attention and reverence, just as if he were the least among his disciples.

This historical fact was but another item in inducing us to digress from our established method and insert the eighteen regulations, together with the explanation of their importance; for

had we not done so, it is highly probable that we would have called down the criticism of many scholars who could not overlook such an omission.

At no period in the history of the Jewish race do we find so much deliberation, profundity of thought, and depth of calculation in evidence as at the time when the sages secluded themselves in the attic of Hananiah ben Hizkyah. *There* it was, that means were devised to keep the nation of the Jews—whose friends were always in the minority, and whose enemies, not only abroad but in their very midst, were as the sands of the sea—intact and proof against annihilation.

All of the literature current among the masses was carefully scanned and revised. The ethical code was reinforced, and wherever necessary purged of objectionable matter. This censorship was carried to such an extent that it was attempted to reject even Proverbs, Ecclesiastes, and Ezekiel as undesirable; and it was only with great difficulty that those in authority were prevailed upon to let them remain. The records of ancestry, however, tracing the descent of every existing family, which were the pride of the people, as well as all works treating of medical science and the art of healing, were buried and hidden beyond recovery. Even the Apocrypha were eliminated from the Holy Writ and declared ordinary literature, and many other writings unknown to us even in this day, as well as all secret scripts, were thoroughly revised and made adaptable to the existing times and circumstances. All this, and more, was done with the sole purpose of preserving the integrity of the Jewish race and preventing its absorption by other nations.

Thus it was commenced to accustom the Jew to study and thought, and as an outcome of this period of virtual renaissance the eighteen regulations were enacted with two prime objects in view, as follows:

Firstly, to diminish as far as possible the constantly growing domination of the priests; for the high-priestdom, with which the supreme governing power was identical, could be purchased with money, and more especially because the number of priests in the last century prior to the destruction of the Temple had grown to such a vast proportion that those in actual service alone numbered little short of twenty thousand. Apart from these were those who did not perform actual service, while enjoying all the immunities and privileges of their rank as priests, and they were: Priests who had the least blemish on their bodies;

those whose descent or even whose wives' descent left the least room for doubt; and the wealthy and influential priests who would not perform the menial duties of priests, but left them to the less fortunate and more insignificant of their number. (See "Die Priester und der Cultus," by Dr. Adolf Büchler, Vienna, 1895.)

Of such men was the party in power composed, and they made but too free a use of their authority. As a matter of course, restrictions had to be provided wherewith to relieve the oppressed.

Secondly, the object was to prevent the amalgamation of the Jews with the other nations with whom they were in daily and constant association.

Now for the manner in which the first object was about to be accomplished.

Quite some time previous to the time of which we are treating, the laymen had, after a hard struggle, succeeded in divesting the priests of their spiritual power (*i.e.*, the right to decide all questions pertaining to religious and ritual matters, whether a thing was allowed or forbidden, clean or unclean, etc.), by proving that the priests were far too ignorant to be competent judges.* This struggle had been going on since the days of Nehemiah, for prior to his day the priests were the sole judges both in spiritual and in temporal affairs, claiming their privilege in accordance with the passage [Deut. xxi. 5]: "And after their (the priests') decision shall be done at every controversy and every injury." Having wrested the spiritual power from the priests, the supervision of all religious and ritual matters was conferred upon the Pharisees, who henceforth were the recognized authorities in the interpretation of the Law. This accomplished, the next step decided upon was to limit as much as possible the temporal power of the priests: it was decided not to do this in too precipitate a manner, but cautiously and unostentatiously, using as a medium regulations seemingly unimportant, but the hidden motives of which were far-reaching in their consequences.

The time of Hananiah ben Hizkyah was the more opportune for such a *coup d'état*, as by that time the Pharisees had obtained the upper hand of all other existing sects, notably the Sadducees.

* See Haggai ii. 13 and 14.

Now, inasmuch as it proved to be an easy matter to enact laws by means of which the Jews would be prevented from amalgamating with other nations, such as the prohibition of partaking the bread, oil, etc., of Gentiles, the proclamation declaring the children of heathens unclean (to prevent the children of Jews from joining them at play and thus forming attachments), and the women of the Samaritans, the deadliest enemies of the Jews, unclean (in order to prevent their employment as servants by Jews), it was but little more difficult to devise laws which would forever break the oppressive domination of the priests in a mild but nevertheless effective manner.

The first step necessary for the accomplishment of this desirable end was to completely destroy the system of espionage practised by the priests, and which was carried on to such an extent that spies were constantly prying into actions and even utterances in the houses of the laymen. This was, however, by no means an easy task, from the very fact that the priests were virtual shareholders in all the possessions of the laymen. One fiftieth of all grain raised by the peasants was their share as *Therumah*; one tenth of such grain comprised the tithe, and one tenth of the tithe belonged to the priests individually; the first of the dough, the first of shorn wool, the parts of slaughtered cattle, the firstlings of cattle, the firstfruits of trees and produce, all belonged to the priests; and it was but natural that they were to be found in the houses of the laymen at all times, whither they would come not to humbly ask for their donations, but to demand it as the rightful possessors and shareholders. Nor were they at all backward about taking a hand in the management of all other affairs of the layman, under the plea of guarding their own interests; and thus at times willingly, sometimes unwillingly, they were the spies of the higher authorities of the government.

The question then arose how to find a place where the deliberations for the suppression of this constantly growing evil could be held without the presence of the spying priests; and to meet the exigencies of the case, an old decree that had been promulgated in the early days of the existence of the Temple was again called into being and made effective. The decree was the one enacted in the time of Jose ben Joezer Ish Izreda and Jose ben Johanan the Jerusalemite, and read: "All the lands outside of Judæa are unclean" (*i.e.*, all eatables and beverages containing any degree of sanctity whatever are rendered unclean by coming

in contact with the soil of those lands outside of Judæa, but aside from such eatables and beverages nothing was rendered unclean). Now, the only eatables and beverages containing any sanctity whatever, which could be found outside of Jerusalem, where the sacrifices and other sanctified articles were brought, were the gifts and the Therumah set aside for the priests. Thus we see that the declaration of uncleanness, ostensibly directed against all eatables containing any degree of sanctity, was in reality directed against the Therumah of the priests, while the priests themselves were flattered by the elevation of the Therumah to the degree of highest sanctity, and its object will be apparent from the following argument:

The Therumah is invested with sanctity only when it is separated from the bulk, but while still a part of the entire crop it is regarded as ordinary grain. If the Therumah were separated from the bulk in any land outside of Judæa, the moment it comes in contact with the soil it becomes unclean and unfit for use. This fact made it necessary to separate the Therumah in Judæa. The transportation of the entire crop to Judæa for such a purpose involving too much labor and expense, part of the crop was set aside in the field, and from that part a sufficient quantity was separated and sent to the holy land. There the quantity of the Therumah (which according to biblical ordinance could have been only one grain, but according to established custom amounted to one fiftieth of the entire crop) was separated from the quantity sent. The consequence of this mode of procedure was, that the presence of the priest at the place where the crop was harvested was no longer required, as he could not demand his share outside of Judæa. Thus it was rendered possible to hold a convocation where the presence of the priest was no longer to be dreaded.* It seems that up to the time of Hananiah ben Hizkyah this decree had been evidently disregarded or not sufficiently effective,† for we see that eighty years

* At the same time that the decree declaring all lands outside of Judæa unclean was promulgated, glassware was also declared unclean, while prior to that time glassware had not even been susceptible to uncleanness. We cannot state positively whether this was done in order to render the first decree less conspicuous or to prevent the priests from being present at the places where glassware was manufactured, which were all outside of Judæa. Be that as it may, it can safely be assumed that the measure was another political ruse.

† It was not sufficiently effective because, in order to circumvene the decree, the priests brought chests to the lands outside of Judæa in which to store the bulk of the grain before separating the Therumah, and thus prevent the contact of the latter with the soil. This we presume from a hint of Rashi to that effect.

prior to the destruction of the Temple it was again promulgated, and this time reënforced with the declaration that even the atmosphere of all lands outside of Judæa was unclean and all articles containing any degree of sanctity were rendered unclean by contact with such atmosphere.

The eighty years before the destruction of the Temple correspond with the time of Hananiah ben Hizkyah, and it is quite possible that the sages called by the Talmud "the sages of the eighty years" were the same that took part in the deliberations in the attic, and that, in order to secure at least one place where they could hold a convocation undisturbed by the priests, they declared even the atmosphere of the lands outside of Judæa unclean.

The Talmud relates, also, that in the city of Usha the decree was reënforced for the third time with the declaration that all articles rendered unclean by the atmosphere of such lands were not only to be rendered useless, but were to be immediately burned, as a precaution lest a priest might accidentally make use of them.

Still, the decree was not as effective as it should have been, as long as the priest could come and announce that he would use his share of the Therumah for seed or dispose of it as seed, and to meet this exigency the sages of the attic first of all decreed that the crops raised from clean or unclean Therumah, used as seed, were clean or unclean respectively.

Again, means had to be devised to rid the laymen residing in Judæa proper from the obnoxious presence of the priests at all times; for at harvest-time, or when the grain was brought from the lands outside of Judæa, the ever-watchful priest was on hand. To this end the subsequent regulations concerning Therumah were enacted and gradually reënforced. Thus at first a man who had eaten a thing unclean in the first degree rendered Therumah useless; then a man who had eaten a thing of the second degree of uncleanness, until finally even a sacred scroll, or even a hand that had come in contact with a sacred scroll, and last of all a hand that was not known to be positively clean, rendered Therumah useless. All this was done with the sole object of keeping the priests out of the houses of the laymen, and rather bring the Therumah to them than have them come to demand it. Should they come in spite of this, it was not difficult to find a pretext for calling the Therumah unclean. In order, however, not to make the purpose of these regulations

too apparent, and thus give offence to the priests, other regulations were enacted in conjunction with these, which, while of no value whatever in themselves, acted as screens for the actual intentions.

It is now not difficult to explain the historical sensation caused by the deference shown by Hillel to Shamai at the commencement of these deliberations, and the reasons which prompted the posting of an armed guard at the entrance of the hall. Hillel, in his capacity as a prince of Israel, was somewhat too timid to proceed against the priests in too harsh a manner; but the masses were so much incensed against their oppressors, and so deeply conscious of their grievances, that he could not stem the popular tide against them. In this emergency it was Shamai, under ordinary circumstances of lesser consequence than Hillel, that proved to be the champion of the popular cause; and in order to insure for him a telling majority when the question came up for a final vote, the doors of the hall were guarded so that none could leave, while all were allowed to enter. Seeing the patriotism and popularity of Shamai, the prince could not help bowing to popular sentiment and showing respect to the favorite of the hour.

It would require a volume of many, many pages to demonstrate how each one of the regulations instituted was directed against the priests, how deeply it injured them, and in what measure it curtailed their previous unlimited sphere of action; also, especially, how the dispute between Hillel and Shamai concerning the susceptibility to uncleanness of vessels used at grape and olive pressing concerned the priests. Even then, a person not thoroughly imbued with the spirit of those times could scarcely understand it; but we would request that the eighteen regulations be again carefully perused, and it will readily be observed by even the casual reader, from the hints given, that the ten ordinances* relating to Therumah were directed entirely against the priests, and the four concerning uncleanness were in part against the priests and in part against mingling with other nations; as for the regulation against mingling, that goes without saying, while the regulations concerning the Mikvah and Sabbath were but incidental and trivial matters intended as a screen for the grave importance of those mentioned.

* We have not enumerated the ordinances in their regular order of sequence as to the time, for they are scattered in the Talmud without any order, but arranged them more in accordance with their importance and severity, according to the commentary of Rashi.

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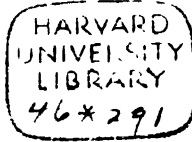
**Original Text, Edited, Corrected, Formulated, and
Translated into English**

BY
MICHAEL L. RODKINSON

**SECTION MOED (FESTIVALS)
TRACT ERUBIN**

Volume III.

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EXPLANATORY REMARKS.

In our translation we adopted these principles:

1. *Tenan* of the original—We have learned in a Mishna; *Tanis*—We have learned in a Boraitha; *Itemar*—It was taught.
2. Questions are indicated by the interrogation point, and are immediately followed by the answers, without being so marked.
3. When in the original there occur two statements separated by the phrase, *Lishna achrena* or *Walbayith Aema* or *Ikha d'amri* (literally, "otherwise interpreted"), we translate only the second.
4. As the pages of the original are indicated in our new Hebrew edition, it is not deemed necessary to mark them in the English edition, this being only a translation from the latter.
5. Words or passages enclosed in round parentheses () denote the explanation rendered by Rashi to the foregoing sentence or word. Square parentheses [] contain commentaries by authorities of the last period of construction of the Gemara.

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INTRODUCTION TO TRACT ERUBIN.

THIS Tract, virtually the third of the Sabbath series, treats of subjects similar to those discussed in the first two. The main point of difference is, that most of the laws laid down in the preceding two volumes are founded on biblical behests, while those instituted in the present volume are of purely rabbinical origin, notwithstanding the assertion of a solitary individual who appears in the course of a debate and declares that the legal-limit branch of the Erub is a biblical enactment.

A remarkable feature of the Tract is the exposition of the manner in which the shrewd sages circumvene the rigorous prohibitions contained in the Tract Sabbath and how they take advantage of every loophole afforded them through imperfections in the law, at the same time avoiding any palpable infraction of the law itself.

As already explained in the introduction to Volume I., the restrictions with which the Sabbath was surrounded had their unquestionable political import, but their very rigor made the sages, than whom none knew the people better, doubt whether enforcement and still less voluntary observance could ever be possible. It became necessary, therefore, to find some way of modifying the law, not directly, but by the institution of other in a measure counteracting laws. The solution for this problem presented itself in the "Erub" (literally "commixture") ordinances, the first results of which were to bring about a distinction between the different kinds of ground inhabited by man. Lines of demarcation between public, unclaimed, and private ground and ground which was under no particular jurisdiction were strictly drawn. Whatever ground, however, could be made by hook or crook to come under the category of private ground was eagerly included, as in the latter things could be carried about at will. In order, therefore, to have as much private ground as possible, each man having an interest in public ground would relinquish or transfer his right to his neighbor and thus make it communal or private property. Of course, this could be

done only among Israelites, and where a Gentile had an interest in a piece of coveted ground, his share had to be bought outright.

It was this desire to be in the same neighborhood, yea, even on the same grounds, that laid the foundation of the subsequent Ghettos, still flourishing in most of the large cities of the world. How this communal living was fostered may be readily understood, when it is stated that the sages permitted the execution of a written instrument in Palestine on the Sabbath, under ordinary circumstances a grave offence, where a piece of property had to be purchased from a Gentile for communal purposes. (See Gitin, 8b, and Schulchan Aruch Orach Chaym, 306, §11.)

The name of this Tract may be said to have a certain significance. The Hebrew word "Erub" has a variety of meanings, among them "commixture," as stated, "agreeable," "secure," and "safeguard." As the discussions in the Tract will demonstrate, either one of these meanings may be applied to the appellation of the Tract and still express the purpose of the laws ordained. By those laws the observance of the Sabbath was made "secure," they proved a "safeguard" against "amalgamation" or "mingling" with other nations, and by virtue of the modification to the laws of Sabbath which was brought about, the observance of the Sabbath was made more "agreeable." Several other meanings might be utilized in the same manner, but lest they seem far-fetched they are omitted.

Another peculiarity of this Tract is that under no circumstances and on no occasion is the derivation of a law enacted in this particular Tract inquired into, and unlike other tracts there will not be found a single query as to where the Mishna derives the law. For want of other sources the institution of the Erub has been attributed to King Solomon, *vide* page 51.

The main subjects of discussion in the following pages will be how this Erub shall be effected, what materials shall be used to bring about a commixture, how entries (by which is meant the entry to a court or a yard where an aggregation of families reside) are to be arranged, and the like.

Altogether there are four kinds of Erubin, only three of which will be discussed in this treatise. They are: The combining of courts, the combining of limits, and the combining of streets, also known as junction. The other commixture is called combining of cookery, which will be treated at length in Tract Yom Tob.

The combining of courts deals with the regulations by the observance of which various houses standing in one court are joined together into one common ground, thus enabling the householders to carry and convey articles to and from one another. The combining of limits treats of the regulations through which the distance of two thousand ells, beyond which no Israelite is allowed to travel on the Sabbath, may be legally extended.

The combining of streets treats of the rules to be observed in the case of narrow streets and public places which can be turned into private ground under certain conditions.

Finally, it may be well to add that, of all the difficult and complicated treatises in the Talmud, the Tract Erubin is by far the most difficult, and in a great many places almost incomprehensible to other than the most careful students.

THE EDITOR.

NEW YORK, *September*, 1897.

SYNOPSIS OF SUBJECTS

OF

VOLUME III.—TRACT ERUBIN*

CHAPTER I.

MISHNA I. treats : If an entry be higher than twenty ells. The size of the height is based upon the door and the porch of the pillars of the temple, or palaces of kings. If the cross-beam was partly above twenty ells, and partly below. The ell used at a booth and an entry measures five spans, but the ell used at Kilaim is six spans. The several prescribed quantities, the intervention of articles, and the ordinances concerning the walls of entries and booths were given by Moses at the Mount Sinai, and also Gud, Lavud, and crooked walls. About Kal Vochomer (*a fortiori*), which comes very often in the Talmud. The people there were ignorant, and had to be given a liberal interpretation of the ordinance. How must entries facing public ground be combined by an Erub? May the rigorous ordinances of two Tanaim be applied to one case? What was decided about a village of a shepherd, where was an entry which opened into a vacant yard. May the space underneath the cross-beam be used? The law about an entry which was provided with a number of side-beams (with the illustration). The law about a missing portion of the wall, perceptible from the inside or from the outside (with their illustrations). Whether an entry measuring twenty ells could be reduced to thirteen and a third if built as illustrated? What R. Jehudah taught to R. Hyya, the son of Rabb, and how Rabb corrected. How an apparent door is to be made, 1-22

MISHNA II. What is required to legalize the carrying within an entry. How the sages were very lenient with all things pertaining to water. Whether water may be taken from an arm of the sea which enters a courtyard. There is a tradition about an entry that can be legalized by a side or cross beam. Why was Rabbi, or Rabb, more sagacious than his colleagues? Why were the school of Hillel favored? Because modest. Two years the schools of Shammai and Hillel disputed whether it were better that man had not been created as he was, 22-28

* See introduction to synopsis in Tract Sabbath, Vol. I., p. xxix.

MISHNA III. The cross-beam must be wide enough to hold a half of a brick. About a cross-beam put up over an entry but not reaching the opposite wall. Anything measuring three spans in circumference is one hand in width, 28-31

MISHNAS IV., V., VI., and VII. The height and thickness of the side-beam. How much is meant by thickness "whatever it may"? About a side-beam standing of itself. There was a pillar about which Abayi and Rabha differed all their lives. Side-beams may be made out of anything. Every open space ten spans wide may be used as an entry. The open space must not exceed in extent the fence proper. How can it be that there should be a contradiction and still the Halakha should prevail according to it? A fence may also be constructed with three ropes, or with cane-laths. Any partition not constructed on the principle of warp and shoot, whether it is a partition? I swear by the law of Moses, and by the prophets, and by the Hagiographa, that Rabh said this. It makes absolutely no difference, be it a caravan or an individual, in an inhabited place or in the desert. The four privileges granted to warriors in the camp, 31-39

CHAPTER II.

MISHNA I. How enclosures are to be made around wells (and illustrations.) To make an enclosure around a well of rain-water is permitted only to the pilgrims to Jerusalem. Adam, the first man, had a dual face. The Lord was sponsor to him. The fires of hell cannot gain access to the bodies of the sinners of Israel; Abraham the patriarch, seeing that they are circumcised, rescues them. How much in size must the larger part of a cow be reckoned? May things be carried from a courtyard opening into the enclosure around a well, and *vice versa*? I have heard that ye go to the Synagogue of Daniel on the Sabbath; upon what grounds do ye do this? In the time that Solomon the king ordained the law of Erubin, a heavenly voice was heard. Solomon said three thousand proverbs for every one of the biblical commandments. The commandments are to be fulfilled to-day, and the rewards will be in the world to come. If a public thoroughfare passes through an enclosure. The paths by which the mountains of Palestine are ascended do not come under the head of public ground, . . . 40-55

MISHNAS II. and III. An enclosure of boards must be made only for a public well. The difference in the opinions of R. Jehudah b. Babah, R. Aqiba, R. Eliezer, and R. Jose, about a garden or woodshed over seventy ells square. How can one hundred ells in length by fifty by fifty in breadth (Ex. xxvii. 18) be understood? If a woodshed of more than two saahs' capacity was fenced in for a dwelling. In a bleaching-ground (behind a house) things must not be carried except for a distance of four ells. What was done by R. Huna bar Hinana, R. Papa, and R. Huna, the son of R. Joshua in reference to a garden on the estate of the Exilarch containing a pavilion, 55-61

CHAPTER III.

MISHNA I. With what kind of victuals may the Erub be effected? "The man who will explain to me the dictum of Ben Bagbag concerning the oxen,

I will carry his clothes after him to the bath-house." The prescribed quantities of victuals for an Erub. R. Jeremiah went out into the villages and was asked whether an Erub may be made with bean-pods. "May the lord forgive R. Menashiah bar Shegublick. I said this to him in reference to a Mishna, and he said this in reference to a Boraitha." Abayi said: My mother told me that roasted ears are good for the heart, and drive away care, etc. An Erub must not be made with consecrated things. There are sages who hold that the prescribed quantities which are dependent upon the size of man should be measured accordingly, 62-70

MISHNAS II., III., IV., and V. Whether an Erub may be made of things consecrated, or from which heave-offering, etc., has not been separated. When a man sends his Erub by the hand of a deaf and dumb person, an idiot, or a minor. The difference of opinion between R. Na'hman and R. Shesheth, whether the established rule that a messenger will perform his errand holds good in rabbinical things only, or also in biblical. If he had put it into a pit, where is the pit supposed to be situated? If the man should put the Erub on top of a cane or pole, into a cupboard which he locked and then lost the key, the Erub is nevertheless valid, providing it was a festival. On Sabbath, however, it is not valid. If the Erub rolls (or is moved) out of the limit of the Sabbath distance? If the time when it took place is doubtful? If a clean and unclean loaf were before a man, and he was told to make an Erub with the clean one, but did not know which was which? Said R. Na'hman to Rabba: If thou wilt measure a whole kur of salt and present me with it, I shall tell thee the answer. A man may make his Erub conditional. If one of the two sages had been the man's teacher, he must go to meet his teacher. It frequently happens that a man has a greater fondness for his colleague than for his teacher. Why can he not make it conditional upon the arrival of sages from opposite directions? R. Jehudah does not admit of the theory of premeditated choice. Who is the Tana who holds that the sages also discountenance the theory of premeditated choice? 71-82

MISHNAS VI., VII., VIII. If a festival precedes or succeeds a Sabbath, how must it be done? Have two days of the festival each a separate degree of sanctification? The opinion of the four old sages is in accordance with or contrary to Eliezer's decision. Is an Erub of the first day valid for the east, and of the second for the west? My Erub shall be valid for the first day and on the second I am like my townsmen. What was said to the men who prepared baldachins for marriages. How is it with the benediction of the time on the days of New Year and the Day of Atonement? How the rabbis sent a man to R. Hisda to see his custom about the benediction of time. Must a fast be completed on a Friday? 82-92

CHAPTER IV.

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and R. Aqiba disputed the whole day on board the ship. The supposition that the seven Halakhas related on the same Sabbath in the morning in Sura, and in the evening in Pumbaditha, were through Elijah the prophet. How a partition with men can be made. It once happened that flasks of wine were thrown out of Rabba's house on the road in the city of Mehuzza, and what was done with them, 93-100

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TRACT ERUBIN.

CHAPTER I.

REGULATIONS CONCERNING THE WIDTH AND HEIGHT OF AN ERUB
CONSTRUCTED IN STREETS INHABITED SOLELY BY ISRAELITES,
AND REGULATIONS CONCERNING THE CONSTRUCTION OF AN ERUB
BY A CARAVAN.

MISHNA: If an entry * be higher than twenty ells, it should be lowered. R. Jehudah said: "This is not necessary." If it be wider than ten ells, it should be made narrower, but if it have the appearance of a door, even though it be wider than ten ells, it need not be made narrower.

GEMARA: We have learned in a Mishna [Sukkah, I. *a*] that a booth which is higher than twenty ells is unfit for use, and R. Jehudah said, that it may be used. Why does the Mishna in the case of an entry decree, that it should be remedied by lowering, while in the case of a booth it declares it unfit for use? Because in the case of a booth a number of other defects are mentioned in connection with the excessive height and each of those would require a special explanation as to how they were to be remedied, whereas in the case of an entry only two things are to be corrected, and the remedy for them is taught.

R. Jehudah said in the name of Rabh: The difference of opinion between the sages and R. Jehudah is based upon the door and the porch of pillars in the temple. We have learned in a Mishna, that the door of the Temple was twenty ells in height and ten ells in width and that the porch was forty ells in height and twenty ells in width. The sages compare the entry with the door and R. Jehudah compares it with the porch of the Temple, which was also more or less a door; and why does R. Jehudah say, that the porch is also a door, because it is written [Ezekiel

* For explanation of this term, see Introduction

xv. 48], "the porch of the house," and that is equivalent to the door of a house. Why do not the sages hold the porch to be a door? Because, were it written, "the door of the porch," the porch might also be considered a door; but as it is written, "the porch of the house," it means the porch which opens towards the house, but not a door to the house.

How can it be that R. Jehudah bases his dictum on the porch of the house? The porch was twenty ells in width, and when the Mishna decrees that if the entry be wider than ten ells it must be made narrower, he does not dissent? (Why did he not say, that it was not necessary to lessen its width?) Said Abayi: In the following Boraitha he does dissent as we have learned: "If the width of the entry exceed ten ells it should be made narrower, but R. Jehudah says, it is not necessary." Why is this omitted in the Mishna? He disputes with the sages concerning the height, hence it is evident that he also disputes as to the width.

Again: How can it be that R. Jehudah bases his dictum upon the porch of the house? Have we not learned in a Boraitha, that if an entry exceed twenty ells in height, it must be lowered? R. Jehudah, however, says, that it may be made even forty or fifty ells in height, and Bar Kappara taught, that it may be even one hundred ells high. As for Bar Kappara, it is assumed to be an exaggeration; but as for R. Jehudah it cannot be considered merely an exaggeration, because he bases his dictum upon the porch of the house, and that was only forty ells in height. Why does he say "or fifty"? Whence his basis for such an assertion? Said R. Hisda: Rabh erred on account of the following Boraitha: "We have learned, an entry which is higher than twenty ells, thus exceeding the height of the door of the Temple, should be lowered." Now Rabh assumed, that if the sages base their teaching upon the *door* of the Temple, R. Jehudah bases his dictum upon the *porch* of the Temple, but this is not so! R. Jehudah does not consider the Temple at all, but uses as a basis the palaces of kings, the doors of which attain excessive heights.

What is the law concerning an entry, the cross-beam of which was partly above twenty ells in height and partly below, and also concerning the covering of a booth, part of which was over twenty ells in height and the other part lower than twenty? Said Rabba: "An entry is made invalid by it but a booth is not affected." Why does he say that a booth is not affected by it?

Because we assume that part of the covering of a booth, which is above twenty ells, to be so frail that it does not matter. Cannot the same thing be said concerning the cross-beam of an entry? If this were said with reference to a cross-beam, then it will seem as if there is no foundation for the cross-beam, and it is suspended in mid-air. Is this not the same with a booth? If it be said, that that part of the covering of the booth is so frail that it amounts to nothing, it cannot serve as protection against the sun and there will be more sunshine than shade, and this would make the booth invalid? But, as such is not the case and the frailty of the covering is as a matter of fact only imaginary, it does cause more shade than sunshine, and the booth is not made invalid, why should it not also be the same with the cross-beam, the frailty of which is also only imaginary while in reality it is as firm as if fastened with nails? Said Rabha of Parzekai: "If such a defect occur in a booth, which is intended for the personal use (of a man), it will be remedied through the thoughtfulness of the man (who is bound to keep the commandment properly), but a cross-beam of an entry which is intended for public use will be neglected, because one man will rely upon another to remedy the defect, as the proverb goes, that a pot used in common is never warm nor cold" (one relies upon another to keep it in its proper condition). Rabhina said: The booth being a fulfilment of a biblical commandment needs no further safeguard, for it will be kept under any circumstances; but the entry being a purely rabbinical institution must not leave any loopholes, by which the entire law may eventually be circumvented.

What *is* the law, finally? Rabba bar R. Ula said, "Both are invalid," and Rabha said, "Both are valid," why? Because the twenty ells refer to the *space* between the ground and the cross-beam or covering, respectively, and even if part of either be above twenty ells, the space is not changed in volume. Said R. Papa to Rabha: I know of a Boraitha confirming this statement: "An entry which is more than twenty ells high and thus is higher than the door of the Temple should be lowered, and the space between the ground and the ceiling in the Temple itself was twenty ells high." R. Shimi bar R. Ashi objected to this: "We have learned further on, how should we remedy the defect in the entry? The cross-beam should be laid below the limit of the twenty ells!" Do not learn in the Boraitha, "below" but "above" the limit of the twenty ells. The Boraitha, however,

distinctly teaches "below"? This "below" refers to a booth which was less than ten spans high and which must be made higher so that the space between the ground and the ceiling should be no less than ten spans, in the same manner as it must not be higher than twenty ells.

Abayi said in the name of R. Na'hman: "The ell used at a booth and at an entry measures five spans, but the ell used at Kilaim is six spans." For what legal purpose does R. Na'hman relate this? This is taught for the purpose of determining the height of an entry and for measuring a breach in the wall of an entry. (If the breach be over ten ells wide, the entry is invalid, and the ell used for measurement is the one of five spans only.) Why is the width of a breach and the height of the entry *only* mentioned? There is also width to be considered in an entry, for did not R. Na'hman state, that an entry must not be less than four ells wide? What ells are these? If they are four ells of the lesser standard, R. Na'hman makes the ordinance more lenient? The ells in an entry, as a rule, are those of the lesser standard, but as for the width, those of the greater standard are used. Further, R. Na'hman said, that the ell used at a booth also measures five spans. For what purpose did he state this? For the measurement of the height of the booth and the crooked walls* of the booth. There is also the width of the booth to be considered, however, and that should be four ells? Will not the ordinance regarding the width be made more lenient thereby of twenty spans only? The ells of a booth generally are of five spans, but as for width the ells measuring six spans are used. What does R. Na'hman intend to specify, by stating that the ells used at Kilaim measure six spans? He refers to seeds planted in the superficies of a vineyard and to a barren spot in a vineyard (as explained in Tract Kilaim). But there is a vineyard in which the vines are planted at less intervals than four ells and the opinions of the sages differ as to whether such a vineyard is called a vineyard in a legal sense (and if the ells be measured according to the statement of Na'hman it is made more lenient? Because if the four ells be of the lesser standard the commandment of Kilaim is not applied.) The statement of R. Na'hman is made for a rule but did not include the above vineyard. The ells of a vineyard are generally used of six spans, but not for the width. But Rabha said in the name of R.

* The crooked walls will be explained in Tract Sukkah.

Na'hman: All ells measure six spans, but in Kilaim are measured with long spans and in entry and booth with short spans to make it more rigorously.

R. Hyya bar Ashi in the name of Rabh said: The several prescribed quantities (as mentioned in Tract Sabbath), the Chatzitzah (intervention of articles at bathing), and the ordinance concerning the walls of an entry and of a booth are ordinances given by Moses at the Mount Sinai. How can it be said, that these are Sinaic laws, they are biblical laws? For it is written [Deutr. viii. 8]: "A land of wheat and barley, and of the vine, and the fig-tree and the pomegranate; a land of the oil-olive and of honey." And R. Hanan said, that the whole verse refers to prescribed quantities: "By wheat is meant, what we have learned elsewhere in a Mishna [Negaim xiii. 9]: If a man clad in garments and shoes entered a house where leprosy was prevalent, he immediately becomes unclean, but his garments, shoes, etc., do not become unclean, until he remains there a length of time sufficient for the consumption of bread of the quantity of two eggs, wheaten bread but not barley-bread, and when eaten in a reclining position with some other dish. By barley is meant, what we have learned elsewhere [Ohaloth ii. 3]: If a bone of a corpse is the size of a (grain of) barley, it makes a body unclean, when touched or carried, but it does not make unclean the contents of a tent, if found therein. By vine is meant: If a Nazarite drink a quarter of a lug of wine he ceases to be a Nazarite and must bring a sin-offering. By fig-tree is meant, that one is guilty of carrying on the Sabbath, if he carries anything of the size or quantity of a dried fig. By pomegranate is meant, what we have learned elsewhere [Khelim xvii. 1]: Any vessel belonging to a household, if it have a hole as large as a pomegranate, is not subject to defilement any more. By a land of the oil-olive is meant a land where all prescribed quantities are of the size of an olive. [All prescribed quantities? What about those just mentioned? Say, a land where the majority of the prescribed quantities are of the size of an olive.] By honey is meant, that if a man ate anything the size of a fresh date on the Day of Atonement, he is guilty."

How can the passage be understood in this manner? No prescribed quantities are mentioned in the passage? We must say, therefore, that those laws are Sinaic, but the passage is merely a mnemotechnical basis for them. And Chatzitzah, is that not also biblical law? It (as) is written [Leviticus xv.

16]: "Then shall he bathe all his flesh in water." By all his flesh is meant, that nothing should intervene between his flesh and the water? The Sinaic law was necessary in order to stipulate, that there should even be no intervention between the hair and the water (not only between the flesh and the water). As was said by Rabba bar R. Huna: "If there was a knot in a single hair, there was certainly an intervention; but if three hairs were tied in a knot, there was certainly no intervention; but if two were tied together, the matter is doubtful to me." But even the ordinance concerning the hair is also biblical? For we have learned in a Boraitha, that by "all his flesh" is meant all attached to the flesh, and that includes the hair. The Sinaic law was necessary in order to stipulate the ordinances concerning the greater and lesser part of the hair, one who is particular with his hair and one who is not, as was said by the dictum of R. Itz'hak: "According to biblical law Chatzitzah is constituted only if the greater part of his hair was encrusted with loam or blood, etc., and the man is particular about his hair, but if he is not, it does not constitute intervention." The rabbinical laws, however, ordained as a precautionary measure, that if the larger part of his hair be encrusted even though he be not particular, it would constitute Chatzitzah, lest one who is particular would not consider it so, and they also ordained, that if the smaller part of his hair was encrusted and he is particular about his hair, it would constitute Chatzitzah, as a precautionary measure, for the sake of the one who has the larger part of his hair encrusted and is also particular about his hair.

The ordinances concerning the walls of a booth and an entry are also biblical? For the master said: "It is written, that the ark was nine spans high and the cover was one span thick, so the ark and cover combined were ten spans high, and this serves as a prescribed height for all walls." The Sinaic laws are necessary for the stipulation of the ordinances concerning Gud,* Lavud,† and crooked walls.

If the entry was higher than twenty ells and is to be lowered,

* In many places of the Talmud the expression Gud is used to signify, that where a wall or a curtain is supposed to reach the ground or to reach the ceiling, and comes within three spans of doing so in either case, they are considered as if they were on a level with the ground or with the ceiling, the expression for the former being Gud Achith and for the latter Gud Assik; literally, "consider it bound down" and "consider it bound up," respectively.

† Lavud, attached. See note §, page 12, Vol. I.

how much lower should it be made? How much lower? As much as is necessary. The question here is, how much of the space below the cross-beam must be diminished in order to make the space only twenty ells high. R. Joseph said: "One span underneath the cross-beam is sufficient"; but Abayi said, four spans, and they differ merely as to the precautionary measure involved; the latter claiming, that one span may be impaired through stepping upon it, while the former holds that there is no danger of such a thing happening.

How is it if the entry was less than ten spans high and sufficient ground had to be excavated in order to make it the prescribed height? How much ground should be excavated? How much? As much as is necessary? The question, therefore, is not as to how much must be excavated in height, but in the width of the entry. R. Joseph said: "For the width of four spans," and Abayi said, "For four ells." (The reason R. Joseph says four spans in this case, while only requiring one span in the above case, is because in the first instance a wall for the entry already existed, and merely the space had to be diminished, but in this instance, if the wall is less than ten spans high, it cannot be considered a wall and by excavating the ground the wall will be made; hence four spans at least must be excavated in order to constitute such a wall, the wall of an entry. Abayi, however, holds that in this case four spans would be insufficient, and at least four ells are necessary, because an entry is not considered such, unless it is four ells wide.)

Said Abayi: "Whence do I know that four ells are required? From the statement of Rami bar Hama in the name of R. Huna, that if a beam protrude from one of the walls of the entry for a distance of less than four ells, it may serve as the side-beam of such entry and be valid, although it was not intended to serve for that purpose. If such a beam protrude for a distance of four ells or more, it is considered as part of the wall and cannot serve as a side-beam, but a new side-beam must be made in order to make the entry valid." (If a beam protrude from a wall of an entry and was even not intended to serve as a side-beam, it may be ever so small, it is considered as a side-beam for the entry and is valid. If it protrude, however, for a distance of four ells or more, and was not originally intended for a side-beam, it cannot serve the purpose, because the entire width of the entry is only supposed to be four ells and for that reason the protruding beam is considered part of the wall. Hence in order to make the entry

valid, another side-beam must be constructed. From this it may be seen, that Abayi bases his opinion concerning the width of the entry upon the dictum of Rami bar Hama, that an entry must be four ells wide.) R. Joseph, however, declares, that the decree of Rami bar Hama does not conflict with his own decision; for it is true that a beam, if it be four ells wide is not considered a side-beam, because it has not the appearance of a side-beam; still the reason for this is not because the width of the entry itself should be four ells, but because the side-beam is too large, and, as for the entry itself, it is sufficient, if it be only four spans wide.

Again, Rami bar Hama said, that if the beam be four ells wide, another side-beam is necessary. Where should the latter be put? Should he add the side-beam to the original beam, the size will be increased (and it will not look anything like a side-beam)? Said R. Papa: "It can be put on the other side of the entry." R. Huna bar R. Jehoshua, however, said, that the side-beam may be added to the original beam, but it should be made either higher or lower than the original beam (in order that it may appear as if it were added). The same R. Huna said also: "All this is said in a case of where the entry was eight ells in width (so that the protruding beam and the entry are of equal width), but if the entry was only seven ells wide and thus the width of the entry is less than the protruding beam, even according to Rami bar Hama, the entry is valid without the addition of another beam, because the entry being narrower than the beam is considered the same as a door." This ordinance is made lenient from an inference of a rigorous ordinance,* viz.: the ordinance concerning a court: If in a court one of the walls is entirely destroyed, nothing may be carried therein on the Sabbath, and neither a cross-beam nor a side-beam placed at the remaining walls alters its character. However, if the wall destroyed was only partially ruined and the remaining portion is larger than the breach, things may be carried therein. Hence in the case of an entry where a side or cross beam suffices for the entire wall, if the wall is wider than the space of the entry proper, in so much

* This is a case of where the peculiar Talmudical expression of *Kal Vochomer* appears in the text. The literal translation is "light and heavy," i.e., from the lighter to the heavier or from minor to major. In the "Introduction to the Talmud" by Prof. Dr. Mielziner an entire chapter is devoted to the explanation of this term (pp. 130-141). However, no general term can be found to express its meaning, and the expression must be varied according to the demand of the text.

greater a degree is the entry valid for all purposes. R. Ashi, however, says, that even if the entry was eight ells wide, no additional side-beam is necessary, no matter in which way the case is assumed: If it be assumed that the closed part of the entry is wider than the entry itself (through some inaccuracy in construction), then the entry is valid because of that fact, and if it be assumed that the space of the entry is wider, then the closed part which is constituted by the beam may be regarded as a legal side-beam and then the entry is certainly valid; but it might be assumed, that both the closed part and the space were exactly equal; in that event it would constitute a doubtful case based on a rabbinical law, and such a case is always decided with leniency.

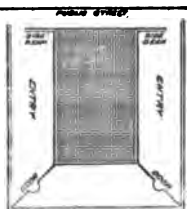
Said R. Hanin bar Rabha in the name of Rabh: "If the wall of an entry was broken for a distance of less than ten ells at the side the entry is valid; but if the front of the wall was broken for four ells (assuming that the entry was originally twenty ells wide and in order to make it valid, ten ells had been closed up, and of the ten ells of the new wall, four had been broken) the entry is not valid." Why is the entry valid if the wall was broken for a distance of ten ells on the side, because the breach can be regarded as a door? Why should not the same case apply to the breach in the front? Say that can also be regarded as a door? Said R. Huna bar R. Jehoshua: "In this case the breach is supposed to be in the corner, and a door is not generally made in the corner." R. Huna, however, said, that the same distance applies to both the side and the front of wall. In either case if the breach exceeds four ells, the entry is not valid. And thus said R. Huna to R. Hanan bar Rabha: "Do not dispute with me, for it happened that Rabh came to the city of Damharia and he acted there in accordance with my decree." R. Hanan bar Rabha answered: "This is not sufficient evidence for me, because in that case Rabh acted in a manner that precluded the possibility of doing wrong (*i.e.*, the people there were ignorant and had he given them a liberal interpretation of the ordinance, they would have taken advantage of it and disregarded the law in the future)."

Said R. Na'hman bar Itz'hak: "It seems to me that R. Huna was correct in his opinion from the following: It was taught: An entry made in the form of a right angle should, according to Rabh, be considered as an ordinary entry which is open on both sides and requires an apparent door on one side and

a cross or side beam on the other side, but according to Samuel it must be considered as a closed entry (and at both sides needs only a side-beam). Now, let us see! Shall we assume, that even if the entry was wider than ten ells, Samuel still regards it as a closed entry, and only requires a side-beam at each side; (and this being impossible, therefore we must rather assume, that the entry was only ten ells wide, and still Rabh regards it as an open entry and declares, that it requires an apparent door; hence we see that the breach on the side of the wall must also not exceed four ells in order that it may be regarded as a door. (According to Rabh then, not even ten ells in front can be regarded as a door until an apparent door is added. How can it be said that if a breach measure ten ells at the side it is regarded as a door?) What rejoinder will R. Hanan bar Rabha make? R. Hanan will claim, that an entry made in the form of a right angle is used so much, that it appears like public ground (hence an apparent door must be made, but as for a court, which is not used as a thoroughfare, even ten ells may appear like a door).

The Rabbis taught: How are entries facing public ground combined by an Erub? On one side an apparent door should be made and on the other a cross and side beam should be put up. Said Hananiah: The school of Shammai said, that doors should be made at both entries where they face the street, and when going out or entering, the man should close the door. The school of Hillel, however, said, that at one side a side and a cross beam should be made and at the other a door should be made. Commenting upon this, Rabh said, that the Halakha prevails according to the first Tana, and Samuel said, that it prevails according to Hananiah.

The schoolmen propounded a question: "Is a man, according to the opinion of Hananiah, quoting the school of Hillel, obliged to close the door or not?" Come and hear. R. Jehudah said in the name of Samuel, that he is not obliged to close the door. R. Mathna added: I was placed in that position at one time and Samuel said to me, that it must not be closed.



There was an entry (as shown in the illustration) at the city of Neherdai, to which the rigorous ordinances of both Samuel and Rabh were applied and doors were ordered to be made.

The rigorous ordinance of Rabh is the one pertaining to an entry which was made in the form of a right angle, and was

declared by him to be regarded as an open entry and in this case there were two openings towards the street. [Did not Rabh say above that the Halakha prevails as the first Tana? In this case the rigorous ordinance of Samuel was applied, who said, that the Halakha prevails according to Hananiah. But did not Samuel say, that an entry made in the form of a right angle is to be considered as a closed entry, and requires only side-beams? In this instance again the rigorous ordinance of Rabh was applied and it was regarded as an open entry, and at an open entry, according to Hananiah, quoting the school of Hillel, doors are also required.]

May, then, the rigorous ordinances of two Tanaim be applied to one case? Have we not learned in a Boraitha, that at all times the Halakha prevails according to the school of Hillel, but he who wishes to act in accordance with the school of Shamai, may follow that school exclusively both in the lenient and the rigorous ordinances, and he who wishes to act in accordance with the school of Hillel may follow *that* school exclusively in both lenient and rigorous ordinances. He who only follows the more lenient ordinances of both schools is a sinner, and he who follows only the more rigorous ordinances of both schools is referred to by the passage [Ecclesiastes ii. 14] as "the fool walketh in darkness."

Said R. Na'hman bar Itz'hak: The entry made in Neherdai was made in accordance with the decision of Rabh solely, but did not Rabh say, that the Halakha prevails according to the first Tana? R. Huna said in the name of Rabh, that the Halakha in theory remains according to the first Tana, but it should not be carried out in practice. But according to R. Ada bar Ahabha, who said in the name of Rabh, that the Halakha prevails according to the first Tana and should be carried out accordingly, was not the entry in Neherdai made according to the more rigorous decisions of both schools of Shamai and Hillel? Said R. Shezbi: It is not allowed to act in accordance with too rigorous ordinances of two schools only when they conflict with one another (*e.g.*, the ordinances concerning the back and the head as will be explained in Chulin). Wherever they do not conflict, however, they may be applied in one and the same case.

R. Joseph was sitting in the presence of R. Huna, and said: "R. Jehudah said in the name of Rabh, that the first Tana and R. Hananiah differed only when the entry faced a market on both sides; but if on one side there was public ground and on

the other was a valley which was considered unclaimed ground, all agree that an apparent door should be made on one side and a cross or side beam on the other side." R. Joseph then continued in the name of R. Jehudah alone and stated, that if the entry opened on one side into a vacant yard which in turn opened into public ground, nothing need be made at either end of the entry.

Said Abayi to R. Joseph: What R. Jehudah is supposed to have said himself, was in reality a decree of Samuel, because were it a decree of Rabh, he would contradict himself in either of two instances; for R. Jeremiah bar Abba said in the name of Rabh: "If the wall of an entry opening into a courtyard be entirely destroyed, and the wall between the courtyard and the street was broken only for a distance of less than ten ells, the courtyard is not invalidated but the entry is." Why! Say rather that the entry in this case is equal to one that faces a vacant yard, and, according to R. Jehudah, needs nothing at either end. (Where the contradiction in either of the two instances occurs is as follows: If R. Jehudah means to state, that the entry needs nothing at either end because it is an open entry, that would contradict Rabh in one instance, as R. Jeremiah bar Abba relates, that the entry is invalidated because it is made an open entry. If we assume, however, that R. Jehudah holds an entry, opening into a vacant place, to be valid even if nothing is made at either end, because the place was *vacant* and there were no inhabitants who could invalidate the entry by refusing to combine in an Erub, but, if there were inhabitants in that place, the entry would have been invalid unless provided with the necessary appliances. Here, however, Rabh, according to R. Jeremiah bar Abba, invalidates the entry because it is an open entry and not because of the inhabitants, and hence there would be contradiction in the other instance.)

Said R. Joseph to Abayi: "I know not whose decree R. Jehudah cited, but it happened in the village of a shepherd, that there was an entry which opened into a vacant yard and R. Jehudah was asked whether it was necessary to provide the entry with an apparent door or beams, and R. Jehudah answered that it was not. If this is contradictory to the opinion of Rabh, then let it be attributed not to him but to Samuel, and there will be no contradiction." Now what R. Shesheth said to R. Samuel bar Abba or, according to another version, to R. Joseph bar Abba, namely: I will explain to you, that the decree of

Rabh is not permanent. There are times when Rabh himself holds that the entry is valid, and this occurs, if the inhabitants of the courtyard and the entry made a joint Erub (common cause); but when such was not the case, he holds the entry to be invalidated, which proves to us, that the decree of R. Jehudah concerning the entry in the village of the shepherd may have also been in conformity with the opinion of Rabh, because the vacant yard had no inhabitants with whom the inhabitants of the entry could have made an Erub; for the decree of R. Jeremiah bar Abba in the name of Rabh does not invalidate the entry *because* it is made an open entry, but *because* there were no inhabitants in the vacant place with whom the inhabitants of the entry could combine in an Erub.

R. Joseph said: "When R. Jehudah declared, that an entry which opens into a vacant yard is valid even when nothing had been made at either end, he intended to state, that such was the case if the entry opened into the *centre* of the vacant yard, but if it opened into one side of the yard it is not valid." Said Rabba: "Even if the entry opened into the centre of the vacant yard, it is only then valid, provided it is not exactly opposite the opening of the yard into the street; if it *is* directly opposite, however, the entry is invalid. Said R. Mesharshia: "Even if the entry is *not* opposite the opening of the vacant place into the street, it is valid only if the vacant place was public property, but, if belonging to an individual (who might build on it and rent it to others), it will become equal to an entry which faces the sides of a vacant place and is not valid. Whence do you know, that there is a difference between public property and individual property? This is known from the narrative of Rabhin bar Ada concerning an entry which faced the sea (see Chapter X., Mishna 4).

There was another entry made in the form of a right angle and a mat was placed at the angle. R. Hisda said in reference to this: "This is neither in accordance with Rabh nor with Samuel. According to Rabh, who considers an entry of this kind as an open entry, an apparent door would be necessary, and according to Samuel, who considers it as an entry closed at one end, a side-beam would be necessary; and this mat is neither one nor the other, because it might be blown away by the wind and would leave nothing behind." If, however, the mat was fastened with a nail so that it could not be blown away, it is sufficient.

It was taught: An entry made in the form of a centipede (*i.e.*, an entry containing a number of smaller entries which on one side faced a street and the principal entry also faced a street) should, according to Abayi, be provided with an apparent door, and the smaller ones should be provided with a side and cross beam where they face the street. Said Rabha to Abayi: "According to whose opinion is this? According to Samuel's, who holds, that such an entry is to be regarded as a closed entry; then why is an apparent door necessary? Secondly, we know that in the case of the entry made in the form of a right angle at Neherdai, the decision of Rabh was also respected." Therefore the decree of Rabha is, that apparent doors should be made at the smaller entries where they face the large entry, and the sides facing the street only need a side or cross beam.*

Said R. Kahana bar Tachlipha in the name of R. Kahana bar Minyumi in the name of R. Kahana bar Malchiyu, quoting R. Kahana the master of Rabh [according to others, R. Kahana bar Malchiyu himself was the master of Rabh]: "An entry, one side of which was wide and the other narrow, should, if the wider side be less than four ells, be provided with a cross-beam laid obliquely, but if it measured fully four ells, the cross-beam should be laid on the narrow side." Rabha, however, said, that in either case, the cross-beam should be placed on the narrow side. "And," he continues, "I will state the reason for my opinion, and the reason for the previous opinion: In my opinion a cross-beam is necessary merely to serve as a sign, and if laid obliquely it cannot be seen and thus would not be a sign. According to the opinion of the previous teachers, the cross-beam serves as a wall, and if such is the case, a wall can be a wall even if placed obliquely." Said R. Kahana: "This being a decree by Kahanim, being myself a Kahan I will also venture to say something: The cross-beam must be placed obliquely if the oblique part does not measure more than ten ells." If it was more than ten ells, however, all agree that it must be placed on the narrow side only.

The schoolmen propounded a question: "May the space underneath the cross-beam be used?" Rabh, R. Hyya, and R. Johanan said, that it may be used. Samuel, R. Simeon ben Rabbi, and Resh Lakish said, that it must not be used. Said

* According to another version the apparent doors should be made where the entries face the street, but we cite the opinion of Rashi as usual.

R. Hisda: All agree that if a side-beam *is* used, the space opposite * the side-beam must on no account be used.

Rami bar Hama asked R. Hisda: "If one drove two posts on the outside of an entry and placed a cross-beam on top of them, how is the law concerning the entry?" He answered: According to those who hold that the space underneath the cross-beam may be used, the entry is invalid, but according to those who hold, that the space underneath the cross-beam must not be used, the entry is valid (*i.e.*, those who hold that the space underneath the cross-beam must not be used regard the *inside* edge of the cross-beam as if it made a solid wall to the entry; hence the entry is valid because it is considered a closed entry, and if the posts and cross-beams are on the outside, the entry is nevertheless closed and valid; but those who hold that the space underneath the cross-beam must not be used, regard the *outside* edge of the cross-beam as the closing wall of the entry; hence there will be an open space between the entry and the outside posts and cross-beam, and the entry is made invalid). Rabha, however, said that even according to the opinion of those who hold that the space underneath the cross-beam must not be used, the entry is invalid because the cross-beam must be recumbent upon the entry proper and not upon the outside.

R. Zakai taught in the presence of R. Johanan: The space underneath the cross-beams and alongside of the side-beams is considered unclaimed ground (*i.e.*, that one must not carry things in that space on Sabbath). Said R. Johanan to him: "Go and teach such things outside of the college." Said Abayi: "It seems to me that R. Johanan's opposition to R. Zakai was only as far as the space underneath the cross-beam is concerned, but alongside of the side-beams it is prohibited to carry." Rabha, however, said: Even alongside of the side-beams it is also allowed to carry.

Said R. Huna bar R. Jehoshua to Rabha: "Thou dost not think, that it is prohibited to carry things alongside of the side-beams?" Did not Rabba bar bar Hana say in the name of R.

* In the text is written "Bain," "between" the side-beams. Rashi, however, declares that here it does not mean *between* the side-beams, but *opposite*, as between the side-beams *cannot* be possible, because every entry must have only one side-beam, and Rashi says the reason that the text states "between" is, that the text mentions the side-beams in plural, meaning many entries, and the word *Neged* in Hebrew, which means "opposite," cannot be said in plural.

Johanán, that an entry which was provided with a number of side-beams the space between each of which did not measure four spans, causes a difference of opinion between R. Simeon ben Gamaliel and the sages. According to R. Simeon, an object becomes "lavud" (attached) to another object even when the distance between them is four spans, but according to the sages, the distance must not exceed three spans. Hence in the case just mentioned (see illustration) according to R. Simeon all the beams are regarded as one by virtue of their being "lavud" to each other, and a man must not carry anything beyond the space alongside of the inside edge of the beam farthest from the opening of the entry, while, according to the sages, who regard only the beam nearest the opening of the entry essential and the others unnecessary, a man may carry things as far as the space alongside of the inside edge of the beam nearest the opening of the entry. In the space between the side-beams all agree that it is prohibited to carry. Now, if R. Johanán permitted the carrying of things alongside of the side-beams, how could he state the difference of opinion between R. Simeon and the sages in this case? For whether all the beams were considered as one or each separately, what difference would it make as long as things may be carried in the space between them? Hence we must say, that R. Johanán does not permit the carrying of things alongside of the beams? In this instance, Rabha might declare, that the entry is presumed to be one that opens into unclaimed ground. How would the case be if the entry opened into public ground? Would it be allowed according to R. Johanán to carry things between the side-beams? Shall the native remain on earth and the stranger be lifted up to the highest heaven? * Yea; objects of like character assimilate, *i.e.*, the space between the side-beams being unclaimed ground and the entry opening into unclaimed ground, the two are virtually combined, and as carrying in unclaimed ground is not allowed to commence with, it is also not allowed in the space between the beams.

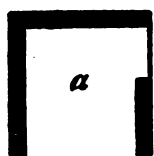
R. Ashi said, however: The case referred to, *viz.*, the entry containing many side-beams, is assumed to be one where the side-beams were erected for a distance of four ells and were less

* An expression used to signify astonishment at an unnecessary or superfluous question, the answer to which is self-evident.

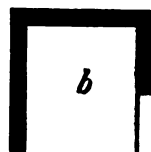
than four spans apart. If, according to R. Simeon, the beams are all "lavud" to each other, they would constitute a separate entry in the principal entry, and in order to carry things in the space between the beams another side-beam would have to be erected for the newly made entry; but according to the sages, who do not consider the beams "lavud" to each other, another side-beam is not necessary. (This means to say: R. Johanan holds, that under any circumstances the space between the side-beams may be utilized (for carrying) and the difference caused by such an entry between R. Simeon ben Gamaliel and the sages is not as to whether things may be carried in the space between the beams or not, as stated before, but whether another side-beam is required in addition to those already erected or not.)

It was taught: If a side-beam was made to an entry which on the inside of the entry could be plainly seen but on the outside seemed to be on a par with the wall and hence not recognizable, it is regarded as a proper side-beam, but if it could be plainly seen on the outside, but on the inside it seemed to be part of the wall and could not be distinguished from the wall, it gives rise to a difference of opinion between R. Hyya and R. Simeon the son of Rabbi. One holds, that it may be regarded as a proper side-beam, and the other, that it cannot be so regarded.

It is correctly ascertained that R. Hyya is the one who holds that it may be regarded as a proper side-beam, from his decision as follows: "If one of the walls of an entry was partially removed



(see illustration *a*), so that the lacking portion could be perceived from the inside of the entry but not from the outside of same, or if part of the wall was missing (see illustration *b*), so that it could be readily perceived



on the outside of the entry but not on the inside, in either case the impaired wall is regarded as a side-beam."

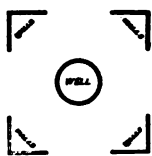
Rabba bar R. Huna taught the same: "If a side-beam was recognized on the outside of an entry but could not be distinguished on the inside it is nevertheless regarded as a side-beam." Said R. Joseph to him: "I never heard such an ordinance proclaimed by thy father." Said Abayi to R. Joseph: "Didst thou not thyself teach this ordinance when we learned the following: Rami bar Abba said in the name of R. Huna, that a side-beam, which was affixed to the end of a wall so that it could

be seen from the outside but seemed to be a continuation of the wall from the inside, is regarded as a side-beam, if measuring less than four ells and the entry may be used from the inside edge of such beam, but if the side-beam measured four ells, it is regarded as a separate entry, and thus the entry proper, not having any side-beam, is made invalid. Thou didst comment upon this and say, that from this teaching we may adduce three things. Firstly, that the space alongside of a side-beam must not be used; secondly, that four ells is the minimum measure of an entry; and, thirdly, that if a side-beam can be recognized on the outside but not on the inside of the entry, it is a proper side-beam." Finally, the Halakha concerning a side-beam recognizable from without but not within the entry prevails: that the side-beam is valid because such was the decision of R. Hyya, as is mentioned above.

"Should it be wider than ten ells, it must be made narrower."

Said Abayi: We have learned in a Boraitha concerning this teaching, that R. Jehudah regarded this as unnecessary.

How much narrower should it be made? R. A'ha wished to state, in the presence of R. Joseph, that if the entry measured twenty ells, it should be reduced to thirteen and a third ells. He wished to infer this lenient measure from the more rigorous



in the case of a well. The wells were built as illustrated, and the distance between the two enclosures on the same side was thirteen and a third ells; *i.e.*, large enough to permit of the entrance and exit at the same time of two teams of oxen and was larger than the space occupied

by the enclosures on the same side. Now, if in that case it was permitted to have the space larger than the space occupied by the enclosures, and thirteen and a third ells only were allotted to such space, an entry where the space must not be more than the enclosure should certainly not be over thirteen and a third ells wide? How can the two be compared? Perhaps the reason, that no more than thirteen and a third ells were allowed for the space of the wells was because a concession had already been made in permitting the space to be larger than the walled part and no further leniency was expedient. In the case of the entry, however, where no concession had as yet been made, let it be allowed to increase the width of the space beyond thirteen and a third ells (because it serves the purpose of a door)? Or on the contrary! A concession having been made in the case of the

well, but no concession having been made concerning an entry, let the law of the entry be enforced without any concession and make the prescribed width ten ells only. (Thus the question remains undecided.)

Levi taught a Boraitha as follows: "In an entry which is twenty ells wide it is sufficient if a stick be placed in the centre of such entry." He himself however decreed, that the Halakha does not prevail according to the Boraitha. What then should be done? Samuel said in the name of Levi: "A pole should be erected in the centre of the entry ten spans high and four ells wide, and a cross-beam placed on top of it parallel with the walls of the entry, which would then serve as a partition in the centre." Or it should be done as R. Jehudah declared: In an entry fifteen ells wide a pole should be erected two ells from one of the walls and a cross-beam extending three ells into the centre of the entry should be placed on top of the pole. (Thus the width will be lessened five ells, the two between the wall and the pole being regarded as a closed door. In the case of an entry twenty ells wide this may be done on both sides of the entry, or the pole may be erected four ells from the wall and the cross-beam extended six ells.) If the people who make use of the entry, however, should use the space of two ells between the wall and the pole in preference to the wider opening of the entry, will not the principal entry be invalidated by the lack of a side-beam? Said R. Ada bar Mattue: It is an established fact that people will not use the smaller entrance in preference to the larger. Why is this case different from the one taught by R. Ami and R. Assi, for we have learned in a Boraitha: If there was a breach in the side of a wall close to the entry, it was taught in the name of R. Ami and R. Assi (page 5a in the original text), that if the strip of wall left was four ells wide, it matters not if the breach was ten ells; but if the strip is less than four ells, the breach must not exceed three ells, otherwise the entry is invalid. (Now if the strip is four ells, and the breach ten, the breach is regarded as a door, and it might be used in preference to the main entrance. In the former case, only such as will be nearer the side entrance will use it, but in this case, the main entrance will be used exclusively, because one will not unnecessarily go in a roundabout way.)

"But if it have the appearance of a door, even though it be wider than ten ells it need not be made narrower."

Now we see that an apparent door may be used where the

entry is too wide and a cross-beam if it be too high, what would be the law if the reverse were made? Come and hear: We have learned: "If an entry be higher than twenty ells, it should be reduced, but if it have the appearance of a door, this is not necessary." What is the law concerning a cross-beam when the width of the entry was excessive? Come and hear: We have learned: "If an entry be higher than twenty ells it should be lowered and if it be wider than ten ells it should be reduced, but if it have an appearance of a door it is not necessary and if it have a cross-beam it is also not necessary." Could we not assume, that the cross-beam refers to the latter clause of that teaching (the excessive width of the entry)? Nay; it refers to the first clause of the teaching (the height).

R. Jehudah taught Hyya the son of Rabh in the presence of Rabh: "It is not necessary to reduce (the width of an entry if it have a cross-beam)." Said Rabh to R. Jehudah: "Teach him, that it should be reduced." Said R. Joseph: From this teaching of our Master we can learn, that a courtyard, of which the greater part of the walls consists of doors and windows and one of the walls contained a breach of over ten ells, the appearance of a door would not make it valid (*i.e.*, things could not be carried in the courtyard on Sabbath). Why so? Because we see, that width exceeding ten ells makes an entry invalid, and space in excess of that occupied by the walls makes a courtyard invalid; now, we compare an entry which is wider than ten ells and is held by our Master to be invalid even if it have the appearance of a door, to a court which has a breach exceeding ten ells, and is also not made valid by an apparent door.

R. Johanan also holds in accordance with the teaching of Rabh, for Rabhin bar R. Ada in the name of R. Itz'hak said: It happened that a man of the valley of Beth Hutan placed four piles in the four corners of his field and connected the four piles with branches at the top for the purpose of circumventing the law of Kilaim. When this was told to the sages, they allowed him to do so for the purpose intimated (*i.e.*, the field was regarded as if surrounded by a wall, and he could sow other seeds on the outside of the seeming wall), and Resh Lakish said: "In the same manner as the sages permitted the man to do this for the purpose of circumventing the law of Kilaim, so also did they allow him to do it for the purpose of the Sabbath law. R. Johanan, however, said, that this was allowed only for Kilaim purposes but not for Sabbath." (Whence we see that R.

Johanan holds with Rabh that an entry over ten ells in width is not remedied by a seeming door.)

R. Hisda said: "If a man made a seeming door in the side of a wall, it counts for nothing." And he said again: "A seeming door must be firm enough to be able to contain an actual door, even though it be only a door of straw."

Resh Lakish said in the name of R. Janai, that an apparent door must have a place fit for the attachment of hinges. What is meant by a place fit for the attachment of hinges? Said R. Ivia: A receptacle for same.

R. A'ha the son of R. Ivia found once the disciples of R. Ashi, and he asked them: "Did the master say anything about apparent doors?" and they answered him: "Nay; he said nothing."

A Boraitha stated: "By an apparent door is meant simply two poles set up perpendicularly one on each side and a pole across the top of the two." Must the pole above be attached to the two perpendicular poles, or is it sufficient if it is suspended above them? R. Na'hman said, they need *not* be attached, but R. Shesheth said they must be. R. Na'hman did in accordance with his own decision at the house of the Exilarch (R. Na'hman was a son-in-law of the Exilarch). Said R. Shesheth to his servant, R. Gada: "Go, take it down and put it away." He went, took it down, and put it away. The servants of the Exilarch found him doing so and arrested him for it. Then R. Shesheth went and stood on the outside of the prison and called out: "Gada, come out!" Gada came out and went with R. Shesheth.

R. Shesheth met Rabba the son of Samuel on the street; and he asked him: "Did the master teach anything concerning an apparent door?" Rabba answered: "Yea! We have learned concerning an arch, R. Meir decreed, that a Mezuzah (sign on the door-post) must be fastened to it, but the sages say, that it is not necessary." (The reason the sages say, that a Mezuzah is not necessary is because the zenith of the arch is not four spans wide, and no door is properly a door that is not at least four spans wide.) All agree, however, that if the arch is ten spans wide at its base (*i.e.*, before the curve commences, then it is certain that for at least ten spans upwards the arch has a width of four spans), a Mezuzah is necessary, and Abayi said: "All agree, that if the arch is ten spans high and the base is less than three spans wide, or if the base is three spans wide but the arch is less than ten spans high, no Mezuzah is necessary (because a door cannot be

less than ten spans high), but wherein do they differ? In a case where the base of the arch was less than four spans wide, and the arch itself ten spans high, but at the top of the arch the width could, by hollowing out the wall, be increased to four spans' width, R. Meir holds that a Mezuzah is necessary, because the possibility of increasing its width renders it equivalent to having been increased, but the sages hold that a Mezuzah is not necessary, because it had not yet been increased in width." (Thence we see that R. Meir holds that the possibility of accomplishing an act renders it equivalent to having been performed, and, in consequence, he holds that if a pole was merely suspended above two poles it is the same as if it were placed on top of the poles.) Said R. Shesheth to him: "If thou shouldst meet the members of the house of the Exilarch, tell them nothing of the Boraitha concerning the arch."

MISHNA: To legalize (the carrying within) an entry, Beth Shammai hold that a side and cross beam are required, but Beth Hillel hold, that either a post or a beam is sufficient. R. Eliezer said, "Two side-beams are necessary." In the name of R. Ishmael, a disciple stated before R. Aqiba: "Beth Shammai and Beth Hillel do not differ as to an entry less than four ells in width, for both agree, that such an entry becomes legalized either through a cross-beam or a side-beam." Wherein do they differ? Concerning entries of more than four and up to ten ells in width. Regarding these, Beth Shammai hold, that both a side and cross beam are necessary, and Beth Hillel hold, that either a side or a cross beam is sufficient. R. Aqiba, however, said: "They (the two schools) differ in both instances."

GEMARA: According to whose opinion is the Mishna? It is neither according to the opinion of the first Tana nor to that of Hananiah (see page 10). Said R. Jehudah: The Mishna means to state the following: "To legalize a closed entry (one enclosed on three sides) Beth Shammai hold that a side and cross beam are necessary, while Beth Hillel hold, that either one is sufficient." Shall we assume that in order to constitute a private ground from a biblical point of view, according to Beth Shammai, four walls are necessary (because the entry by the addition of a side and cross beam would be turned into a seeming wall)? Nay; throwing to or from public ground in ground enclosed by three walls, makes one culpable from a biblical point of view, but carrying is permitted only in ground enclosed by four walls by the rabbinical law, according to Beth Shammai.

Shall we assume that Beth Hillel hold, that three walls, according to biblical law, are necessary? Nay; from a biblical point of view, throwing to or from public ground in ground enclosed by two walls makes one culpable, but carrying is not permitted in ground unless enclosed by three walls by rabbinical law, according to Beth Hillel.

"*R. Eliezer said, 'Two side-beams are necessary.'*" The schoolmen propounded a question: "Did R. Eliezer mean to state, that two side-beams *and* a cross-beam are necessary or two side-beams alone?" Come and hear: It happened that R. Eliezer was going to R. Jose ben Preida, his disciple, in the city of Ublin, and he found him sitting in an entry provided with only one side-beam. Said R. Eliezer to him: 'My son, erect another side-beam.' Said his disciple to him: 'Must I then close the entry?' and he answered: 'Close it; what matters it if it be closed?' Now, from the words of the disciple, "Must I then close it?" we can infer, that it was already provided with a cross-beam, and, therefore, the disciple asked what more he must do, close it entirely? Then, if we assume that there was only a side-beam, why should the disciple have said, "Must I close it entirely?" Nay; the disciple may have simply meant to ask, must he close it up entirely with side-beams; and it may be, that there was no cross-beam there at all.

(In the same Tosephta) we are taught so: R. Simeon ben Gamaliel said: "Beth Shammai and Beth Hillel do not differ as to an entry that was less than four ells in width." According to both schools, for such an entry nothing at all need be provided. Wherein they do differ is an entry that is more than four ells wide and up to ten; Beth Shammai hold, that a side and cross beam both are necessary, and Beth Hillel hold, that either is sufficient. Did not our Mishna state that a disciple in the name of R. Ishmael stated before R. Aqiba: "Beth Shammai and Beth Hillel do not differ as to an entry less than four ells in width, for both agree, that such an entry becomes legalized either through a cross-beam or a side-beam"? Said R. Ashi: "R. Simeon ben Gamaliel means to state, that a side *and* cross beam are not necessary according to the opinion of Beth Shammai, nor two side-beams according to the opinion of R. Eliezer, but one of the two, either a side or cross beam according to the opinion of Beth Hillel" (*i.e.*, by saying that for such an entry nothing need be provided, R. Simeon ben Gamaliel means to state, that nothing *added* by Beth Shammai or R. Eliezer need be provided).

An entry of how much less than four ells in width? Said R. A'hlai, according to another version R. Ye'hiei: "An entry of less than four spans need have nothing (and from four spans up to four ells, the side or cross beam is necessary)."

Said R. Assi in the name of R. Johanan: "A courtyard must have two enclosures." Said R. Zera to R. Assi: "Did R. Johanan indeed say so. Didst thou not thyself state in the name of R. Johanan, that the enclosures of a courtyard must measure at least four ells? And if thou wouldst explain R. Johanan's dictum to signify, that the enclosures would have to be four ells on each side of the angle, did not R. Ada bar Abhimi state before R. Hanina or before R. Hanina bar Papa, that a small courtyard need only have enclosures to the extent of ten ells all around and a large courtyard to the extent of eleven ells." (Now, if eleven ells are divided by four, that would make each of the four enclosures only two and three-quarter ells?) When R. Zera came from his sea-voyage he explained this in the following manner: If an enclosure was made straight on one side it must be four ells wide, but if made at an angle in the corner it is sufficient if ever so small a part be on each side. As for Ada's bar Abhimi statement above, it is in accordance with the decree of Rabbi (and not R. Johanan), who holds in accordance with R. Jose (that every side-beam must be three spans wide), as will be seen further on.

R. Joseph said in the name of R. Jehudah, quoting Samuel: "A courtyard need have but one enclosure." Said Abayi to him: "Did Samuel indeed say this? We know that Samuel said to R. Hananiah bar Shila: 'Thou shalt not perform any work in a courtyard that has not the larger part of a wall or two enclosures!'" Said R. Joseph: "I do not know whether Samuel said so or not, but I do know, that it happened in the village of the shepherds, that an arm of the sea flowed into a courtyard, and when R. Jehudah was asked what the law was concerning that courtyard, he replied: 'Only one enclosure is necessary.'" Then Abayi rejoined: "Thou speakest of an arm of the sea; that is altogether different! The sages were very lenient with all things pertaining to water, as R. Tabla asked Rabh: 'What is the law concerning a ruin that had one suspended partition? May things be carried within it on Sabbath or not?' and Rabh answered: 'A hanging partition legalizes a place only where water reaches, because the sages were very lenient with all things pertaining to water.'"

In any event this would be a contradiction to R. Jehudah's statement in the name of Samuel, and to Samuel's statement to Hananiah. When R. Papa and R. Huna the son of R. Jehoshua came from college, they explained Samuel's decree thus: "On one side the enclosure must be at least four ells, but when made on a corner, ever so small a part of the enclosures on each side of the angle is sufficient." (Thus both statements may be correct. R. Jehudah's one enclosure refers to a straight enclosure and Samuel's two refer to an enclosure at each corner.)

The Rabbis taught: From an arm of the sea, which enters a courtyard, water must not be taken on Sabbath unless a partition has been made at the entrance at least ten spans in height. This is the case if the breach in the wall (where the sea entered) is more than ten ells in width, but if it was only ten ells, no partition is necessary.

Thus, you say, that water must not be taken from the arm of the sea, but things may be carried within the courtyard? Did not the breach in the wall open into ground that would invalidate the courtyard (*i.e.*, unclaimed ground)? In this case fragments of the wall were left beyond the breach and they were inundated by the sea (but were originally ten spans high).

It was taught: R. Jehudah said: "An open entry which is not suitable for the purpose of combining in an Erub, if it was provided with a side-beam, anyone throwing a thing into it from public ground is culpable, but if the entry was provided at one end with a cross-beam, one who throws a thing into it from public ground is not culpable." (R. Jehudah holds, that from a biblical point of view three partitions are necessary to enclose a private ground, and a side-beam at the end of an entry is equivalent to a partition.) Hence R. Jehudah holds, that a side-beam is equivalent to a partition, and a cross-beam is only put up for appearance's sake. So is also the opinion of Rabba; but Rabha said that both are erected only for appearance's sake.

R. Jacob bar Abba made an objection to Rabha based on the following Boraitha: "If one throw a thing into an entry he is culpable, if the entry is provided with a side-beam, but if it is not provided with a side-beam, he is not culpable." This is explained thus: If the entry (was a closed one and) needs only a side-beam (for appearance's sake) one is culpable if he throws a thing into it; but if a side-beam alone would not legalize the entry, and something more is necessary, the thrower is not culpable.

Said R. Jehudah in the name of Rabh: "An entry that was equal in length and width cannot be legalized by a side-beam of small proportions," and R. Hyya bar Ashi in the name of Rabh said, that an entry as wide as it is long cannot be legalized with a cross-beam measuring only one span. Said R. Zera: "How well the decisions of the old sages agree! The reason for the above decision is, that an entry of equal length and breadth is not regarded as an entry at all, but is in reality a courtyard, and a courtyard cannot be legalized by a side or cross beam but must have a partition of at least four ells." Said R. Zera again: "If there is a difficulty in this decision the following would be the difficulty: Why do they not consider a side-beam a partition of *some* extent, and thus make it a medium of legalization?" It evidently slipped the memory of R. Zera, that R. Assi said in the name of R. Johanan: "The enclosures of a court must not be less than four ells."

Said R. Na'hman: "There is a tradition to the following effect: Which is the entry that can be legalized by a side or cross beam? One, the length of which exceeds its width, and houses and courts open into it. Which is the court that cannot be legalized with a side or cross beam, but must have an enclosure which is not less than four ells? One that is square." Only if it be square, but if round is it not a court? He means to state this: If the length exceeded the width, although it be a court, it should not be considered such but must be regarded as an entry, and as such may be legalized with a side or cross beam. If the length, however, did not exceed the width? Then, no matter what its appearance was, it must be considered as a court. By how much must the length exceed the width? Samuel intended to state, that the length should be double the width. Said Rabh to him: "So said my uncle, 'Even if the length exceeded the width by a trifle.'"

R. Aqiba said: "They differ in both."

What does R. Aqiba teach us hereby? Is it not the same as the teaching of the first Tana? The difference between them is as stated by R. A'hli, according to another version R. Yekhiel, viz.: An entry of less than four spans need have nothing. But they did not specify who was of R. A'hli's opinion and who was not.

We have learned in a Boraitha: R. Aqiba said: "R. Ishmael never made such a statement, but the disciple said this upon his own authority and the Halakha prevails according to the disciple."

Is this not a contradictory assertion? First, he says, that R. Ishmael could not have made such a statement, *i.e.*, that the Halakha is not so, and then that the Halakha prevails according to the disciple? Said R. Jehudah in the name of Samuel: "R. Aqiba said this only in order to encourage his disciples, that they may pronounce decrees upon their own authority." R. Na'hman bar Itz'hak said: "R. Aqiba really said that R. Ishmael made no such statement, but the decree of the disciple was correct and should stand."

It was taught: R. Jehoshua ben Levi said: "In every case, where it is stated that a disciple said in the name of R. Ishmael before R. Aqiba, that disciple is R. Meir, who was a disciple of both R. Ishmael and R. Aqiba."

R. A'ha bar Hanina said: It is known to Him, Who said one word and the world was created, that in the generation of R. Meir there was not one who was his equal; but why do not the Halakhas prevail according to his decisions? Because his colleagues could never arrive at the conclusion of his decrees. If he decided that a thing which was unclean was clean, he proved it to them by a reason, and *vice versa*. We have learned in a Boraitha, that his name was not Meir but Neherai. Why was he called Meir? Because he *enlightened* * the eyes of his colleagues in Halakhas. Where the name R. Neherai is mentioned, it refers to R. Nehemiah or to R. Eliezer ben Arach. Why do they call them Neherai? Because they *clarified* the vision of their colleagues in the Law.

Rabbi (according to some it was Rabb) said: Why am I more sagacious than my colleagues? Because I once saw the back of R. Meir, and if I could look upon his face I would be more sagacious still, as it is written [Isaiah xxx. 20]: "But thy eyes shall see thy teachers."

Said R. Abbahu in the name of R. Johanan: "R. Meir had one disciple, and his name was Symmachos, who could give forty-eight reasons for the uncleanness of unclean things and the same number of reasons for the cleanness of clean things."

Said R. Abba in the name of Samuel: Three years the school of Shammai and the school of Hillel disputed. One school said that the Halakhas prevail according to their opinion,

* Meir in Hebrew means, He makes light. Nehorah in Chaldaic is the same as our (light) in Hebrew; consequently Neherai in Chaldaic is the same as Meir in Hebrew.

and the other claimed that their decrees should stand. Finally a heavenly voice was heard to the effect that both schools disputed as to the words of the living God, but the Halakhas prevail according to the school of Hillel.

Now if it be true that both schools dispute as to the words of the living God, why should the school of Hillel be thus favored? Because the members of the school of Hillel were modest and patient, and would always repeat the words of the school of Shammai. Not alone this; but they also always gave the school of Shammai precedence when citing their teachings, as we have learned (in Tract Sukkah): Said Beth Hillel to Beth Shammai: "Did it not happen, that the eldest of the school of Shammai and of the school of Hillel went together to visit R. Johanan the son of Hachoranis, etc. (whence we see that the eldest of the school of Shammai were given precedence over those of the school of Hillel)." Thence thou canst learn, that everyone who maketh himself humble is raised up by the Holy One, blessed be He, and one who is arrogant is humbled by the Holy One, blessed be He. He who pursueth greatness, the greatness escapeth him, and he who avoideth greatness is sought by greatness. He who forceth time (*i.e.*, he who perforce would become rich though fortune be against him), time oppresseth him, while he, who awaiteth his time, is assisted by time.

The Rabbis taught: Two years and a half Beth Shammai and Beth Hillel disputed amongst themselves. One school declared, it were better that man had not been created as he was, while the other declared it was better that man had been created as he was, than not to be created at all. Finally they came to the conclusion, that it were better had man not been created, but since that had happened, a man should always examine his actions, and according to another version, a man should always consider the deeds he is about to perform.

MISHNA: The cross-beam in question must be wide enough to hold a half of a brick, three spans in length and in width. It is, however, sufficient, if the cross-beam be only one span wide, so as to hold the half of a brick lengthwise. The cross-beam must be wide enough to hold a half of a brick and sound enough to bear it. R. Jehudah saith: It must be wide enough, even if it be not sound enough.

If the cross-beam be of straw or reed, it is (legally) regarded as if it were of metal; if it be crooked, it is (legally) regarded as straight; if it be cylindrical, it is (legally) regarded as square.

Anything (measuring) three spans in circumference, is one hand in width.

GEMARA: Why does the Mishna say, that it is sufficient if the cross-beam be only one span wide; it should be one and a half, which is the width of a half brick? Because if the cross-beam be one span wide the other half span which it should measure, can be added by the addition of a little loam on each side.

Said Rabba bar R. Huna: The cross-beam alone must be sound enough to bear a half brick, but the supports upon which it rests need not be sound enough to bear both the cross-beam and the half brick (*i.e.*, if the cross-beam was put up on sticks, the sticks need not be sound enough to support both the cross-beam and a half brick; for the cross-beam being the sign of the entry, it is only essential that it be sound enough to *support* a half brick, although in reality it never serves the purpose, while the sticks are not part of the sign and need not be put to such a test). R. Hisda, however, states, that the cross-beam must be sound enough to bear half a brick, and its supports must be sound enough to bear both the cross-beam and the half brick.

R. Shesheth said: If one put up a cross-beam over an entry, and hung a mat upon it, and this mat was distant from the ground three spans or more, it is considered, that there is neither a cross-beam nor a partition at the entry; no cross-beam, because it is covered up, and no partition, because goats can go through it.

The Rabbis taught: If a cross-beam was put up over an entry, but did not reach the opposite wall, or if two cross-beams were put opposite each other, but did not meet, should the distance between the cross-beam and the wall in the first instance, or between the two cross-beams in the second instance, be three spans or over, another cross-beam must be erected. If it be less than three spans no other cross-beam is necessary. R. Simeon ben Gamaliel, however, said, "If the distance be less than four spans, another cross-beam is not necessary, but if it be four spans or more, another cross-beam must be erected."

The same is the case with two cross-beams that were laid parallel, neither one of which was sound enough to bear a half brick: If both together measured one span in width, which is sufficient to bear a half brick, another cross-beam is not necessary, but if the two together measured less, another cross-beam must be erected. R. Simeon ben Gamaliel, however, said, that if the two cross-beams were sound enough for the length of

three spans to bear a half brick, another cross-beam is not necessary; otherwise, it is necessary.

"If two cross-beams were put up across an entry, one of which was higher than the other, they are regarded as being on a level, provided the higher beam is not over twenty ells above ground and the lower one not less than ten spans above ground." Thus said R. Jose bar R. Jehudah. Said Abayi: "R. Jose bar R. Jehudah holds with his father in one instance only, that the two beams are regarded as being on a level, but he differs with him in the other, namely: that the higher beam must not be over twenty ells above the ground; for R. Jehudah declared in a previous Mishna, that even if it were over twenty ells in height, the entry is valid."

"*R. Jehudah saith: It must be wide enough, even if it be not sound enough.*" R. Jehudah taught Hyya bar Rabh in the presence of Rabh: "It is sufficient, if the cross-beam be wide enough even if it be not sound enough." Said Rabh to him: "Teach him: 'It should be wide *and* strong enough.'" Did not, however, R. Ilai say in the name of Rabh: "It is sufficient, if it was four spans wide, even if it be not sound enough"? Four spans' width makes a difference.

"*If the cross-beam be of straw or reed,*" etc. What does the Mishna mean to teach us by this decree? That we regard certain things in a different light? This has already been taught us previously. In the former teachings, however, one certain kind of cross-beams was dealt with, namely, of wood; hence we might assume, that with straw or reed it might be different. For this reason we are given to understand that straw or reed may be regarded as metal.

"*If it be crooked, it is regarded as straight.*" Is this not self-evident? The Mishna wishes to impart to us the teaching of R. Zera as follows: "If the cross-beam was crooked only outside of the entry across which it was laid, or was crooked above twenty ells from the ground; or again, if the cross-beam was ten spans above the ground and the crooked part of it below the ten spans, the validity of the entry depends upon whether, if the crooked part of the cross-beam were removed, the straight part left would be distant three spans from the wall. If the distance is less than three spans the entry is valid, but if it be over three spans another cross-beam must be erected." Is this teaching also not self-evident? Nay; it is necessary that we be instructed to this effect, lest we presume that the crooked

part on the outside of the entry carry with it the straight part on the inside and thus the entry is invalidated; hence we are given to understand, that such is not the case.

"If it be cylindrical, it is regarded as square." For what purpose was it necessary to add this? This was taught us on account of the last clause in the Mishna, which states, that anything measuring three spans in circumference is one hand in width.

MISHNA: The side-beams in question must be ten spans high, be their breadth and thickness whatever they may. R. Jose saith: "They must be three spans wide."

GEMARA: Shall we assume that the Mishna, which is rendered anonymously, is in accordance with the opinion of R. Eliezer, who holds that two side-beams are necessary? Nay; the side-beams in question refer to side-beams necessary for all entries. If this be the case, why did not the previous Mishna state cross-beams instead of "the cross-beam"? The above Mishna means to state, that the side-beams concerning which there is a difference of opinion between the sages and R. Eliezer should be ten spans high, be their breadth and thickness whatever it may. How much is meant by "whatever it may"? R. Hyya taught: "Even the breadth and thickness of a thread of a Saraball."*

A Boraitha states: "If one made a side-beam in one half of an entry, he has only a half of an entry." Is this not self-evident? We might presume that because one must not use the whole entry, hence the half must also not be used, and we are taught, that the half may be used.

Rabha said: "If one made a side-beam for an entry and it was three spans distant from the ground or three spans away from the wall, it does not count; and even according to R. Simeon ben Gamaliel who holds an object to be 'lavud' (attached) although four spans distant, the side-beam is of no use, because R. Simeon ben Gamaliel's opinion applies to an object which is four spans distant at the top; but at the bottom, where goats can pass through, a trifle less than three spans is the maximum distance."

"R. Jose saith: 'They must be three spans wide.'" Said R. Jehudah the son of R. Samuel bar Shila in the name of Rabh: "The Halakha does not prevail according to R. Jose either where brine is concerned † or where a side-beam is in question."

* A Saraball was an article of apparel similar to the modern Turkish trousers.

† See Tract Sabbath, Chapter XIV., Mishna 2.

Said the schoolmen to him: "Dost thou confidently assert this?" and R. Jehudah answered: "Nay." Said Rabha: "By the Lord! He said this of a certainty, and we accepted it from him." Why then did he say "nay"? Because, we have learned elsewhere, that wherever R. Jose made an assertion, he always had good reason for it (and R. Jehudah did not wish to dispute with R. Jose).

Said Rabha bar R. Hana to Abayi: "According to whom, however, does the Halakha prevail concerning the side-beams?" He answered: "Go and observe the custom of the people" (which is as much as saying, that the breadth and thickness of a side-beam can be whatever it may).

It was taught: A side-beam, that was standing of itself, *i.e.*, that had not been especially erected, is, according to Abayi, valid, and, according to Rabha, not valid. If the side-beam was not depended upon to serve the purpose on the preceding day (before Sabbath), all agree, that it is not valid; but if it *was* depended upon for that purpose, Abayi declares, that it may be utilized, because it was depended upon on the preceding day, while Rabha holds that not having been erected for that purpose it must not be used. As for a partition, standing of itself, there is no difference of opinion, and all agree that even if it was not intended to serve as a partition, it may be used, and the reason they differ in the case of a side-beam is because each holds to his own theory: Abayi regards a side-beam as a partition, and a partition may be utilized under any circumstances, while Rabha regards a side-beam merely as a sign, and as such it must be especially prepared for the purpose before it may be used.

An objection was made: "Come and hear: If stones protruded from the fence around an entry and they were less than three spans apart, another side-beam for the entry is not necessary; but if they were three spans apart, another side-beam must be erected." Here the case is also, if the stones were so arranged purposely to commence with. If such be the case, is this not self-evident? We might assume that the stones were arranged in that manner with the intention of adding more to them, hence we are given to understand that this may be done.

Another objection was made: Come and hear: Rabh was sitting in a certain entry and R. Huna was sitting before him. Said Rabh to his servant: "Go and bring me a pitcher of water." Before his servant returned, the side-beam at the entry fell, and Rabh motioned to his servant to remain where he was.

Said R. Huna to him: "Did not Master hold, that the tree standing in the entry may be regarded as a side-beam?" and Rabh answered: "That scholar is as a man who never understood a Halakha. Did we depend upon that tree to serve as a side-beam yesterday?" Now, we see, that according to Rabh, had the tree been depended upon on the preceding day to serve as a side-beam, it would have been valid. Shall we assume, that Abayi and Rabha differ concerning a side-beam standing of itself even if it was not depended upon on the preceding day, but if depended upon, both agree that it may be used. Nay; we cannot say this; because there was a pillar in the house of Bar Habo concerning which Abayi and Rabha differed all of their lives. (This is one of the six Halakhas that prevail according to Abayi, for generally Rabha is given precedence, as will be seen in the maxims of the Talmud.)

MISHNA: Side-beams may be made out of anything, even of such as are possessed of life. The latter, however, is prohibited by R. Meir. A living animal tied to the mouth of a grave in order to close it up communicates uncleanness (even after it has been removed). R. Meir, however, declares the animal clean. A letter of divorce for a woman may be written on a living animal, but R. Jose, the Galilean, pronounces the letter of divorce null and void (not legal).*

If a caravan encamp in a valley and a fence be made around the camp out of the cattle's gear, it is permitted to carry things inside of the fence (on Sabbath), providing the fence be ten spans high and the open spaces therein do not exceed in extent the fence proper. Every open space which is ten spans wide is permitted (to be used as an entry), for it is considered as a door, but such open spaces as are more than ten spans wide must not be used.

GEMARA: It was taught: If the open spaces of the fence equalled in extent the fence proper, R. Papa said: "The fence is valid." R. Huna bar R. Jehoshua however said, "It is not valid." R. Papa held it to be valid because so was Moses taught by the Merciful One: "The *larger* part (of a partition) must not be broken." R. Huna bar R. Jehoshua held it *not* to be valid because the Merciful One taught Moses thus: "The *larger* part must be *fenced* in."

* The Gemara pertaining to this Mishna will be found in Tract Gittin, as it does not belong to or treat of Erubin.

An objection was made: Our Mishna states that "the open spaces must not exceed in extent the fence proper"; but if the space was equal in extent to the fence it should be valid. This question remains.

Another objection was made. Come and hear: "If a caravan encamped in a valley and a fence was made with camels, with saddles, with the baggage, or with sticks, or with bundles of herbs, things may be carried inside the fence, providing the space between each camel does not exceed the size of another camel or the space between each saddle does not exceed the size of another saddle, etc." (Whence we see that if the space equals in extent the actual fence, the fence is not valid.) Here the case is, that the space between two camels should be large enough for a camel to go in and out, but not the exact size of a camel.

Another objection was made: "Walls of which the greater part consists of windows and doors are valid, providing the wall proper is larger in extent than the space." If, however, the space and walls are equal, the walls are not valid; this would be contradictory to R. Papa's opinion. It is contradictory, but the Halakha remains according to R. Papa. How can it be, that there should be a contradiction and still the Halakha should prevail according to R. Papa? It is possible, because our Mishna states, that the open space should not exceed the fence proper, hence if space and fence are *equal*, the fence is valid. Consequently the Halakha prevails according to R. Papa.

MISHNA: A fence may also be constructed with three ropes, one above the other; providing the space between each rope be less than three spans, and the measure (width or thickness) of the three ropes together exceed one span, so that the entire (fence) attain (the height of) ten spans.

A fence may also be made of cane-laths, providing the space between the canes be less than three spans. All these regulations apply to a caravan only. So saith R. Jehudah, but the sages maintain, that the caravan (in the preceding Mishna) is particularly spoken of in order to adduce therefrom that which is generally done. Any partition which is not constructed on the principle of warp and shoot is not a (lawful) partition. Such is the dictum of R. Jose bar Jehudah; but the sages hold, that constructing it according to either one of the two principles is sufficient.

GEMARA: Said R. Hamnuna in the name of Rabh: "It

was said, that the solid part of the partition must exceed the space of the partition when constructed on the principle of the shoot in order to make it valid; the question, however, arises by me concerning a partition constructed on the principle of the warp. What is the law?" Said Abayi to him: "Come and hear: Our Mishna states, that the width or thickness of the three ropes together must exceed one span in order to make the entire fence ten spans. If it were the same with a fence constructed on the principle of the warp as with one constructed on the order of the shoot, why does the Mishna specify one which, including all the ropes, will bring the total up to ten spans." How can such an assertion be made? Where should the space of four spans be placed? Should it be placed at the bottom, *i.e.*, between the ground and the first rope, then the space will be large enough to permit of goats passing through and the fence will be of no use. Should it be placed at the top, *i.e.*, between the second and third rope, then the space between the two ropes, together with the space above the third rope, will nullify the third rope entirely, because the third rope will have no connection whatever with the two lower. Should it be placed in the center, *i.e.*, between the first and second rope, then there will be only a quasi-solid partition at the bottom and the same at the top, but between the two there will be virtually an empty space of four spans; should it be assumed that such a partition can also be accounted lawful where the solid parts are disconnected, and an empty space exists between them? (This question is not decided.)

"*Cane-laths.*" How can R. Jehudah say, that all these regulations apply to a caravan only, and not to individuals? Have we not learned elsewhere, that R. Jehudah said: "It is not allowed for an individual to construct a partition for the Sabbath around a piece of ground, wherein more than two saahs of grain could be planted." Hence if the piece of ground is only so large that two saahs of grain can be planted therein, he may make the partition. (How then can he say in the Mishna, that these regulations apply only to a caravan?) This can be explained in the same manner as R. Na'hman, and according to others R. Bibhi bar Abayi, explained the last clause of our Mishna, viz.: "Any partition, which is not constructed on the principle of warp and shoot, is not a (lawful) partition. Such is the dictum of R. Jose bar Jehudah." The question was made, whether such could be the dictum of R. Jose bar Jehudah.

Did we not learn in a Boraitha, that "no difference is made as far as a fence constructed with ropes is concerned between a caravan and an individual except that the space enclosed by the fence must not for one man or even for two exceed that in which two saahs of grain could be planted. For three men, however, who are regarded as a caravan, a space in which six saahs of grain can be planted is allowed. So said R. Jose bar Jehudah; but the sages maintain, that there is absolutely no difference made between a caravan and an individual, and that they may enclose all the space they require, providing they do not enclose superfluous ground to the extent that two saahs of grain could be planted in such an empty space." How can R. Jose bar Jehudah state that a fence must be constructed according to the principles of warp and shoot; does he not allow a fence made with ropes, which is only on the principle of the warp? And R. Na'hman, according to others R. Bibhi bar Abayi, answered and said, that R. Jose bar Jehudah requires a partition to be constructed on both principles only in order to allow even an individual all the space necessary. Now, the same can be said in answer to the question made concerning the contradictory statements of R. Jehudah.

R. Na'hman related in the name of our master Samuel: "An individual or even two men are allowed to enclose as much space as would permit of the planting of two saahs of grain therein, but three men, who are regarded as a caravan, may have all the space necessary." How is this? The first part of this teaching is in accordance with R. Jose bar R. Jehudah, and the last according to the sages? Yea; Abbahu is also of the same opinion.

R. Gidel in the name of Rabh said: "There are instances when three men must not occupy space so large that five saahs of grain can be planted therein, and again, there are instances when they may occupy space in which even seven saahs of grain may be planted." (The instances were not quoted, however.) "Is it possible that Rabh should have said this?" queried the sages, and R. Gidel answered: "I swear by the Law of Moses and by the prophets, and by the Hagiographa, that Rabh said this." Said R. Ashi: "What difficulty is there in this? Let us suppose, that the three men needed a space of six saahs' capacity, and enclosed one so large, that seven saahs could be accommodated. (Then only a space is empty where one saah of grain could be planted.) Hence they may use the entire

space. But supposing, that they needed only a space large enough to accommodate but five saahs of grain, and enclosed one large enough for seven, (then a space large enough for the planting of two saahs is vacant) and they must not use even the space large enough for five saahs." Did not the same Boraitha teach us, however, that a space large enough for the planting of two saahs must not be vacant, and thereby meant to state, that each man should be allowed a space large enough for two saahs, and then if a space for two saahs is vacant the entire space must not be used; hence, when there are three men, they should not be allowed the use of a space large enough for the planting of eight saahs, but one accommodating only seven should be allowed them? Nay; the Boraitha meant to state, that the space allowed to the men should be only as much as they need for the accommodation of all their belongings.

"But the sages hold that constructing it according to either one of the two principles is sufficient." Is this not a repetition of what the first Tana stated in opposition to R. Jose's bar R. Jehudah dictum? There is a difference of opinion concerning an individual between the first and second sages as regards an inhabited place (and not the desert). According to the first sages who maintain that the regulations apply not only to a caravan but to all individuals in general, this refers to individuals who are on the road, but when in inhabited places the regulations do not apply to them, while the second sages who oppose R. Jose bar Jehudah hold, that it makes absolutely no difference, be it caravan or an individual, in an inhabited place or in the desert.

MISHNA: Four privileges have been granted to warriors in camp: They may bring wood from any place (without respecting the rights of ownership); they need not wash their hands before meals; they may eat of Damai (grain of which it is not certain that the legal dues, tithes, etc., have been set aside); and they are exempt from the obligation of making an Erub.

GEMARA: The rabbis taught: If an ordinary war* is in progress, it is permitted for the warriors to appropriate dry wood without respecting the rights of ownership. R. Jehudah ben Thima said: "They may also encamp wherever they choose,

* By an ordinary war is meant a war carried on by the people without the direct commandment of God as distinct from the wars carried on by Joshua by divine commandment.

and wherever one is killed there may he also be buried, although the ground does not belong to him."

"*They are permitted to appropriate dry wood.*" This has also been ordained even by Joshua! Joshua ordained, that wood may be cut and appropriated by the warriors, but later even cut and dry wood was allowed to be taken.

"*Where one is killed, there may he also be buried.*" Is this not self-evident? The killed were strangers and had no one to secure a burying ground for them. The law also states, that whenever a man dies without leaving sufficient means for the acquirement of a place of burial, he may be interred in the place where he dies. This case refers to warriors who even left sufficient means to secure a burying ground.

"*They need not wash their hands before meals.*" Said Abayi: "This refers only to washing the hands *before* meals, but *after* meals it is even then necessary, because R. Hyya bar Ashi said: 'Why did the sages ordain the washing of hands after meals? Because among the salt used at the table there may be salt of Sodom, and when a hand which had touched salt of Sodom comes in contact with the eyes it blinds them.' There is only one grain of salt of Sodom in a whole kur of ordinary salt," said Abayi.

Said R. A'ha the son of Rabba to R. Ashi: "How is the law, concerning one who had measured salt?" and he answered: "So much the more must he wash his hands."

"*They may eat of Damai.*" As we have learned in another Mishna: "Beth Hillel said, that a poor man and a warrior may partake of Damai."

"*They are exempt from the obligation of making an Erub.*" The disciples of R. Janai said: They are exempt from the obligation of making an Erub as far as courts and entries are concerned, but not where the limit of the distance of two thousand ells (techoom) is concerned, because R. Hyya taught: "One who is guilty of transgressing the law of techoom should be punished with stripes as for any other biblical negative commandment." R. Jonathan opposed this: "Can a man be punished with stripes for a negative commandment which commences with the word *Al*?"* This was again opposed by R.

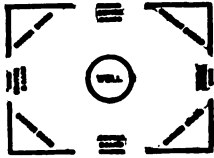
* *Al* and *Lo* both mean "not" in Hebrew, and R. Jonathan means to say, that only such negative commandments as commence with "*Lo*" involve, if transgressed, the punishment of stripes, but not such as commence with "*Al*."

A'ha bar Jacob: "According to thy theory then the man who transgresses the commandment in [Leviticus xix. 31], 'Turn not unto them that have familiar spirits and unto wizards' (which also commences with 'Al'), should also not be punished with stripes?" R. Jonathan puts his question in the following sense: The violation of a commandment which involves the death penalty when committed intentionally cannot be punished with stripes at all, and the violation of the Sabbath is certainly a capital offence (how then can R. Hyya hold that it can be punished with stripes?). Answered R. Ashi: It is written [Exod. xvi. 29], "Let no man go out of his place on the seventh day," but it does not state, that a man should not carry things on that day. (Consequently the transgressing of the law of techoom is not a capital offence, and is on a par with all other negative commandments.)

CHAPTER II.

REGULATIONS CONCERNING THE USE OF A WELL AND A GARDEN ON THE SABBATH.

MISHNA: Enclosures (partitions) must be made around wells. They must be made of four boards, placed at an angle (of forty-five degrees) at the corners of the well, so that the four boards appear like eight (see illustration). Such is the dictum of R. Jehudah; but R. Meir saith: Eight boards must be used which will appear as twelve, namely, four boards placed at an angle at the corners which appear as eight, and four boards



placed between the corner boards. The height of the boards must be ten spans, the width six spans, and the thickness whatever it may be. The space between the two corner boards on the same side must not be wider than to permit of the passing through of two teams of cattle, each team of three animals abreast. Such is the decree of R. Meir. R. Jehudah, however, maintains, that each team may be of four animals abreast, meaning of cattle yoked together in a team, but not walking unyoked, so that one enters as the other passes out.

It is permitted to bring the enclosure quite close to the well, providing, that the head and greater part of the body of the animal be within the enclosure while it drinks. It may also be placed at some distance from the well, providing that more boards be used.

R. Jehudah said: The maximum distance from the well at which the enclosure may be placed is a space large enough for the planting of two saah of grain, but the sages said to him: "This size (sufficient for the planting of two saah of grain) is only applicable to a garden or a wood-shed, but as regards a cattle-pen, a fold, a bleaching-ground (behind the house), or a courtyard (in front of the house), even though it be large enough to permit of the planting of five kur of grain therein, yea, or even of ten kur, it is lawful (to carry things therein on

the Sabbath)." It is also permitted to place the enclosure at any convenient distance from the well, provided more boards be used.

GEMARA: Shall we assume, that our Mishna is not according to Hananiah, as we have learned in a Boraitha, viz. : " Boards may be put up at a well and ropes for a fence of a caravan, but Hananiah said, that *ropes* for a well are permitted but not boards"? Nay; we may say, that our Mishna agrees with Hananiah; but a well containing rain-water is one thing and one containing spring-water is another. Our Mishna treats of spring-water and Hananiah refers to rain-water. To make an enclosure around a well of rain-water is permitted only during the time of the pilgrimage to Jerusalem.

" *R. Jehudah said: The maximum distance,*" etc. We have learned in a Mishna (Damai i. 1): R. Jehudah also said: " All bad (inferior) dates are not suspected of being Damai, with the exception of the fruit known as double-fruit (*δι-ωπορα*). " Said Ula: The tree bearing this fruit bears twice a year (and the ignorant people might object to acquit the legal dues thereof).

R. Jeremiah ben Elazar said: Adam the first (man) had a dual face, as it is written [Psalms cxxxix. 5]: " Behind and before hast thou hedged me in, and thou placest upon me thy hand."

It is written [Genesis ii. 22]: " And the Lord God formed the rib which he had taken from the man into a woman." Rabh and Samuel both comment upon this. One declares, that the Lord simply divided Adam, who had a dual head, while the other holds, that Adam had a tail and the Lord made the woman out of that tail. So according to the one the passage " Behind and before," etc., is correct, but, according to the other, how should it be explained? It may be explained as R. Ami said: " By ' behind ' is meant that last of (behind) all was man created, and by ' before,' that before (first of) all others did he receive his punishment." The first part of this explanation is correct because man was created last of all on the eve of Sabbath, but the second part is not true; for was not the serpent cursed before Eve, and Eve before Adam? The punishment refers to the flood, concerning which it is written [Genesis vii. 23]: " And it swept off every living substance which was upon the face of the ground, both man, and cattle, etc.," and man is mentioned before all else. Further, it is written, that the Lord brought Eve to Adam, *i.e.*, that the Lord was sponsor

to them. Whence we learn, that a man, be he ever so great, should not refuse to be sponsor to a lesser man.

R. Meir said: Adam the First was very pious, for when he saw, that on his account the human race was made mortal, he fasted one hundred and thirty years, separated himself from woman, and wore leaves of a fig-tree on his body for the same length of time.

R. Jeremiah ben Elazar said: If a man is to be praised to his face only a small part of the praise due him should be given him, but his entire share may be bestowed upon him in his absence, as it is written [Genesis vii. 1]: "For thee I have seen righteous before me in this generation," and [ibid. vi. 9]: "Noah was a just, perfect man in his generations." Thus we see that to his face the Lord merely called Noah righteous, whereas in his absence the verse called him "a just, perfect man."

The same said again: A house, where the words of the Law are also heard at night, shall never more be destroyed, as it is written [Job xxxv. 10]: "But man saith not, 'Where is God my maker, who bestoweth joyful songs even in the night,'" and the verse is explained thus: If man would have sung joyful songs even in the night, he would not have been compelled to ask: "Where is God my maker?"

The same said again: Since the destruction of the temple it is sufficient for man to use only two letters in place of the four forming the name of the Lord (*i.e.*, Yod and Heh instead of Yod, Heh, Vav, and Heh), as it is written [Psalms cl. 6]: "Let everything that hath breath praise Jah (the Lord). Hallelujah."

He said again: When Babylon was cursed, it was a curse to the neighbors also; but when Samaria was cursed, the neighbors rejoiced. Speaking of Babylon, it is written [Isaiah xiv. 23]: "I will also make it a possession for the hedgehog and pools of water," and speaking of Samaria, it is written [Micah i. 6]: "Therefore will I change Samaria into stone-heaps on the field, into vineyard plantations."

He said again: Come and see how the custom of the Holy One, blessed be He, differs from that of mortal man: When a man is about to be executed, a gag is placed in his mouth in order that he may not curse the king; but if a man transgresses against the Lord, the man is silenced, as it is written [Psalms lxxv. 2]: "For thee praise is waiting, O God, in Zion." Not only is the man who transgresses against the Lord silent (waiting) but he also praises him, and the punishment given man for

the transgression is regarded by him as a sacrifice unto the Lord, as it is written, "and unto thee shall vows be paid" [ibid.].

This is similar to the saying of R. Jehoshua ben Levi as follows: It is written [Psalms lxxxiv. 7]: "Passing through the valley of weeping, they will change it into a spring; also the early rain covereth it with blessings." "Passing" refers to the man who has trespassed against the will of the Holy One, blessed be He, "the valley" refers to hell which is made deeper, "weeping" signifies that they are weeping and shedding tears equal to the spring of Shitin, and "the early rain covereth it with blessings" denotes that the trespassers themselves bless the Lord, saying: "Creator of the Universe, Thou hast judged rightly, finding the righteous just and the wicked full of iniquity, (and blessed be Thou) that Thou hast ordained hell for the wicked and paradise for the righteous."

Is this statement not contradictory to the saying of Resh Lakish to the effect that the fires of hell cannot gain access to the bodies of the sinners in Israel, which is derived from the *a fortiori* conclusion that inasmuch as the gold which was only of the thickness of one golden dinar covering the ark of the covenant, was not touched by the perpetual light, although but one commandment was being fulfilled, so much more will the sinner in Israel who has fulfilled as many commandments as a pomegranate has seeds escape the fires of hell (as it is written [Solomon's Song vi. 7]: "Like the half of the pomegranate is the upper part of thy cheek," etc. And Resh Lakish said: Do not read "the upper part of thy cheek," but read "thy vain, wicked men" *). Nay; even Resh Lakish admits that the sinners descend into hell; but our father Abraham, seeing that they are circumcised, rescues them.

R. Jeremiah ben Elazar said again: "Hell has three gates: One in the desert, one in the sea, and one in Jerusalem." "In the desert," as it is written [Numbers xvi. 33]: "And they went down, they, and all they that appertained to them, alive into the pit (Sheol-Gehenna)." "In the sea," as it is written [Jonah ii. 3]: "Out of the depth of the grave have I cried, and thou hast heard my voice." "And one in Jerusalem," as it is written [Isaiah xxxi. 9]: "Who hath a fire in Zion, and a furnace in Jerusalem." And the disciples of R. Ishmael taught, that by a

* "The upper part of thy cheek" is expressed in Hebrew by "Rakothch," and Resh Lakish reads instead "Rikothch," which signifies "thy vain or wicked men."

fire in Zion is meant Gehenna, and by the furnace in Jerusalem is meant the gate of Gehenna.

R. Jehoshua ben Levi said, that hell has seven names, viz.: Sheol, Abaddon, Baar Shachath, Bor Sheon, Tit Hayavon, Tzalmoveth, and Eretz Hathachthith.*

Where is the gate of Paradise? Said Resh Lakish: "If the gate of Paradise is in the land of Israel it is in the city of Beth Sheon. If it is in Araby it is in the city of Beth Gerem, and if it is between the rivers it is in Damaskanun."

In Babylon, Abayi would praise the fruit growing on the other side of the Euphrates and Rabha would praise the fruit of the city of Harphania (so it may be that the gate of Paradise is situated in one of these two places).

"*Cattle yoked together in a team, but not walking unyoked.*" Why does the Mishna say "yoked together but not unyoked"? It is self-evident, that if they must be yoked they cannot be unyoked? We might assume, that if it said only "yoked together" we might think that apparently yoked would be sufficient, so it is repeated in order to make it more emphatic.

"*So that one enters as the other passes out.*" That means, that one *team* can enter while another passes out. This was taught in a Boraitha.

The Rabbis taught: How much (in size) must the larger part of a cow be reckoned? Two ells. What is the breadth of a cow? One and two-thirds of an ell. Thus six cows abreast will measure about ten ells. So said R. Meir, but R. Jehudah said: "About thirteen or fourteen ells." Why does R. Meir say "about ten ells"? It is exactly ten ells? Because he must teach later "about thirteen ells," so he also approximates it in this case, and says "about ten ells." Now, why does R. Jehudah say "about thirteen ells"? According to his opinion it should be more? Because he wishes to say "about fourteen" he generalizes it and says "about thirteen or fourteen." How can he say about fourteen? It is less than fourteen? Said R. Papa: "He means to say more than thirteen and less than fourteen" (*i.e.*, the measure of two teams of four cows each abreast is more than thirteen and less than fourteen ells).

R. Papa said: For a well that measures not more than eight

* These names can be found in the following passages: Jonah ii. 3; Psalms lxxxviii. 12; *ibid.* xvi. 10; *ibid.* xl. 2; *ibid.* cvii. 10; the last name is traditional and not mentioned in the Scriptures.

ells in circumference, all agree, that no centre-boards are necessary. For a well of twelve ells in circumference, all agree that they are necessary. Where they differ is concerning a well that is between eight and twelve ells in circumference. According to R. Meir centre-boards are necessary, and according to R. Jehudah they are not. What would R. Papa inform us? We have learned this in our Mishna; for R. Jehudah says two teams of four animals each and R. Meir two teams of three each, so the difference is the size of two animals but not the size of one. R. Papa did not know of the Boraitha stating the size of a cow, so he came to teach us the measure.

Abayi asked Rabba: "What is the law if a man make the enclosures wider; must, according to R. Meir, centre-boards be put up nevertheless or not?" and Rabba answered: "This was taught us in the Mishna, 'providing that more boards be used.' Can we not assume that centre-boards are necessary?" Rejoined Abayi: "Nay! it may mean that the corner-boards should be increased in length." It seems to us that the opinion of the latter is the intention of the Mishna. This decides the argument.

Abayi asked Rabba again: "What is the law according to R. Jehudah if the space between the corner-boards on the same side exceeded thirteen and one-third ells? What should a man do then? Should he increase the length of the corner-boards or put up centre-boards?" Answered Rabba: This was taught us in a Boraitha as follows: What is meant by "they are near each other"? If they are only apart a space as large as the greater part of a cow. What would be called "they are far away from each other"? If the space between them is so large that a kur or even two kurs of grain can be planted therein. R. Jehudah, however, said, that only a space large enough to permit of the planting of two saahs of grain is permitted, but no more. The sages said to R. Jehudah: "Dost thou not admit that a cattle-pen or a fold, a bleaching-ground or a courtyard, even though they be large enough to accommodate five or even ten kurs of grain, are permitted?" R. Jehudah answered: "Here the case is different; for here we have partitions, while in the case of a well we have only enclosures." Now, if the length of the corner-boards should be increased, then R. Jehudah would say that the boards around a well also constitute a partition. Rejoined Abayi: Around a cattle-pen or a fold, a bleaching-ground or a courtyard, according to R. Jehudah, the law of a

partition is applied and that must not contain a space larger than ten ells, and it matters not whether that space have a capacity large enough to permit of planting one or five kur of grain; but the space between the corner-boards was fixed at thirteen and one-third ells because the law of enclosures is applied, hence it should not have a capacity larger than would permit of the planting of two saahs of grain, even if the length of the boards be increased.

Abayi asked Rabba again: "Can a sandheap four ells wide and sloping up to a height of ten spans take the place of the corner-boards at a well?" Answered Rabba: "This is taught in a Tosephta: 'R. Simeon ben Elazar said: If there was a square rock standing at the corner of a well, which if divided would form an angle, each side of which would be one ell, it may take the place of corner-boards, otherwise it cannot.'" R. Ishmael the son of R. Johanan ben Berokah said: "Even if the rock was round and when made square and divided would form an angle each side of which would be one ell, it may also take the place of the corner-boards." On what point do they differ? According to the former Tana there is only one supposition allowed regarding the rock, whereas according to the latter, even two suppositions concerning the rock are permitted.

He asked him again: "May a bush take the place of corner-boards?" and Rabba answered: "We have learned this in a Boraitha: If there was a fence, a tree, or a number of cane-laths on the spot, they may serve as corner-boards." What is meant by cane-laths? In all probability a bush. Nay; we might assume, that they were really cane-laths and less than three spans apart? Then, by application of the law of "lavud" it would be a fence, and the Boraitha mentions a fence in the first place; why should the repetition be made? If it is a bush, it is the same as a tree; why the repetition in this instance? It might be said, then, that two kinds of a tree are mentioned; why should not two kinds of fences be mentioned?

Abayi asked him again: May things be carried from a courtyard opening into the enclosure around a well and *vice versa*? Rabba answered: "They may." "How is it if there were two adjoining courtyards opening into the enclosure?" "Then one must not carry from the courtyards into the enclosure." Said R. Huna: "If there were two courtyards, even an Erub will not make it lawful to carry things from the courtyards into the enclosure as a precaution, lest it be said, that the law of Erub

applies also to enclosures." Rabha, however, said: "If an Erub was made, it is lawful." Said Abayi: "I know of a Boraitha, which supporteth thy opinion, viz.: If a courtyard opened into an enclosure around a well, things may be carried to and from the courtyard and the enclosure, but if two courtyards opened into the enclosure, this is not allowed, provided an Erub was not made. If an Erub *was* made, it is lawful."

Abayi asked Rabba again: "What is the law concerning the enclosures of a well which had gone dry on Sabbath?" and he answered: "Were not the enclosures made merely for the sake of the water? If the water gave out, the enclosures are void." Now asked Rabin of Abayi: "What is the law if the well went dry on the Sabbath and was filled again on the same day?" Answered Abayi: Concerning the law of a well that had gone dry I asked Master and he told me that the enclosures were void; hence if the well filled up again on the same day the enclosure must be regarded as one constructed on the Sabbath and it was decided that [in Tract Sabbath, page 200] a partition constructed on the Sabbath is valid.

R. Elazar said: "If one throw something (from public ground) within the enclosures around a well, he is culpable." Is this not self-evident? If the enclosures were not regarded as a partition, how would it be allowed to draw water from the well on Sabbath? R. Elazar means to tell us, that if such enclosures were erected in public ground without having a well, it also makes one culpable to throw a thing within the enclosures. Is *this* not self-evident? If such enclosures were not regarded as a partition elsewhere, how could they be thus considered when erected around a well? He lets us know, that even if the space surrounded by the enclosures is used as a public thoroughfare, it is nevertheless regarded as private ground. Then he means to tell us, that the public who pass through the enclosures do not nullify the validity of the enclosures? This we have also been taught [in Tract Sabbath, page 10]. The ordinance there is derived from his dictum above.

"*It is permitted to place the enclosures quite close to the well.*" We have learned in a Mishna [Sabbath, xi.]: A man must not, standing in private ground, drink in public ground, nor, standing in public ground, drink in private ground, unless he place his head and the greater part of his body within the place in which he drinks. Such is likewise the law regarding a vine-press. Shall we assume, that it is sufficient for a *man* to have his head and

the greater part of his body in the place in which he drinks, but does this also apply to cattle or not? If the man hold the vessel from which the cattle drink and holds also the cattle (so that they cannot turn around), there is no question but that it is sufficient if they have their heads and the larger part of their bodies within the enclosures; but if the man hold the vessel only, and not the cattle, what is the law? Replied one of the schoolmen to the questioner: We have learned this in our Mishna, viz.: "Providing the head and the greater part of the body of the animal be within the enclosure while it drinks." Must we not assume, that in this case the man holds only the vessel and not the animal? Nay; he holds both the vessel and the animal and the law seems to apply to the latter instances; for had he not held the animal also, how could this be allowed? Did we not learn in a Boraitha: A man must not fill a vessel with water to give to his cattle, but he may fill up the vessel and let his cattle drink of their own accord. (This was taught concerning the enclosures around the well.) Now, then, if we should say, that this Boraitha applies to a man who holds both the vessel *and* the cattle, why should he not water the cattle out of the vessel? We must therefore assume, that he did not hold the cattle, and consequently it is obvious that one must hold both the vessel and the cattle.

Have we not learned, that Abayi explains the mentioned Boraitha as follows: The case was, where a crib, ten spans high and four spans wide (forming in itself a private ground), and opening into the enclosures surrounding the well, stood in public ground and the animal stood in private ground? The Boraitha ordains, that the man should not fill a vessel with water and carry it to the animal, but pour it into the crib, *i.e.*, he should not lift the vessel with water over the crib and carry it through public ground to the animal, lest he notice that the crib is broken and he will carry the crib into the place where the animal stands to mend it, thus carrying a thing from public into private ground?

Even if he did so, can the man be held culpable? Did not R. Saphra say, in the name of R. Ami, quoting R. Johanan: "If one moved a certain thing from one corner into another in private ground and then carried it into public ground, he is not culpable, because his original intention was not to carry it into public ground?" Abayi means to state, that the man might mend the crib where it was standing and then carry it into private ground.

Come and hear (another objection): "A camel, whose head and greater part of the body was within the enclosures around a well, may be crammed." Now, in such a case, the man certainly holds the animal and the vessel, and still it is necessary that the head and larger part of the body of the animal be within the enclosures? Said R. A'ha bar R. Huna in the name of R. Shesheth: "With a camel it is different; the neck of a camel being very long, if the camel turned its head around it would be in public ground."

We have learned also in a Boraitha, that R. Eliezer also prohibits this to be done with a camel, because its neck is very long.

R. Itz'hak bar Ada said: "The enclosures around wells are not permitted to be used by any but the pilgrims while going to Jerusalem for the festivals." Did we not learn in a Boraitha that the enclosures are allowed only for cattle? By cattle is meant the cattle of the pilgrims, but what should a man who wishes to drink do? He should hold on to the walls of the well and drink there. [This is not so! Did not R. Itz'hak in the name of R. Jehudah quoting Samuel say, that the enclosures are permitted to be made only around wells containing spring-water but not rain-water? If the wells were only allowed for cattle, why should this distinction be made? The water must be fit for human use also (because the enclosures are erected for the sake of the water, the latter should be good water).] If the walls of the well were very wide and a man could not climb over them, he may draw water from the well and drink it.

R. Jeremiah bar Abba said in the name of Rabh: The laws of a road that had huts built on it at seventy ells apart and of enclosures around wells do not hold good in Babylon or anywhere outside of Palestine. The first law does not apply to Babylon on account of the frequent floods and to other lands on account of thieves who would steal the huts, and the second law does not apply to Babylon because of the abundance of water and to other lands because there are no colleges of learning.

Said R. Hisda to Mari the son of R. Huna the son of Jeremiah bar Abba: "I have heard, that ye, men of Barnash, go to the synagogue of Daniel on the Sabbath, a distance of three miles. Upon what grounds do ye do this? Do ye depend upon the law of huts? Was it not said by thy grandfather in the name of Rabh, that this law does not apply to Babylon?" R. Hisda was shown by Mari demolished buildings scattered over

the entire road, at about seventy ells apart, which at one time formed part of the city itself.

Said R. Hisda: Mari bar Mar related: It is written [Jeremiah xxiv. 1]: "The Lord caused me to see, and, behold, there were two baskets of figs placed before the temple of the Lord," etc., and [ibid. 2]: "The one basket had very good figs, like the figs that are first ripe; and the other basket had very bad figs, which could not be eaten, from being so bad." The good figs represent the strictly righteous and the bad figs the grossly wicked, but if you mean to say, that for the grossly wicked there is no more hope, therefore it is written [Solomon's Song vii. 14]: "The mandrakes * give forth their smell."

Rabha preached: "By the passage 'The mandrakes give forth their smell' is meant the young men of Israel who have not yet tasted of the fruit of sin, and by 'at our doors are all manners of precious fruits' is meant the virgins of Israel who are modest before their marriage, and by the passage 'new and also old, O my friend! these have I laid up for thee' is meant what the congregation of Israel said to the Holy One, blessed be He, namely: 'Creator of the Universe! Even more than thou hast ordained for us, have we ordained for ourselves and have faithfully observed.'"

Said R. Hisda to one of the scholars who read legendary matter before him: "Hast thou not heard what is meant by 'new and also old' (in the passage quoted)?" He answered: "'The old' refers to biblical ordinances and the 'new' to rabbinical."

Rabha preached: "It is written [Ecclesiastes xii. 12]: 'But more than all these, my son, take warning for thyself: the making of many books would have no end; and much preaching is a weariness of the flesh.' This means: 'My son, be careful in the observance of the rabbinical commandments (even more than in the biblical); for while the biblical commandments are for the most part positive and negative (*i.e.*, not always involving the death-penalty if violated), the rabbinical commandments, if infringed, would involve capital punishment. Lest one might say, that if such be the case, why were not the rabbinical commandments written down, the answer is provided, 'The making of many books would have no end.' The end of the passage

* The Hebrew term used for baskets and for mandrakes in both passages is "Dudaim," hence the inference by analogy.

'Much preaching is a weariness of the flesh,' signifies, that one who devotes much thought and reflection to the rabbinical commandments, acquires a taste as if he had eaten an excess of meat."

The Rabbis taught: It happened that when R. Aqiba was in prison R. Jehoshua of Garsi served him every day. Water was given R. Aqiba in a measure. One day the warden of the prison said to R. Jehoshua: "To-day thy measure of water is too large. Perhaps it is thy intention to undermine the prison." So he poured out half the water and returned the remainder. When R. Jehoshua came to R. Aqiba the latter said to him: "Dost thou not know, that I am an old man and that my life is dependent upon thee?" R. Jehoshua then related what had happened. Said R. Aqiba: "Give me the water and I will wash my hands prior to eating," and he answered: "There is hardly enough water to drink, and thou wouldst use it to wash thy hands?" Rejoined R. Aqiba: "What can I do? I must follow the rabbinical commandment, which if violated would involve capital punishment. It were better for me that I die of hunger, than to act contrary to the opinion of my colleagues." And it was said that R. Aqiba would not taste anything until water was brought to him to wash his hands. When the sages heard of this, they said: If he was so careful in his old age how was he in his youth, and if he was so particular in prison how was he when at liberty!

R. Jehudah said in the name of Samuel: In the time that Solomon the king ordained the law of Erubin and that of washing the hands (before meals) a heavenly voice was heard, which said [Proverbs xxiii. 15]: "My son, if thy heart be wise, my heart shall rejoice, even mine," and [ibid. xxvii. 11]: "Become wise, my son, and cause my heart to rejoice, that I may give an answer to him that reproacheth me."

Rabha preached again: It is written [Solomon's Song vii. 12-13]: "Come, my friend! let us go forth into the field; let us spend the night in the villages; let us get up early to the vineyards; let us see if the vine have blossomed, whether the young grape have opened to the view, whether the pomegranates have budded: there will I give my caresses unto thee." "Come, my friend! let us go into the field." Thus said the community of Israel before the Holy One, blessed be He: "Creator of the Universe! Judge us not by the inhabitants of the large cities; for there is robbery, rapine, false-swearing, and swearing in vain

among them. Come into the field and we will show Thee many scholars who study the Law although they are in poor circumstances." "Let us spend the night in the villages." * This means: Come with us and we will show Thee so many, to whom Thou hast shown so much mercy and still they deny Thee. "Let us go up early into the vineyards," refers to the synagogues and the houses of learning. "Let us see if the vine have blossomed," refers to those who study the Holy Writ. "Whether the young grape have opened to the view," refers to those who study the Mishna. "Whether the pomegranates have budded," refers to those who study the Gemara. "There will I give my caresses unto thee," signifies: We will show Thee our children who honor and revere us by studying the Law and walking in Thy ways.

Said R. Hamnuna: It is written [I Kings v. 12]: "And he spoke three thousand proverbs and his songs were a thousand and five." From this it is inferred, that Solomon said three thousand proverbs for every one of the biblical commandments and gave one thousand and five reasons for each of the rabbinical commandments.

Rabha preached: It is written [Ecclesiastes xii. 9]: "And in addition to this that Koheleth was wise, he continually also taught the people knowledge, and he probed, and searched out, and composed many proverbs." "He continually also taught the people knowledge" signifies, that he supplied the Holy Writ with the Massoretic text and explained the different passages with parables and proverbs. "And composed many proverbs." Ula said in the name of R. Eliezer, that prior to the time of Solomon the Scriptures were like a basket without handles, that could not be grasped, and when Solomon came, he provided the Holy Writ with all the precautionary measures necessary for its preservation.

R. Hisda said in the name of Mar Uqba: "It is written: 'His head is bright as the finest gold, his locks are like waving foliage, and black as a raven.'" (Locks are expressed by the Hebrew word "Taltalim," also meaning heaps.) The inference can be made from this passage, that upon every letter contained in the Scriptures a heap of ordinances can be based, and further, that the one wishing to find all the beauties contained in the

* The Hebrew term for "in the villages" is "bakphorim," and if read "bakophrim" through transposition of the vowel would signify: "Among the infidels."

Holy Writ must devote himself to its study until he becomes "black as a raven." Rabha said not "until he becomes black as a raven," but until he becomes as hard-hearted towards his family as a raven is towards its young.

As it happened that R. Ada bar Mattna wished to go and seclude himself in the house of learning and his wife said to him: "What shall I do with thy little ones?" and he answered: "There are still herbs in the field."

It is written [Deuteronomy vii. 10]: "And repayeth those that hate him to their face, to destroy them. He will not delay, to him that hateth him he will repay him to his face." Said R. Jehoshua ben Levi: "Were it not for this passage, it would be impossible to make such an assertion; for this is like a mortal who would rid himself of a burden which had become too heavy to carry." * The last part of the passage implies, that while punishment is not delayed to the wicked, the reward to the strictly righteous is delayed. So said R. Aila and it is similar to the dictum of R. Jehoshua ben Levi: "It is written [ibid. ii.]: 'The ordinances which I command thee this day, to do them,' " and signifies, that the commandments are to be fulfilled this day, but the reward for so doing is put off for a future day, *i.e.*, will be given in the world to come."

"R. Jehudah said: 'The maximum distance,' " etc. The schoolmen propounded a question: Does R. Jehudah mean to exclude the space occupied by the well in the maximum distance or does it refer to the enclosures plus the space between the enclosures and the well? Come and hear: We have learned: What is meant by "the enclosure may be quite close to the well"? That the head and greater part of the body of the animal be within the enclosures, and what is meant by "it may be placed at some distance from the well"? That the space between the well and the enclosure may be of sufficient size to permit of the planting of one or even two kurs of grain therein. R. Jehudah, however, says, that it may be only of two saahs' capacity, but not more. The sages said to him: Wilt thou not grant us that as regards a cattle-pen, fold, bleaching-ground, or a courtyard, a capacity of five or even ten kur is permissible? He answered them: "Yea; but in the latter cases we have a

* This expression is rendered in Hebrew by the term כְּבִיכּוֹל, a literal translation for which cannot be found. The implied meaning of the term, however, is: When speaking of God, the assumption is made, that if He were a concrete body, this or that could be said of Him.

partition whereas in the case of a well there are only enclosures." R. Simeon ben Elazar, however, said, that in the case of a well, the square of a space sufficient for the planting of two saahs of grain is allowed, and by "it (the enclosure) may be placed at some distance from the well" is meant such a square plus the two ells necessary for the accommodation of the head and larger part of the body of the animal. Now, then, if R. Simeon ben Elazar means to permit the two ells in addition to the square space permitted, it is evident, that R. Jehudah, who differs with him, means to include them in that space.

Nay; this is not so, after all! R. Jehudah also means to allow the two ells in addition to the permitted space, but he differs with R. Simeon ben Elazar in the measurement of the space. The latter holds, that the space should be square, *i.e.*, if it be one hundred ells long it must be one hundred ells wide, whereas according to R. Jehudah it may be one hundred ells long and only fifty ells wide (for such was the measure of the court of the tabernacle). [The end of the Boraitha is:] A rule was laid down by R. Simeon ben Elazar: Every space used for a dwelling of any description, *e.g.*, a pen, a fold, a bleaching-ground, or a courtyard, may be of a size large enough to permit even of the planting of ten kurs of grain therein; but a roofed dwelling such as the huts in a field must not exceed two saahs' capacity.

MISHNA: R. Jehudah said: If a public thoroughfare passes through the enclosure, it must be closed up with boards at the sides facing the thoroughfare; but the sages hold, that it is not necessary.

GEMARA: Said R. Itz'hak bar Joseph in the name of R. Johanan: "There is no such a thing as public ground in Palestine." * R. Dimi sitting in his college repeated this Halakha. Said Abayi to him: "What is the reason of this assertion? Shall I assume, that it is because the rocks of the mount Tyre surround Palestine on one side and a canal on another side? Does not the river Euphrates on the one side and the river Diglat on the other side surround Babylon and in like manner the ocean surrounds the world, then there should be no public ground at all. Perhaps R. Johanan meant to say, that the path ascending the mountain and the other descending from the mountain is not public ground?" Answered R. Dimi: I see

* *Vide* Introduction to Vol. I., p. xxviii, § iv.

thou hast a wise head, and it seems to me as if thou wert among the pillars of R. Johanan's college, when he pronounced this Halakha.

When Rabbin came from Palestine, he said in the name of R. Johanan, and according to another version in the name of R. Abbahu quoting R. Johanan: The paths by which the mountains in Palestine are ascended and descended do not come under the head of public ground, because they were not encountered on the journey through the wilderness (the pillar of cloud removing all hills and mountains from the path of the children of Israel).

MISHNA: Be it a public cistern, a public well, or a private well, such an enclosure of boards must be made for it; to a private cistern, however, a partition ten hands high must be made. Such is the dictum of R. Aqiba; but R. Jehudah ben Babah said: An enclosure of boards must be made only for a public well; for all others it is sufficient to make a rope fence ten hands high.

GEMARA: Said R. Joseph in the name of R. Jehudah quoting Samuel: "The Halakha prevails according to R. Jehudah ben Babah." And he said again in the name of the same authority: "It is allowed only to make an enclosure around a well containing spring-water." The reason this latter saying of R. Jehudah ben Babah is quoted is, because in the Mishna he states, that an enclosure must be made only for a public well and we might assume that even if the well contained rain-water, providing it be only a public well, an enclosure may be made around it: therefore we are taught, that even though it be a public well it must contain spring-water.

MISHNA: Furthermore, R. Jehudah ben Babah said: "In a garden or wood-shed over seventy ells square and encompassed by a wall ten hands high, it is lawful to carry things, provided there is a watch-box or dwelling of some kind (within the garden or shed), or they are close to town." R. Jehudah, however, said: Even though there be nothing else within them than a cistern, a reservoir, or a cave, it is lawful to carry things (in the garden or shed). R. Aqiba said: Even if the garden or wood-shed contain none of these objects mentioned, one may carry things within them (on Sabbath), provided they do not measure much over seventy ells square. R. Eliezer said: "If the length of such a garden or wood-shed exceed its width by even one ell, it is not permitted to carry things therein." R. Jose, however, said: Even if its length be twice its width, it is lawful to carry things therein.

R. Ilai said: I heard from R. Eliezer, that even though the garden or wood-shed be large enough to permit of a whole kur of grain being planted within it, it is permitted to carry things therein on Sabbath. I also heard from him, that if one of the householders of a court had forgotten and not combined in the erub, he must not carry anything out of or into his house, but the other inmates of the court may do so. Furthermore, I heard from him, that a man can fully acquit himself of the duty (of eating bitter herbs) on the Passover by using hart's-tongue (scolopendrium). I inquired among all his disciples seeking a colleague who had also heard him pronounce these opinions, but I could not find one.

GEMARA: "*R. Aqiba said: Even if the garden,*" etc. Is this not the same as was said by the first Tana? There is a difference in a trifling matter between the two, as we have learned in the following Boraitha: "There is a trifle over the seventy ells and something, which the sages failed to specify, and that is the difference between the space of two saahs' capacity (which is 100 by 50 ells) and the square of seventy ells and something (two saahs' capacity is equal to 100 by 50 ells, or 5,000 square ells, and $70\frac{1}{2}$ by $70\frac{1}{2}$ ells is equal to 4,994 $\frac{1}{4}$ square ells, hence the difference, $5\frac{1}{4}$ square ells). Whence do we adduce this? Said R. Jehudah: "It is written [Exodus xxvii. 18]: 'The length of the court shall be one hundred cubits and the breadth fifty by fifty.' This means to say, that the fifty cubits of length exceeding the breadth should be apportioned to the breadth, so as to make the whole seventy cubits and four spans square."* What is the correct interpretation of the passage? How can one hundred ells in length by fifty by fifty in breadth be understood? Said Abayi: "The passage implies that the tabernacle must be placed immediately beyond where the court is fifty ells in length, and being itself thirty ells long and ten wide, it will have a frontage of fifty ells and twenty ells on each remaining side."

"*R. Eliezer said: 'If the length,'*" etc. Did we not learn in a Boraitha: R. Eliezer said: "If the length exceeded double the width of the garden or wood-shed by one ell, things must not be carried in them"? Said R. Bibhi bar Abayi: Our Mishna must also be read *not* "if the length exceed the width,"

* These figures are approximate and the correct figures depend upon whether the cubit measured 5 or 6 spans.

but "if the length exceed *double* the width." If such be the case, then is this not the same as said by R. Jose? The difference between them is the one square ell which R. Eliezer adds as a proviso but which R. Jose does not incorporate in his dictum, for the former says (according to the above Boraitha): "Even if the length exceed double the width by one ell," while the latter says, "even if the length be double the width (exactly)."

"*R. Jose, however, said,*" etc. It was taught: R. Joseph in the name of R. Jehudah, quoting Samuel, said: The Halakha prevails according to R. Jose's dictum in that a square is not essential. R. Bibhi, also, in the name of R. Jehudah, quoting Samuel, said: "The Halakha prevails according to R. Aqiba, who says, that the garden or wood-shed need not contain any of those objects." Samuel found it necessary to make both statements in order to make the ordinance more lenient, *i.e.*, that neither was it essential that the garden or wood-shed be square nor that it contain a watch-box, dwelling, etc.

If a wood-shed of more than two saahs' capacity was fenced in for a dwelling, and the larger part of it was used to sow grain therein, it is like a garden and things must not be moved therein, because the fact that it was used for the purpose of sowing grain nullifies the original intention to use it for a dwelling. If, however, trees were planted in the greater part of it, things may be carried therein, because it is considered as a yard or court adjacent to a house. What is the law, however, if only in the smaller part of such a wood-shed grain was sown? Said R. Huna the son of R. Jehoshua: If the wood-shed was of two saahs' capacity, it is allowed to carry things therein under those circumstances, but if it was of a larger capacity, it is not allowed (to carry things therein). This will be in accordance with R. Simeon, whose opinion will be cited later (Chapter IX., Mishna i.). If trees were planted in the wood-shed: according to R. Jehudah in the name of Abhimi, things may be carried only if benches were made between the trees, but according to R. Na'hman, this is not necessary, and R. Huna the son of Jehudah is of the same opinion as R. Na'hman.

Said R. Na'hman in the name of Samuel: A wood-shed of over two saahs' capacity, which was not fenced in for a dwelling, stood near a house which was subsequently built adjoining it. What is to be done in order to make it lawful for the occupants of the house to carry things to and from the wood-shed and the

house on the Sabbath? First, a breach of more than ten ells should be made in the wall of the wood-shed (thereby rendering the walls useless); then the breach should be filled up so as to make it ten ells only. This will be regarded as a door, and will make it lawful to carry things between the house and the wood-shed.

The schoolmen asked: "How is it, if the man tore down and rebuilt the walls of the wood-shed piecemeal, *i.e.*, ell by ell until more than ten ells were torn down and then by rebuilding just ten ells of the breach were left. (Must over ten ells be demolished at once in order to render the wall useless or does it suffice if eventually such a breach was made even if it was done ell by ell)?" The answer was: Is this not the same as we have learned in a Mishna (in Tract Kelim), that the vessels of householders which contain a hole larger than a pomegranate are not subject to defilement; and Hezekyah asked, what the law was if a hole the size of an olive was made in the vessel and stopped up and this was repeated until the hole became the size of a pomegranate. R. Johanan answered him and related that Rabbi taught this in another Mishna concerning a sandal, one ear of which had become torn and was mended when the other became torn and was also mended, the sandal after the second mending is not subject to defilement. Rabbi was asked why he had ordained thus, for after the second mending, the same condition existed in the sandal as after the first. He answered: Nay; when the other ear was broken off the sandal was virtually destroyed and after it had been mended it assumed a different appearance. This statement can also be applied to the wall, which with each successive breach of one ell assumed a different appearance. The answer was: Such explanations are superhuman (and can only be made by an angel). According to another version, the answer was: "This is a man (who has knowledge)." *

Said R. Kahana: "In a bleaching-ground (behind a house) things must not be carried except for a distance of four ells."

Said R. Na'hman: "If a door was erected in the bleaching-ground, things may be carried over its entire extent; because the door renders this lawful."

If a wood-shed of over two saahs' capacity which had been

* The Gemara has evidently omitted the names of the different sages who carried on the above argument.

intended for a dwelling was filled with water it is considered as if planted with trees, and things may be carried over its entire extent. Said Ameimar: Provided the water was fit to drink; but if not fit for drinking purposes, things must not be carried within the wood-shed.

There was a bleaching-ground in the city of Pumnahara, one side of which opened into the city and the other side into a path leading to a vineyard, which in turn opened into the banks of a lake. Said Rabha: A side-beam should be erected on the side of the bleaching-ground facing the city, and if this is of use as an entry to the city, it will also be a valid entry for the bleaching-ground. This makes it lawful to carry things both in the entry and in the bleaching-ground; but as for carrying from the entry into the bleaching-ground or *vice versa*, there is a difference of opinion between R. Aha and Rabhina. One permits this because the bleaching-ground is uninhabited. The other prohibits this, lest the bleaching-ground become at some time inhabited and things will be carried to and fro nevertheless.

A wood-shed of over two saahs' capacity which was not fenced in for a dwelling and was made smaller by planting trees therein, is not considered diminished in size. If, however, a pillar was erected within it, ten spans high and four wide, it is considered diminished. If the pillar was less than three spans wide, all agree, that it is of no account; but if it be over three spans and less than four, Rabha said, that the wood-shed is thereby diminished because a thing which is over three spans wide does not come within the law of "lavud" (attachment), and is hence considered an independent subject; Rabha, however, maintains, that it is not diminished, for a subject which is less than four spans is of no account.

If a partition was made in the wood-shed four spans distant from the wall, things may be carried over the entire wood-shed. If the partition was less than three spans from the wall, all agree that this would be unlawful. If over three and less than four, Rabba said it is lawful, and Rabha said it is not. R. Shimi, however, taught this ordinance in a more lenient form, namely: If the partition was over three and less than four spans from the wall, all agree, that it is lawful; but if it was less than three then there is a difference of opinion.

Rabba bar bar Hana propounded a question: "If the bottom part of a partition was swallowed up by the earth and the top part remained, can it be accounted a lawful partition or

not?" What was the object of this question? If it refers to a partition which was erected on the estate of a deceased proselyte, then this question is identical with that of Jeremiah of Bira, which is decided in Tract Baba Bathra; and if it refers to the Sabbath-law, *i.e.*, if a partition was made on Sabbath, then the question has already been decided previously (page 47).

Concerning a wood-shed of three saahs' capacity which was provided with a roof of only one saah capacity Rabha said: The atmosphere of the unroofed portion of the wood-shed nullifies the roof which has been erected and things must not be carried within it. R. Zera, however, said: The atmosphere of the unroofed portion does not interfere with the roof which is considered as attached to the part of one saah's capacity and things may be carried within the roofed part with impunity. I admit, however, that if a wall of the wood-shed facing a courtyard was entirely demolished, the atmosphere of the adjoining courtyard renders the remaining walls void and makes the wood-shed one of over two saahs' capacity.

There was a garden on the estate of the Exilarch containing a pavilion. On a Friday R. Huna bar Hinana was told to go out there and make the pavilion suitable so that things could be carried and meals taken within it on the morrow. He went and placed some sticks of less than three spans in height in the ground around the pavilion. Rabha then went out and tore down the sticks. R. Papa and R. Huna the son of R. Jehoshua even went and hid the sticks so that R. Huna bar Hinana could not obtain them again (because all three held, that the sticks would have been of no account whatever). So the Exilarch applied to them the verse [Jeremiah iv. 22]: "Wise are they to do evil, but how to do good they do not know."

"R. Ilai said: I have heard from R. Eliezer, that even though a garden or wood-shed be large enough to permit of the planting of a whole *kur*," etc. This Mishna is not in accordance with the opinion of Hananiah, who said, that even if they have a capacity of forty saahs, as a parade ground for soldiers in front of the king's palace, things may be carried within them, so it was taught in a Boraitha. Said R. Johanan: Both R. Eliezer and Hananiah adduced their opinions from the same passage, *viz.* [II Kings xx. 4]: "And it came to pass, before Isaiah was gone out into the middle court," etc., while subsequently city is mentioned and hence the inference that a parade ground be it even as large as a medium-sized town is still called a court provided

it be in front of the king's palace. Their point of difference is, that one holds a medium-sized town to have a capacity of one kur while the other holds that it has a capacity of forty saahs.

"I also heard from him," etc. Did we not learn in another Mishna, that neither the householder himself nor the other inmates of the court (yard) may carry anything to and from his house? Said R. Huna the son of R. Jehoshua in the name of R. Shesheth: This presents no difficulty. The Mishna is in accordance with R. Eliezer, who holds, that if one had resigned his right to the use of the court he also resigned his privilege of the use of his house, but according to the opinion of the rabbis it may be said that, if he had resigned his right to the court, he did not thereby resign his privilege of the use of his house. Is this not self-evident? (Why should we say, it may be said?) They cannot differ on any other point. Said Rahabha (Rabha): I and R. Huna bar Hinana have explained this as follows: The case was, where there were five inmates of one court, and one of them forgot to combine in the erub; according to R. Eliezer, at the time that he resigns his right to the use of the court in favor of all the other inmates he need not do so to each one individually also, and he at the same time resigns the privilege of using his house to the other inmates, while according to the Rabbis, he must do so to each one of the inmates individually and must also bear in mind to resign his privilege of using his house.

CHAPTER III.

REGULATIONS CONCERNING WHEREWITH AND WHERE AN ERUB MAY BE MADE. WHEREBY AN ERUB BECOMES INVALID. THE ERUB OF LIMITS, WITH ITS CONDITIONS. WHEN A FESTIVAL OR NEW-YEAR PRECEDES THE SABBATH.

MISHNA: The Erub may be effected with all kinds of victuals excepting water and salt. All kinds of victuals may be bought with the proceeds of the second tithe except water and salt. One who has vowed to abstain from food, may partake of water and salt. The Erub may be made for a Nazarite with wine and for an ordinary Israelite with heave-offering. Symmachus said: Unconsecrated things only may be used for the Erub of an ordinary Israelite. The Erub of a priest may be placed on a spot which had formerly been used as a cemetery. R. Jehudah said: It may even be placed in an actual burying-ground, since the priest may make a partition between himself and the burying-ground and then eat the Erub.

GEMARA: R. Johanan said: "We must not accept all the Mishnaoth that commence with a general rule as final, even such as are supplemented with an exception." Said Rabhina, according to another version R. Na'hman: We can infer this from our Mishna above. It is stated therein, that with all kinds of victuals an Erub may be effected, excepting water and salt, and there are certain mushrooms with which an Erub cannot be effected also. Consequently we may assume from this Mishna, that all those commencing with a general rule, even such as are supplemented with exceptions, need not be accepted as final.

"*All kinds of victuals,*" etc. One of the two sages, R. Eliezer or R. Jose bar R. Hanina, taught as follows: The Mishna means to state, that an Erub must not be made with either water or salt, but with the two together it is allowed," and one of them taught the same with reference to second tithes, viz.: With the proceeds of the second tithes salt *or* water must not be bought; but the two together may be bought. The one who applies this opinion to second tithes does so even to a greater

degree in the case of the Erub; but the one who applies this to an Erub does not do so in the case of the second tithes; because some fruit must be bought therewith. When R. Itz'hak came from Palestine, he taught this to apply to second tithes also.

An objection was made: R. Jehudah ben Gadish testified in the presence of R. Eliezer, that his father's house used to buy fish-brine with the proceeds of the second tithes. Said R. Eliezer to him: "Perhaps thou didst not observe, that there were pieces of fish in the brine." Now, R. Jehudah ben Gadish himself testifies that fish-brine was bought and that is at least an article of food; but he certainly would not permit salt and water. Said R. Joseph: "R. Itz'hak in permitting water and salt to be bought with the proceeds of second tithes refers to a case where the water also contained some oil." Said Abayi: "If such be the case, why does he say water and salt, it would be virtually buying the oil?" The answer is: "If the money was paid for the oil and incidentally also for the water and salt." Is it allowed to buy it indirectly? Yea; it is allowed, as we have learned: Ben Bagbag said: It is written [Deut. xiv. 26]: "And thou shalt lay out that money for whatsoever thy soul longeth after, for oxen, or for sheep, or for wine, or for strong drink, or for whatsoever thy soul asketh of thee." "For oxen" signifies for oxen together with the hide, "for sheep" with the wool, "for wine" together with the barrel, "or for strong drink" even if it turned sour.

R. Johanan said: "The man who will explain to me the dictum of Ben Bagbag concerning the oxen, I will carry his clothes after him to the bath-house." Why is this so? Wherein does he find a difference between the oxen and the sheep? Because if we infer from the verse, that the sheep may be bought together with their wool, which can be shorn, it is self-evident that an ox must be bought with the hide, for how can it be bought otherwise? Hence the inference taken by Ben Bagbag from the oxen is superfluous.

Wherein do R. Jehudah ben Gadish, R. Eliezer, and the following Tanaim differ? R. Jehudah ben Gadish and R. Eliezer interpret an extension and a limitation thus: "Thou shalt lay out that money for whatsoever thy soul longeth" is an extension then; "for oxen, or for sheep, for wine or for strong drink" is a limitation; "or for whatever thy soul asketh of thee" is again an extension. Thus we have an extension, a limitation and another extension. What is the extension? "For every-

thing." But what is the limitation? According to R. Eliezer, it is fish-brine, and according to R. Jehudah ben Gadish it is water and salt, and the other Tanaim do not refer to extension and limitation but to the effect of general and particular terms, as we have learned in a Boraitha: "Thou shalt lay out that money for whatsoever thy soul desireth" is a general term, "for oxen, for sheep, etc.," is a particular term, and again "or for whatsoever thy soul asketh of thee" is a general term; hence we have a general term, a particular term and another general term, and wherever there is a particular term in the midst of two general terms the particular term determines the rule. Thus the particular thing to be bought with the proceeds of second tithes is fruit of fruit (*i.e.*, a calf born of a cow or oil of olives) and everything generated above the ground; but salt and water or fish-brine is not included.

In another Boraitha however we were taught, that as the particular term refers to something born on or growing out of the ground, so does also the general term refer to subjects of this kind. What is the point of difference between the two Boraithas? Said Abayi: "Concerning fish." According to the Boraitha which holds, that the particular term refers to fruit of fruit and everything generated above the ground, fish is also included as it derives its sustenance from the earth; but according to the Boraitha which holds, that only something born on or growing out of the ground is meant, fish is excluded because it is generated in the waters.

Said R. Jehudah in the name of R. Samuel bar Shilas quoting Rabb: "An Erub may be made with lettuce, Halaglugoth (a certain edible plant) and clover but not with green rye-stalks and bad figs." How can he say that clover may be used? Have we not learned, that clover may be eaten only by those who have many children but not by such as have none? Have we not learned that for a Nazarite an Erub may be made with wine and for an ordinary Israelite with heave-offering? Although neither of these two are allowed to partake of those things, there are others who may do so and the same case can be applied to clover, while there are some who are not allowed to eat it, there are others who may; hence all may use it for the purpose of making an Erub.

With green rye-stalks it is not allowed? Did not R. Jehudah say in the name of Rabb, that hops and green rye-stalks may be used to make an Erub and the benediction to be pronounced

over these is "Blessed be He, etc., who hath created the fruits of the earth"? This presents no difficulty; for Rabh said, that rye-stalks were not permitted to be used, before he came to Babylon, not knowing that it was used for food, but when he learned that such was the case, he allowed its use.

With bad figs it is not allowed? Have we not learned, that palm-tops may be bought with the proceeds of second tithes and that they are not subject to defilement incidental to eatables, and bad figs may also be bought with the proceeds of second tithes but they *are* subject to the defilement? R. Jehudah, however, said that palm-tops were considered the same as trees under all circumstances with the exception that they may be bought with the proceeds of second tithes and that bad figs are considered the same as other fruit except that they are not subject to tithing? Thou sayest, they are subject to defilement? That is a different matter. The reason of that is, as R. Johanan stated in another case, that they can be made good through cooking over a fire and therefore they are subject to defilement, but they must not be used for making an Erub.

The text states, that hops and green rye-stalks may be used for making an Erub, etc. What quantity of hops should be used? As R. Yechiel said elsewhere, that a handful is sufficient, so it is also in this case; a handful will suffice for two meals. What quantity of green rye-stalks must be used? Said Rabba bar Tuvia bar Itz'hak in the name of Rabh: A bundle of the same size as that made by the peasants.

R. Helkyah bar Tuvia said: An Erub may be made with a Kalia (a certain root as hard as a piece of dry wood). How is that possible? Can it be eaten? He means to say when the root is young and tender. What quantity should be used? Said R. Yechiel: "A handful."

R. Jeremiah went out into the villages and was asked whether an Erub may be made with bean-pods. He did not know what to answer. When he came back to the college, he was told, that R. Janai said, "It was allowed," and as to the quantity R. Yechiel said, "A handful."

R. Hamnuna said: "An Erub must not be made with raw mangold. Because R. Hisda said that raw mangold can kill a man." But we see, that some people do eat it and it does not harm them? Yea; but they eat mangold which is partially cooked and is not quite raw.

R. Hisda said: "Cooked mangold is good for the heart, for

the eyes and above all for the stomach.''' Said Abayi: Such is the case if the mangold was cooked over the centre of a big fire so long that it sizzled.

Rabha said at one time: I feel, that I am at present in the same condition as Ben Azai was in the markets of Tiberias. [Ben Azai used to lecture in the markets of Tiberias and in his time was the most sagacious among all the sages, so that he once said: All the sages of Israel are as the peel of garlic compared to me except the bald-head (meaning R. Aqiba).] So one of the scholars came to Rabha and asked him, how many apples it would take to make an Erub? He answered: "Art thou then certain that an Erub may be made with apples?" With apples it is not allowed? Have we not learned in a Mishna, that a quantity of mixed eatables equal to two eggs is sufficient to make the body of a man incapable of touching heave-offerings? * If there is sufficient of those mixed eatables for two meals they may be used for making an Erub. If there is a quantity of those mixed eatables equal to one egg, they are subject to the defilement incidental to eatables. Why this question? 'Tis true that the Mishna mentions all eatables, but have we not learned, that wherever a general rule is laid down, even when supplemented with exceptions, it need not be accepted as final? Consequently apples may be excluded? This question is not based upon the statement that all eatables may be used, but upon the fact that a quantity of mixed eatables equal to two eggs may be used for an Erub, and if equal to one egg it is subject to defilement incidental to eatables. And if apples are subject to defilement, why should they not be used for an Erub? What should be the quantity of apples used? Said R. Na'hman: "A Kabh."

An objection was raised: R. Simeon b. Elazar said: A measure of spices, a litter of herbs, ten nuts, five *persicum* (apricots), two pomegranates, one citron. (This was a prescribed quantity for giving charity by the owner of a vineyard.) And Ghurseck bar Dori in the name of R. Menashiah bar Shegublick quoting Rabh said: The same quantity is sufficient for an Erub. Now why shall not apples also be equal to apricots and only five should be sufficient for an Erub? The *persicums* are more valuable, hence five are sufficient, but apples not being so valuable, therefore a Kabh is required.

Said R. Joseph: May the Lord forgive R. Menashiah bar She-

* *Vide* appendix to Tract Sabbath, Part II.

gublick. I said this to him in reference to the following Mishna and he said this in reference to the above Boraitha. This is the Mishna (mentioned above). Nothing less than a half a Kabh of wheat and a Kabh of barley should be given to a poor man by the owner of a barn. R. Meir, however, says a half a Kabh of barley and one Kabh and a half of Kusmin,* a Kabh of three or the weight of a maneh† of pressed figs; R. Aqiba said a half of a maneh; and a half a lug of wine; R. Aqiba said a quarter of a lug; and a quarter of a lug of oil; R. Aqiba said an eighth of a lug. Concerning other fruits, however, said Abba Saul: A measure of fruit, the sale of which would realize sufficient for the purchase of two meals; and to this Mishna I added in the name of Rabh that the same quantities are needed for an Erub.

The text said: If there is sufficient of mixed eatables for two meals they may be used for an Erub. R. Joseph meant to say: "If there is enough of each kind for one meal." Said Rabba to him: "Nay; it is sufficient if there was enough of each kind for a half, a third or even a quarter of a meal."

Rabh said: "One may make an Erub with wine of the quantity of two quarters of a lug." Must we have so much? Did we not learn that R. Simon ben Elazar said: "With sufficient wine necessary for the eating of two meals," and by that he means boiled wine in which bread sufficient for two meals is soaked.

Rabh said again: "One may make an Erub with vinegar sufficient for the soaking of food for two meals." R. Gidel said in the name of Rabh: "By that is meant enough vinegar to soak herbs sufficient for two meals"; and according to others R. Gidel said in the name of Rabh (not two meals of herbs only but) sufficient wine to soak the herbs which are usually eaten in two meals.

R. Zera said in the name of Samuel: "It is allowed to make an Erub with beer, but if three lugs of it be poured into a Mikvah, the Mikvah becomes invalid." How much beer is necessary for an Erub? R. Ahu the son of R. Joseph wished to

* There is a difference of opinion between the commentators of the Mishnas. Some maintain that it is a species of pease and is used as fodder for cattle, and some maintain that it is a species of grain. See Maimonides' commentary on the Mishna Sabbath, Chap. XX. See also Hamashbir, Vol. V., Note cxxiii.

† Weight mentioned in Bible, I Kings, chap. x. 17, and is equal to 100 drachms.

state in the presence of his father, that two lugs were necessary, *i.e.*, one lug for each meal. Said R. Joseph: This is not so. There are men who drink only one goblet-full in the morning and another in the evening (a goblet-full is supposed to be a quarter of a lug); hence two goblets-full are sufficient for an Erub.

What is the quantity of dates sufficient for an Erub? Said R. Joseph: "One Kabh." What is the quantity of Sheshitha (a dish made of parched corn and honey)? Said R. A'ha bar Pinhas: Two spoons-full. What is the quantity of roasted ears (of corn)? Said Abaja: Two bunis (measures used in the city of Pumbaditha).

Abayi said again: "My mother told me, that roasted ears are good for the heart and drive away care." He said again: My mother told me, that one who has heart-disease should take the meat from the right shoulder of a ram, bring some willow branches, burn them, and roast the meat on the coals. Then he should eat the meat and drink wine thinned with water.

Said R. Jehudah in the name of Samuel: "Of all things that are eaten with bread it is sufficient to use a quantity eaten with bread at two meals; but of such things as are eaten by themselves sufficient for two meals must be used for an Erub. Of raw meat sufficient for two meals if eaten by itself must be used, but of cooked meat Rabba said it is sufficient to use as much as is eaten with bread at two meals, and R. Joseph said as much as is eaten at two meals by itself should be used, and he said: "Whence do I adduce this? Because I saw that the Persians eat roasted meat without bread." Rejoined Abayi: Are the Persians the majority of the whole world?

R. Hyya bar Ashi said in the name of Rabh: "An Erub may be made with raw meat." R. Simi bar Hyya said: "An Erub may be made with raw eggs." And how many should be used? Said R. Na'hman bar Itz'hak: "Sinai* said, two eggs should be used."

R. Huna in the name of Rabh said: If one vowed, that he would not eat this loaf of bread, an Erub may nevertheless be made for him with that loaf; because though he must not eat it, others may. If he says, however, that this loaf is on him, *i.e.*, he devotes this loaf of bread (in honor of the Lord), it must not be used for an Erub.

* Sinai is another name for R. Joseph, who was well versed in Mishnas and Boraithas.

An objection was made: If one vowed concerning a certain loaf of bread, an Erub may nevertheless be made with it. Shall we not assume that he said: "This loaf of bread is on me"? (*i.e.*, he devoted that loaf of bread in honor of the Lord). Nay; he said: "I vow not to eat this loaf of bread," and such seems to be the case; because the latter part of the Boraitha states distinctly, that he said: "I vow not to taste any part of this loaf." What is the law, however, if the man said that the loaf is on him? It must not be used for an Erub? If that is so, why was it taught in the latter part of the Boraitha: "If he said the loaf is consecrated, an Erub must not be made with it, because it is not allowed to make an Erub with consecrated things." Why should this whole argument be repeated? Could it not be simply stated, that if the man vows not to eat the loaf an Erub may be made with it; but if he declares the loaf to be on him, an Erub must not be made with it? But as it does not say, that the loaf is on him in the first part of the Boraitha, there is a contradiction to R. Huna? R. Huna said the same thing as R. Eliezer said elsewhere. Did R. Eliezer indeed say so? Did we not learn, that R. Eliezer said: "If a man said: 'This loaf of bread is on me,' an Erub may be made with it, but if he said, 'This loaf is consecrated,' it must not be used for an Erub, because an Erub must not be made with consecrated things"? There are two Tanaim who report the dictum of R. Eliezer in different ways.

"*An Erub may be made for a Nazarite with wine.*" This Mishna is not in accordance with the opinion of Beth Shammai, as we have learned in the following Boraitha: An Erub must not be made for a Nazarite with wine, nor for an ordinary Israelite with heave-offering. So said Beth Shammai; Beth Hillel, however, said: "This may be done." Said Beth Hillel to Beth Shammai: "Will ye not admit, that an Erub may be made for a man who is obliged to fast on the Day of Atonement, although he must not eat it?" They answered: "Yea." "Then," rejoined Beth Hillel, "as we are permitted to make an Erub for a man fasting on the Day of Atonement, so may we also make an Erub for a Nazarite with wine, and for an ordinary Israelite with heave-offering." What reason have Beth Shammai for prohibiting this? They give as their reason the fact, that a man may eat the Erub while it is yet day (before the eve of the Day of Atonement); but a Nazarite must not at any time drink wine nor an ordinary Israelite eat heave-offering.

This whole Boraitha is not in accordance with the teachings of Hananiah, as we have learned in the following Boraitha: "Beth Shammai do not recognize an Erub unless a man carries out his bed and all the utensils he intends to use to the place where he proposes to make the Erub, so taught Hananiah."

According to whose opinion is the Boraitha which states, that a man who deposits his Erub while wearing a black garment must not go out on the morrow dressed in a white garment, and *vice versa*? Said R. Na'hman bar Itz'hak: This is in accordance with the opinion of Beth Shammai as interpreted by Hananiah.

"Symmachus said: '*Unconsecrated things only may be used,*'" etc. Consequently Symmachus does not dissent as regards making an Erub for a Nazarite with wine, but does dissent as regards heave-offering for the Erub of an ordinary Israelite. Why is this so? Because a Nazarite may go to a sage and be declared free from his vows as a Nazarite. As regards heave-offering for the Erub of an ordinary Israelite, he holds with the Rabbis, who decreed, that all things which are prohibited by rabbinical law on account of the Sabbath-rest are also prohibited for the time of twilight, and as regards heave-offering, an ordinary Israelite must not handle it on Sabbath on account of Sabbath-rest.

According to whose opinion is the following Mishna? There are sages who hold, that the prescribed quantities which are dependent upon the size of a man, should be measured accordingly. And the two meals which must be constituted by the Erub, should be two meals sufficient for the man who deposits the Erub? Said R. Zera: "This is according to Symmachus, who holds, that an Erub must be according to the requirements of the man for whom it is made."

"*The Erub of a priest may be placed on a spot which had formerly been used as a cemetery.*" R. Jehudah bar Ami said in the name of R. Jehudah, that a spot which had formerly been used as a cemetery becomes clean of itself if trodden down by people.

"*R. Jehudah said: 'It may be placed in an actual burying-ground.'*" It was taught: Because the priest can go there in a wagon; for R. Jehudah holds, that a temporary tent is sufficient to intervene between a man and uncleanness. Furthermore we have learned that for a ritually clean priest, clean heave-offering may be placed as an Erub even in a grave and for the same reason as above, in spite of the fact that the heave-offering becomes unclean and the priest is at no time allowed to eat it.

MISHNA: For the Erub doubtful grain (Damai) (of which it is not known whether the legal dues like tithes, etc., have been acquitted) may be used; first tithes, from which the heave-offerings have been taken; and second tithes and consecrated things that have been redeemed. For priests, the first of the dough and heave-offerings may be used. It is not lawful however to use unseparated grain (from which it is certain that the legal dues have not been separated), or first tithes from which the heave-offering had not been taken, or second tithes and consecrated things which had not been redeemed.

GEMARA: [The reasons for the above Mishna and the discussions appear several times throughout the Talmud. We shall render them, however, but once and that in Tract Berachoth (benedictions), which contains the complete and identical version.]

MISHNA: Should a man send his Erub by the hand of a deaf and dumb person, an idiot, a minor or one who does not acknowledge the legal necessity of an Erub, it is not a valid Erub; if, however, he had commissioned another proper person to receive it from his messenger, it *is* a valid Erub.

If a man puts the Erub in a tree higher than ten spans above ground, it is not valid; but if he puts it lower than ten spans, it is. If he had put it into a pit, even though it be a hundred ells deep, the Erub is valid.

GEMARA: By the hand of a minor it would not be a valid Erub? Did not R. Huna say, that a minor may collect the Erub? This presents no difficulty. R. Huna's dictum refers to an Erub of courts (where only the meal is to be gathered in order to make common cause), but our Mishna refers to an Erub of limits (where a man must go and declare his intention of making that his resting-place for the Sabbath).

"One who does not acknowledge the legal necessity of an Erub." Who is meant thereby? Said R. Hisda, a Samaritan.

"If, however, he had commissioned another person," etc. Why! Perhaps the above messenger will not deliver it! As R. Hisda said elsewhere, that he should stand and see the messenger depart, so must he also do in this case. Still there is fear that the person commissioned to receive it from the messenger will *not* receive it? As R. Yechiel said elsewhere, that it is an established rule, that if a messenger has been intrusted with an errand, it is presumed that he will perform the errand and this must also be assumed in the case under consideration. Where did R. Hisda and R. Yechiel make these statements? Concern-

ing the following Boraitha, which teaches, that if a man sent his Erub through a trained elephant or a trained monkey and they deposited the Erub, it is not valid, but if he had commissioned a person to receive it from them and deposit it, it *is* valid. The same question arose here which led to the statements of R. Hisda and R. Yechiel as stated above.

R. Na'hman said: The established rule, that a messenger will perform his errand, holds good where rabbinical laws are concerned, but not where biblical commandments are to be executed.

R. Shesheth, however, said: There is no difference. This rule holds good even where biblical commandments are concerned.

"*If a man put his Erub in a tree,*" etc. R. Hyya bar Abba, R. Assi and Rabha bar Nathan sat together, and R. Na'hman sat near them. They were deliberating upon the question of where the tree spoken of in the Mishna was situated. Should we assume that it was standing in private ground, what difference does it make whether the Erub was put lower or higher; for private ground reaches even to the sky? Should we assume, that the tree was in public ground, where was the man's intention to rest on this tree; if on the top, why was the Erub which was placed above ten spans not valid? The man and the Erub would be in one place? We must say, that the man's intention was to rest at the foot of the tree (and if the Erub was placed above ten spans from the ground it is not valid, because at that height the tree becomes private ground by virtue of its being over four spans wide, while the foot of the tree is still public ground and consequently, the man would have to carry his food from private into public ground on Sabbath and that is prohibited). Still, will he not make use of a tree on the Sabbath and that is also prohibited? We must therefore assume, that the Mishna means that the tree was standing in public ground and it is according to Rabbi, who holds, that all rabbinical ordinances enacted on account of the Sabbath-rest (Shvuth) have no significance during twilight (before or after the Sabbath). Said R. Na'hman: "I thank ye, for so also did Samuel say." And they rejoined: "Was it so difficult for you to understand the Mishna, that you thank us for our opinion. [Did they not themselves argue and discuss the matter? Nay; they spoke thus to R. Na'hman.] Would you insert our opinion in the Gemara explaining this Mishna?" He answered: "Yea."

Rabha said: All this refers to a tree, which was standing out-

side of the addition (of 70½ ells square) to a town; but if the tree was standing inside of the addition to the town, it makes no difference where the Erub was placed on it, even at a height of over ten spans, because the atmosphere of a town pervades all the trees and it makes no difference where the man takes his rest.

Where is the opinion of Rabbi and the sages to be found concerning the twilight as mentioned above? In the following Boraitha: If a man placed his Erub on a tree ten spans above the ground, the Erub is not valid. If placed lower than ten spans it is valid, but must not be taken down; if it was placed within three spans from the ground it is valid and may also be taken down. If the Erub, however, was placed in a basket and then hung on the tree even at a height of over ten spans it is valid; such is the dictum of Rabbi; the sages however say, that where an Erub must not be taken down, it is also not valid. (Hence the difference of opinion between Rabbi and the sages.) Concerning what part do they differ? Shall we say, that they differ concerning the last part (*i.e.*, where the Erub was placed in a basket and hung up on a tree at a height of over ten spans, and the sages say therefore, that such an Erub is invalid because the tree will have to be used on Sabbath and that is prohibited), can we say, that incidental use of the tree is also prohibited? (We know that is not so.) Shall we say, that they differ concerning the first part (*i.e.*, where the Erub was placed at a height of over ten spans and must not be taken down), we must first see what kind of a tree is under consideration. If it be a tree of less than four spans' width, it is a free place (not subject to jurisdiction), then why should the Erub not be taken down? If it be a tree that *was* four spans wide, it is regarded as private ground, then of what benefit is the basket which contains the Erub (it must also be taken down from private into public ground); said R. Jeremiah: "With a basket it is different. It need not be taken down at all, but can be bent over and the Erub may be removed." (Although the tree is private ground, when the basket is bent over so that it is below ten spans it is no longer in private ground.)

R. Papa sat in the college and repeated the above Halakha. Rabh bar Shva raised an objection: "We have learned in a following Mishna: "But how must this be done? One carries out the Erub, where he means to deposit it on the eve of the first day of rest and remains with it until dusk, when he carries it back with him." If thou sayest then, that it is sufficient if he

hangs up a basket on the tree, because he can bend over the basket and bring it lower than ten spans, why should the Mishna quoted order, that the man must carry out the Erub, etc., and remain with it until dusk; it may just as well say, that as he *can* remain until dusk and carry it back, that it is sufficient, if he deposits it and carries it back with him at once.

Said R. Zera: This is only a precautionary measure for a case where a festival follows a Sabbath. (If it were said, that the man need not go out and deposit his Erub, wait until dusk and carry it back, then go out again on the next day and wait until dusk and eat the Erub, but that he may leave it there because he could have done as the Mishna states and the capability of performing an act is equivalent to its performance,—it would be wrong; for the day being Sabbath he would not have been permitted to carry it out again. Hence the precautionary measure was made to apply to all similar cases.)

"If he had put it into a pit," etc. Where is the pit supposed to be situated? If in private ground it is self-evident? For in the same manner as private ground has no limit as to height it also has none as to depth. If in public ground, the question arises, where the man intended to take his Sabbath-rest? If he intended to take it outside of the pit, he would be in one place and his Erub in another, and if he intended to take his rest inside of the pit, it is self-evident that he may deposit his Erub therein. We must say then, that the pit was situated in unclaimed ground (in a valley) where he intended to rest. The pit however being over ten spans deep is private ground, and as for carrying from private into unclaimed ground the opinion of Rabbi again prevails, that such acts as are prohibited on the Sabbath are not prohibited for twilight on account of the Sabbath-rest.

MISHNA: If the man should put the Erub on top of a cane or pole, that does not actually grow out of the ground, but is merely stuck in the ground, even though it be a hundred ells high, it is a valid Erub.

If one put it into a cupboard which he locked and then lost the key, the Erub is nevertheless valid. R. Eliezer said: If he does not know where the key is, the Erub is not valid.

GEMARA: R. Ada bar Massne propounded a contradictory question to Rabha: If the man should put his Erub on top of a cane, that does not actually grow out of the ground, it is valid; but if the cane were a growing one, the Erub would not be valid, because the tree would be handled thereby and that is not per-

mitted; then this would be in accordance with the opinion of the sages; while the previous Mishnaoth were according to Rabbi's opinion? This was already asked by Rami bar Hama of R. Hisda and the latter answered, that the previous two Mishnaoth were in accordance with Rabbi's opinion, while this Mishna is in accordance with the opinion of the sages.

Rabhina, however, said, that this Mishna is also in accordance with Rabbi's opinion, but here the precautionary measure is enacted, lest the man might break down the cane if it grew out of the ground, while a tree is too stout to be broken down, and in this case Rabbi concurs with the sages.

One Friday, a military garrison came to Neherdai and occupied the city, so that there was no room for the college of R. Na'hman. Said R. Na'hman to his disciples: "Go out into the field and incline the growing bushes towards each other, so that we have room enough to study in to-morrow." So Rami bar Hama, according to another version, Uqba bar Ada objected: "Did we not learn in this Mishna, that an Erub must not be put on growing stalks or cane?" Answered R. Na'hman: The Mishna refers to brittle (withered) cane, but as for healthy (moist) bushes it is not prohibited.

"If one put it into a cupboard, etc., and lost the key." Why should the Erub be valid? The man is in one place and the Erub in another? He cannot even obtain it without a key. Rabh and Samuel both said, that the Erub is valid only when the cupboard is not firmly immured but is loosely built, so that the bricks may be removed and the Erub taken out, and that the Mishna is according to R. Meir's opinion, who holds, that this may be done on a festival to commence with and that the Mishna refers to a festival only, and not on a Sabbath. If this be so, how will the following clause of the Mishna be explained: "R. Eliezer said: If the key be lost in the city, the Erub is valid, but if lost in the field, it is not valid." If the Mishna refers to a festival, what difference does it make where the key was lost. Carrying is not prohibited on a festival? The Mishna is not complete and should read thus: If one put it into a cupboard, which he locked and then lost the key, the Erub is nevertheless valid, providing it was a festival. On Sabbath, however, it is not valid. If the key was subsequently found, whether in the city or in the field, the Erub is nevertheless not valid. R. Eliezer, however, said: If it was found in the city, the Erub is valid, because he holds to R. Simeon's opinion, who said, that

all the courts and wood-sheds in the city are as one ground and the key could be brought through them; but if found in the field it could not be carried.

Rabba and R. Joseph both said: "Our Mishna treats of a wooden cupboard and the Tana who holds that if the key was lost, the Erub was valid, considers the cupboard the same as a vessel which may be taken apart on the Sabbath and the Erub taken out, while R. Eliezer considers the cupboard the same as a tent which must not be taken apart on the Sabbath." How can they differ as to its being a vessel or a tent? If it was large all agree, that it is a tent, and if it was small all agree, that it is a vessel? Therefore Abayi and Rabha both say, that the Mishna treats of a case where the key was tied to the lock by a string, which could not be undone by hand. The first Tana holds according to R. Jose, that all vessels may be handled on the Sabbath for any purposes whatever (hence a knife used for cutting bread may be used to cut the string), whereas R. Eliezer holds according to the opinion of R. Nehemiah, who decrees, that all vessels may be handled on Sabbath only for the purposes for which they are intended.

MISHNA: Should the Erub roll (or be moved) out of the limit of the Sabbath distance, should a heap of mould fall on it, or should it be burned, or if the heave-offering (used for the Erub) became unclean, and any or all of this take place while it is yet day (*i.e.*, before the Sabbath set in) the Erub is not valid. If it take place, however, after dusk (when it is already Sabbath) the Erub is valid. If the time when it took place is doubtful, R. Meir and R. Jehudah both say: This is (like driving) an ass and (leading) a camel (meaning, that a man is hemmed in on all sides). R. Jose and R. Simeon say: A doubtful Erub is valid? R. Jose further said: Abtolymus attested upon the authority of five elders, that a doubtful Erub is valid.

GEMARA: Said Rabha: (If the Erub rolled outside of the limit of the Sabbath distance) for a distance of over four ells it is not valid; but if it rolled for less than four ells, the man who deposited the Erub is allowed four ells to move in, outside of the limits, consequently the Erub is valid.

"*Should a heap of mould fall on it,*" etc. At a casual glance it was assumed, that the Erub could have been extracted from under the heap of mould by hand, and accordingly the Mishna was in conformity with the opinion of Rabbi, that at twilight such acts as are prohibited by rabbinical law on account of the

Sabbath-rest may be performed; subsequently, however, the conclusion was arrived at, that the Mishna *is* in accordance with Rabbi's opinion, and that the Erub in this instance could not be extracted by hand but by means of a hoe.

It was necessary to insert both clauses (concerning the rolling of the Erub and its being buried beneath a heap of mould) in the Mishna and for the reason; that, were the first clause only inserted, one might say: "If the Erub rolled out beyond the limits, it was no more in its place and hence it is invalid; but if it was simply buried beneath a heap of mould it is still in its proper place and why should it not be valid?" If the latter clause only had been inserted, one might say: "In this case the Erub was buried and could not be seen, hence it is invalid, but if it merely rolled out and can be seen, the same wind might bring it back, why should it not be valid?" For this reason it was necessary to mention both cases.

"*Or should it be burned, or if the heave-offering (used as an Erub) became unclean,*" etc. The ordinance referring to an Erub which was burned up is taught in order to show the firmness of R. Jose, who declares, that (if a doubt existed whether the Erub was burned before or after dusk) although the Erub is no longer in existence, it is still valid, and the ordinance referring to heave-offering which became unclean was taught to show the firmness of R. Meir, who maintains that although the heave-offering was still there and only a doubt existed as to whether it became unclean before or after dusk, the Erub is nevertheless invalid. Is it possible, that R. Meir holds a doubtful case based upon rabbinical law to necessitate the more rigorous decision? R. Meir holds, that the law pertaining to Sabbath-limits is biblical. Does R. Meir indeed hold thus? Have we not learned in a Mishna further on (Chapter V., Mishna 3), that R. Meir maintains, when measurements are made to determine the Sabbath-limit and mountains are encountered that it is permitted to cut straight through the mountains (in an imaginary sense or figuratively speaking), and such subterfuges are certainly not allowed where biblical laws are concerned?

The latter opinion while credited to R. Meir is not in reality his own, but the opinion of his teacher, while the former is his own conviction and the proof is, that the Mishna quoted states distinctly: R. Dostai ben Janai said: I have *upon the authority* of R. Meir, etc.

We have learned in a Boraitha: How should the dictum of

R. Jose to the effect, that "a doubtful Erub is valid" be explained? Thus: If an Erub was made with heave-offering concerning which there was a doubt whether it became unclean while it was yet day, or after dusk, or with fruit concerning which there was a doubt whether the tithes had been acquitted while it was yet day or after dusk, it constitutes a doubtful Erub, which is nevertheless valid; if, however, the Erub was effected with heave-offering concerning which there was a doubt whether it was clean or unclean to commence with, or with fruit concerning which there was a doubt whether tithes had been acquitted at all, it does not constitute a doubtful Erub, which *is* valid.

Let us see! Why is it said, that heave-offering, concerning which there was a doubt whether it became unclean before or after dusk, would constitute a doubtful Erub which was nevertheless valid, because the heave-offering is presumed to be in its original condition and that was certainly clean, why should not the same case apply to the fruit concerning which there was a doubt, whether tithes had been acquitted thereof or not, let the fruit also be presumed to be in its original condition and that is unseparated (of which tithes had *not* been acquitted)? Do not say, therefore, that the fruit was doubtful as to its having been separated but say: there was a doubt whether it had not subsequently been mixed with other (unseparated) fruit before or after dusk.

R. Samuel bar R. Itz'hak asked of R. Huna: If there were two loaves of bread before a man, one of which was clean and the other unclean and he said: "Make an Erub for me with the clean loaf wherever it may be"; but did not know which was which. [If both loaves which were heave-offerings, were used in making the Erub; for if they were ordinary and even (ritually) unclean they may be eaten by an ordinary Israelite], what is the law according to the diverse opinions? According to R. Meir, who pronounced a doubtful Erub invalid in a case where the entire Erub would have been unclean, it may be said, that in this case, where one of the loaves was positively clean, he may hold the Erub to be valid; or according to R. Jose, who pronounces a doubtful Erub valid in a case where if it *is* clean, he can distinguish it, it may be said, that in this case the Erub would in his opinion be invalid because although part of it is clean, he cannot distinguish it from the unclean?

R. Huna answered: According to both R. Meir and R. Jose, when the Erub is deposited (while it is yet day) it must be

fit to eat and in this case it could not be eaten to commence with, because, the clean could not be distinguished from the unclean, how then could an Erub be made therewith?

Rabha asked of R. Na'hman: If a man say: "This loaf of bread is to-day ordinary but to-morrow it shall be consecrated. Nevertheless make me an Erub therewith." What is the law? (Does it become consecrated at twilight and, as it is not permitted to make an Erub with consecrated things, it is not valid as an Erub, or does it become consecrated after twilight?) "The Erub is valid," was the answer. What is the law, however, if the man say: "To-day this loaf is consecrated, but to-morrow it shall be ordinary (*i.e.*, it shall be redeemed by a sum of money representing its value); nevertheless make me an Erub therewith?" "The Erub is not valid," was the answer. What is the difference between the two cases? Said R. Na'hman to Rabha: "If thou wilt measure a whole Kur of salt and present me with it,* I shall tell thee the answer: If the loaf of bread was ordinary when it was deposited as an Erub, the fact, that at twilight it becomes doubtful, whether it is consecrated or not, does not destroy its validity as a legal Erub, but if the loaf of bread was deposited while yet consecrated, the doubt existing at twilight whether it had already become ordinary does not nullify its sanctity as a consecrated object, and as a consecrated object cannot be deposited as an Erub, the validity of the Erub is impaired."

MISHNA: A man may make his Erub conditional and say: If foes come from the east, my Erub shall be valid for the west; should they come from the west, my Erub shall be good for the east; should they come from both sides, I am at liberty to go in what direction I please; should they not come from either side, I am like the rest of my townsmen. Should a sage come from the east, my Erub shall be valid for the east; should one come from the west, my Erub shall be valid for the west; should one come from each side, I am at liberty to go in which direction I please; should none come from either side, I am like the rest of my townsmen. R. Jehudah said: If one of the two sages (should they come at the same time) had been the man's teacher, he must go to meet his teacher; if both had been his teachers, he may go in which direction he pleases.

* This expression is generally used in a joking sense when the question is a difficult one to answer.

GEMARA: "*R. Jehudah said: 'If one of the two sages,'*" etc. What is the reason of the dissension of the sages from R. Jehudah's opinion? Because it frequently happens, that a man has a greater fondness for his colleague than for his teacher.

Rabh said: This part of the Mishna (wherein R. Jehudah states, that "if both sages had been the man's teachers, he may go in whichever direction he pleases") does not hold good, because Ayo taught: R. Jehudah said: "A man cannot make an object conditional upon two contingencies and in this case of the Erub he may make it conditional upon the arrival of a sage from either the west or the east, but not upon sages arriving from opposite directions." Why can he not make it conditional upon the arrival of sages from opposite directions? Because R. Jehudah does not admit of the theory of premeditated choice (*i.e.*, he does not consent to a man deciding upon a certain thing on one day and declaring that it had been his intention to decide in that manner since the day before), hence if two sages come from opposite directions, the man cannot say, that he had intended to meet the sage towards whom he went at the time he deposited the Erub, *i.e.*, on the day before.

If R. Jehudah does not hold to the theory of premeditated choice why does he consent to a man making an Erub and saying: "If the sage come from the east, my Erub shall be good for the east, and if from the west, for the west." His choice is certainly dependent upon two conditions; first the condition, that the sage will come from either one of two directions, and second, that he may not come at all, in which case his Erub is of no account. If the sage *arrived* on the morrow, and the man will go forward to meet him, he (the man) will be compelled to claim a premeditated choice saying, that he had intended when depositing his Erub to go in that direction and that would be incorrect; for it may be, that at the time the Erub was made, the sage *himself* did not know from which direction he would come.

Said R. Johanan: The statement of Ayo in the name of R. Jehudah, that a man may make his Erub conditional upon the arrival of a sage from the east or west holds good, only if the sage had already started on his way and was no more than four thousand ells away from the man [*i.e.*, if he or his Erub was at the time when the man deposited *his* Erub already within the legal limit established through the deposition of his (the sage's) own Erub]. Hence it was not a premeditated choice on the

part of the man dependent upon the two conditions cited, for the sage was already on his way and his coming from a certain direction was an accomplished fact.

Why does Rabh say, that the Mishna does not hold good because of Ayo's statement? Let him say on the contrary, that Ayo's statement does not hold good, because the Mishna opposes it? Nay; it would not be proper; for we have learned elsewhere, that R. Jehudah does not hold to the theory of premeditated choice. Ula, however, declares, that Ayo's statement should be discountenanced on account of the Mishna (and as for the report, that R. Jehudah discards the theory of premeditated choice, Ula declares, that on the contrary, he holds it to be good).

Said Rabha to R. Na'hman: Who is the Tana, who holds, that the sages also discountenance the theory of premeditated choice? For we have learned as follows: If one man said to five others: "I will make an Erub for any one of you whom I may choose, and if I desire, he shall be permitted to go within its limits, and if not, he must not do so." If he made his decision, while it was yet day (before the Sabbath set in) his Erub is valid; but if he made his decision after dark, his Erub is not valid, (because it was not known at twilight which man he had chosen). R. Na'hman was silent and did not answer.

Should he have said, that this was according to the school of Ayo? He had not heard of Ayo's decree. Said R. Joseph: Wouldst thou ignore the other Tanaim? There are other Tanaim who dispute the above decision, as we have learned: If a man said: "I will make an Erub for all the Sabbaths of the ensuing year. If I then choose to go, I shall do so, and if not, I shall not." If he made his decision while it was yet day on the day preceding Sabbath, he may go, but if he made his decision after dusk, R. Simeon says, his Erub is still valid, and the sages say, it is not. (Hence there are sages who do not hold to the theory of premeditated choice.)

Have we not heard elsewhere, that R. Simeon does not hold to the theory of premeditated choice? This would be a contradiction made by R. Simeon to himself? Therefore learn to the contrary: (R. Simeon says, the Erub is not valid, and the sages say it is.) Why this question? Can it not be, that R. Simeon does not hold the theory of premeditated choice to be good where biblical laws are concerned but does hold the theory good for rabbinical laws? R. Joseph maintains, that one who admits

of the theory of premeditated choice does so for both biblical and rabbinical laws, and one who discountenances the theory does so for *both* kinds of laws.

MISHNA: R. Eliezer said: When a festival precedes or succeeds a Sabbath (by one day), a man should prepare two Erubin and say: My first Erub is to be valid for the east and my second for the west; or my first for the west and the second for the east. My Erub is valid for the first day and the second day I am like the rest of my townsmen, or my Erub is good for the second day and the first day I am like my townsmen. The sages however hold, that one may prepare his Erub for one direction only; otherwise it is not valid at all; also that he must prepare his Erub for both days, or it is not valid at all. But how must this be done? One carries out the Erub to the place, where he means to deposit it on the eve of the first day of rest and remains with it until dusk, when he carries it back with him. He then brings the Erub out again on the second day, remains with it till dark and then eats it and goes away. It is obvious, that in this manner he gains his walk beyond the Sabbatical limit and he gains by eating his Erub. Should his Erub have been eaten on the first day, it is a legal Erub for the first day only; but not for the second day. R. Eliezer said to them: "Thus ye acknowledge to me that they are two distinct holidays (*i.e.*, that the sanctification of one day is not equal to that of the other)."

GEMARA: What do the sages mean to tell us: If a man prepares his Erub for one direction, it is good for both days and if he prepares it for both days it is good for one direction? What need is there of this repetition, is it not one and the same thing? Nay; the sages mean to say to R. Eliezer: "Wilt thou not acknowledge, that it is not permitted to make two Erubin for one day, one of which shall be good for the South for one half of the day and the other be good for the North for the other half of the day?" and he answered: "Yea." "Then," rejoined the sages, "in the same manner as *this* is not permitted, it is also not allowed to make Erubin good for both days, which should in addition be also good on one day for the east and on the other for the west." [What answer could R. Eliezer make to this? He might say, that in the case of the two Erubin for one day, the sanctification of that one day continues throughout the entire time of the validity of the Erub, whereas in the case of the Erubin for both days, the sanctification of the one day (Sabbath) is not the same as that of the other day (the festival);

therefore a separate Erub may be made for each sanctification in a different direction.] Said R. Eliezer to the sages again: "Let us suppose now, that a man did not make an Erub, but on the eve of the first day went to the place, where he should have made it, personally and declared that he would take his Sabbath-rest there. Would this hold good also for the second day? Nay, he would have to return on the following day and again declare his intention of resting there the next day, and then it would be lawful? The same theory applies to an Erub. If he deposited it on the eve of the first day, and it had been eaten when deposited, he would have to make another Erub for the second day?" and they answered, "Yea." "Now, will ye not acknowledge that the two days have each a separate degree of sanctification?"

[What reply can the sages make to this? They may declare that the fact of there being a distinct degree of sanctification for each day is rather doubtful to them and for that reason they desire to enforce the more rigorous interpretation of the ordinance both ways, namely, that an Erub must not be made for each of the two directions, lest there be but one degree of sanctification for both days and that one Erub cannot serve for both days, lest there be a different degree of sanctification for each day.]

Again the sages said to R. Eliezer: "How is it, if no Erub at all was made on the eve of the first day? Thou wilt acknowledge that a man cannot go and make an Erub on the eve of the second day?" and he answered, "Yea." "Then," rejoined the sages, "thou thereby dost admit, that there is but one degree of sanctification for both days." [What will R. Eliezer say to this? He will say, on the contrary, that there *are* two degrees of sanctification and just for that reason one must not make the Erub on the eve of the second day, because one must not prepare for a festival on the Sabbath or *vice versa*.]

The Rabbis taught: "If one made an Erub on the eve of the first day by means of his feet (*i.e.*, by standing at the place where he intends to rest) he must do so again on the eve of the second day. If he made an Erub (of victuals) on the eve of the first day and the Erub was consumed, it does not hold good for the second day. Such is the dictum of Rabbi. R. Jehudah, however, said: "This is like driving an ass and leading a camel" (*i.e.*, R. Jehudah means to say this: If the two days have but one degree of sanctification and the Erub was made for both days,

the maker loses the two thousand ells in the opposite direction from that towards which his Erub was made, and merely gains two thousand ells in the one direction towards which his Erub was made. If the two days have different degrees of sanctification and hence the Erub is valid only for one day, the maker of the Erub should on the second day be on a par with the rest of his townsmen, but in reality he only has two thousand ells on the way back to the town and no more). R. Simeon ben Gamaliel and R. Ishmael the son of R. Johanan ben Berokah, however, both say, that if a man made an Erub with his feet on the eve of the first day it suffices for the second day and if he made an Erub (of victuals) on the eve of the first day and it was consumed, he is exempt from making it on the eve of the second day. Said Rabb: "The Halakha prevails according to the opinion of the four old sages and in conformity with R. Eliezer, who says, that the two days have different degrees of sanctification; and the four old sages are: R. Simeon ben Gamaliel, R. Ishmael the son of R. Johanan ben Berokah, R. Elazar ben R. Simeon and R. Jose ben R. Jehudah. The last of these is generally quoted by Rabbi anonymously wherever his opinion seems to be justifiable and according to another version, one of the four sages is R. Elazar ben Samua instead of R. Jose ben R. Jehudah. Rabb's information on this point was derived from a tradition, which was to the effect, that those four sages held in accordance with R. Eliezer concerning the two degrees of sanctification for both days.

R. Jehudah said: If one made an Erub on the eve of the first day with his feet, he must do likewise on the eve of the second day, and if he made an Erub on the eve of the first day with bread, he must make it in like manner on the eve of the second day. If he made an Erub on the eve of the first day with bread which was lost, he may make it on the eve of the second day with his feet, but if he made it with his feet in the first instance he must not make it with bread in the second instance, because making an Erub with bread to commence with on Sabbath or on a festival would be an infraction of the law prohibiting the preparing on a Sabbath for a festival or *vice versa*. If a man made an Erub with bread on the eve of the first day, he must make it with bread on the eve of the second day also and, according to Samuel, he should use the same bread in both cases (for if he uses new bread in the second instance it will be a case of preparing on a Sabbath for a festival). Said R. Ashi: We can adduce

this also from our Mishna, which teaches: "But how must this be done? One carries out the Erub to the place, where he means to deposit it on the eve of the first day of rest and remains with it until dusk, when he carries it back with him; he then brings the Erub out again on the second day, remains with it until dusk, then eats it and goes away." (The fact that it says, "he carries it back with him and then brings it out again," is proof that it must be the same Erub.) The sages that differ with Samuel and assert that new bread may be used on the eve of the second day maintain, that the Mishna merely administers good advice and tells us, that we need not trouble ourselves to make a new Erub in case the first one is lost.

MISHNA: R. Jehudah said: "If a man apprehend that the new year will be celebrated two days, he must prepare two Erubin." He then says: My Erub of the first day shall be valid for the east and of the second day for the west; or of the first day for the west and of the second day for the east. My Erub shall be valid for the first day, and on the second I am like my townsmen; or my Erub shall be valid for the second day and on the first I am like my townsmen. The sages however did not coincide with him.

R. Jehudah further said: "A man may conditionally separate (the heave-offering from) a basket of fruit on the first day of the new year and eat it on the second day; likewise an egg which is laid on the first day of the festival may be eaten on the second." The sages however do not coincide with him.

R. Dosa ben Harchinas said: He who stands before the pulpit to pray on the first day of the new year must say: Strengthen us, O Lord our God, on this day of the new moon, whether to-day or to-morrow (be the true day). And on the morrow he says the same prayer with the variation "whether this day or yesterday be the true one." The sages, however, do not agree with him.

GEMARA: Who are the sages, that do not coincide with R. Jehudah? Said Rabh: That is R. Jose, as we have learned in a Boraitha: The sages agree with R. Eliezer that "if a man apprehend that the new year will be celebrated two days,* he

* The Israelites living in exile were dependent for their information concerning the date of the New Year entirely upon the messengers sent out by the high court in Palestine, which in turn fixed the date upon the testimony of witnesses who would announce when the new moon appeared (as explained in Tract Rosh Hashana). Thus the exiled people did not know whether the 30th or 31st day from the first day of

should prepare two Erubin. He then says: My Erub of the first day shall be valid for the east and of the second day for the west; or of the first day for the west and of the second day for the east. My Erub shall be valid for the first day and on the second I am like my townsmen; or my Erub shall be valid for the second day and on the first I am like my townsmen." R. Jose, however, does not consent to this. (He holds that if the witnesses come before the high court in the afternoon of the first day that had been kept holy and declare that the next day is New Year, both days are nevertheless holy and are of one degree of sanctification.)

We have learned in a Boraitha: How does R. Jehudah explain his dictum, that "a man may conditionally separate (the heave-offering from) a basket of fruit on the first day of the New Year and eat it on the second?" Thus: If there were two baskets of unseparated fruit before a man on the first day of the New Year he may say: "If to-day is the ordinary day and to-morrow is the holy day, let the heave-offering separated from this basket of fruit also serve for the other, and if to-day is the holy day and to-morrow the ordinary, then I have said nothing." He then designates the fruit which he calls heave-offering and lets it remain. On the morrow again he may say: If to-day is an ordinary day, let the heave-offering of this basket also serve for the other, but if to-day be a holy day I have said nothing. He may then designate part of the fruit in the one basket and call it heave-offering and eat the remainder in both baskets. R. Jose however prohibits this not only for the two days of the new year but for the two days of every other festival, which is celebrated in exile.*

It happened that a stag was caught on the first day of a holiday (in exile) at the house of the Exilarch and on the second day it was slaughtered. R. Na'hman and R. Hisda partook of the stag, but R. Shesheth would not do so. Said R. Na'hman: "What shall we do with R. Shesheth who does not eat venison?" Rejoined R. Shesheth: "How can I eat this venison; for did not Issi teach in a Boraitha [or a Boraitha taught, that Issi said],

Elul would be proclaimed the first day of Tishri (the New Year), and both were kept holy in consequence. For this reason the Mishna cites the ordinances referring to such as apprehend that the New Year will last two days.

* In exile the Israelites celebrated two days each for the holidays of Passover, Tabernacles, and Pentecost, besides the New Year, and these are called the holidays in exile.

that R. Jose would not permit this to be done even during the two days of a holiday in exile ?”

Once R. Shesheth met Rabba bar Samuel and asked him: “ Did master teach anything regarding the sanctification of the holidays ?” Answered Rabba: “ Yea, I taught in a Boraitha, that R. Jose coincides with the sages, as far as the two days of a holiday in exile are concerned.” Rejoined R. Shesheth: “ If thou shouldst meet any of the Exilarch’s household, say nothing to them about this Boraitha.”

It once happened that herbs were brought to the city of Mehuza on a festival. Rabha went out and noticed, that the herbs were somewhat withered. He permitted the herbs to be bought, saying: “ It is obvious, that these herbs were not gathered on this day, and the only objection that might be made to their being purchased can be, that they were brought from beyond the techoom (legal limits).” The law, however, ordains, that if things are brought for one Israelite from without the techoom, another Israelite may use them, and in this case, where the herbs were brought even for the Gentile inhabitants they can in so much greater a degree be used by Israelites. Subsequently, however, he observed, that herbs were brought in large quantities, so he prohibited the purchase of them on a festival.

The men whose occupation was to prepare baldachins for marriages once cut off branches of myrtle on the second day of a holiday in exile. The moment it became dark, Rabhina permitted the people to smell the myrtle. Said Rabha bar Tachlipha to Rabhina: Master should have prohibited this, for these people are ignorant (and if thou wilt permit this, they may ignore the second day of the festival entirely). R. Shmaya opposed this: “ Thou sayest, because they are ignorant, and even were they intelligent men, would it be allowed ? Is it not necessary to allow sufficient time after the Sabbath to expire until the branches can be cut off afresh ?” They finally went and asked Rabha and he decided that it was necessary to allow sufficient time to expire until the branches could be cut anew.

“ *R. Dosa ben Harchinas said,*” etc. Said Rabba: When we were in the college of R. Huna, a question was propounded by us as follows: “ Must the reference to the day of the new moon be added to the prayers recited on the day of the New Year ?” Shall we assume, that because there are separate additional sacrifices for each, that the reference to the day of the new moon shall be

added to the prayers of the New Year, or because the New Year is mentioned in the prayer as the "day of Remembrance" such mention will suffice for both occasions? R. Huna answered us by quoting the Mishna: R. Dosa ben Harchinas said: He who stands before the pulpit to pray on the first day of the New Year must say: "Strengthen us, O Lord our God, on this day of the new moon, etc." Does not R. Dosa state this in order to demonstrate that the day of the new moon must be explicitly mentioned? Nay, he simply means to make the prayer conditional but not because special mention must be made of the day of the new moon. It seems to us, that such is truly the case, because further on the Boraitha states, that so did R. Dosa act on all the days of the new moon throughout the year; but the sages did not coincide with him.

Now, if it be said, that the prayer was made conditional it is correct, (because there was a doubt concerning the exact day at each recurring new moon) but if it be said, that the new moon must be mentioned in the prayer *especially*, why should the sages not agree with him?

An objection was made: When New Year falls on a Sabbath, Beth Shammai say, ten benedictions are to be recited during the prayer and Beth Hillel say "only nine." [The first three are benedictions of praise, the last three benedictions of thanks; the Sabbath benediction, and the three pertaining to New Year, viz., the one in which God is proclaimed King (Malkhioth), the one referring to God's remembrance of his creatures (Zikhronoth) and the one referring to the sounding of the cornet (Shophroth), but according to Beth Hillel the Sabbath benediction is included in those pertaining to the New Year, hence there are only nine.] Now if we say, that the benediction for the new moon must be especially mentioned in the Musaph (additional prayer) then according to Beth Shammai, there should be eleven benedictions in all.

Said R. Zera: "With the benediction of the new moon it is different; because if the new moon fall on a Sabbath no separate benediction is made, but it is included in the Sabbath benediction at the morning and evening prayer; the benediction of the new moon is also mentioned in the Musaph-prayer in conjunction with the new year benediction." Do Beth Shammai indeed maintain, that if the new moon fall on a Sabbath the benediction pertaining to it is included in that of Sabbath? Have we not learned, that if the new moon fall on Sabbath, Beth Shammai

hold, that eight benedictions must be recited in the prayer and Beth Hillel only seven ? This question is not decided.

Rabba said: "When I was at the college of R. Huna the question arose, whether the benediction of the time* should be recited in the New Year and Day of Atonement prayers. Shall we say, that because these holy days only come from time to time, the benediction of time should be made, or, because the Bible does not classify them as festivals, no such benediction need be made ? R. Huna could not answer the question but when I subsequently came to R. Jehudah's college, the latter said he made such a benediction even over a new pumpkin. I then said to him, that I did not question the right to pronounce this benediction over anything whatever, but I wished to know whether it was compulsory to do this on the New Year and the Day of Atonement. He then answered: Rabh and Samuel both said, that the benediction of time must be recited only for each of the three festivals."

An objection was made: It is written [Ecclesiastes xi. 2]: "Give a portion to seven, and also to eight." R. Eliezer said that by "seven" is meant the seven days of the creation and by "eight" is meant the eight days of the circumcision. R. Jehoshua said: "By 'seven' is meant the seven days of Pass-over, by 'eight' is meant the eight days of the feast of Tabernacles and by 'also' is meant Pentecost, New Year and the Day of Atonement." May we not assume, that by this is meant, that the benediction of time must be pronounced on all these festivals ? Nay; this simply means to state, that benedictions should be recited but no special benedictions are specified. It seems to us, that this is the correct explanation; for the benediction of time is certainly not recited on every one of the days of the festivals but only the first day. This is not the question, because the benediction of time must be recited in the course of the festival; if not on the first day, on the second and so on. At any event this benediction must be made over a goblet (of wine) ? Shall we assume, however, that the above is in support of the dictum of R. Na'hman, who holds that the benediction of time may be recited even in the market and without a goblet ? This is not the question either; for if a man does not recite this bene-

* The full text of this benediction reads: "Blessed art Thou, Lord our God, King of the Universe, who hast allowed us to live and hast preserved us and hast allowed us to reach this time."

diction on one day, he may do so on the next when he might come across a goblet. This would be feasible where the three (main) festivals and New Year are concerned, but how would it be with the Day of Atonement? What should the man do? Should he pronounce the benediction over the goblet on the day preceding the Day of Atonement before dusk, he would then and there usher in the Day of Atonement, and as is well known, he must not eat or drink on that day. Should he pronounce the benediction and let the goblet stand until after the Day of Atonement? Have we not learned that one must drink the contents of the goblet immediately after pronouncing the benediction; otherwise he must not make the benediction at all? Should he pronounce the benediction and then give the goblet to a child? In that case, there would be fear, lest the child be accustomed to drinking on that day, and will continue to do so when grown and therefore the Halakha according to R. A'ha does not prevail. How, then, does the Halakha concerning the benediction of time on the New Year and the Day of Atonement prevail? The Rabbis sent the elder R. Yeimar to R. Hisda with instructions to observe how the latter proceeded on the eve of the New Year, and then to return and report what he had seen. When R. Hisda saw R. Yeimar (and upon questioning him as to his mission was told that he just called to see him) he said: If a wet piece of wood is lifted, it is obvious, that either the wood or its space is needed. (If thou camest thou certainly didst so with an object.) At about that time a goblet of wine was brought to R. Hisda and he pronounced the benediction of the day and also that of the time over it.

The Halakha prevails, that the benediction of time must be recited on the New Year and on the Day of Atonement and the Halakha also prevails that if a man forgot to recite it and was reminded of his negligence even in the market, he may recite it then and there.

Rabba said again: "When I was at the college of R. Huna, the question arose whether a young scholar, who fasted on the day preceding Sabbath must fast until night or in honor of the Sabbath break his fast earlier. R. Huna could not answer the question. I went to R. Jehudah and he could not answer this either." Said Rabba: "Let us see if we cannot decide this question ourselves from what we have learned in the following Boraitha: If the fast-day of the ninth of Abh fall on a Friday, bread may be brought to a man just before twilight of the size

of an egg, and he should eat it, in order that he may not enter upon the observance of the Sabbath while still in pain."

We have learned in a Boraitha: R. Jehudah said: It once happened that we were sitting before R. Aqiba on the fast of the ninth of Abh, which fell on a Friday, and just before dusk a soft-boiled egg was brought to him which he swallowed without even salting it, and not because he desired to eat it in that manner; but because he wished to show his disciples how the Halakha was carried out. R. Jose, however, said, that a man must fast through the entire day until dusk.

R. Jose said to the sages: "Will ye not admit, that if the ninth of Abh fall on the day after Sabbath, a man must stop eating while it is yet day on Sabbath?" and they answered "Yea." "What difference is there then between entering in upon the observance of the Sabbath while still in pain and finishing the Sabbath under the same conditions?" asked R. Jose. They answered: "In the first instance he fasted all day; but in this instance he had been eating and drinking all day and was surely not in pain." Finally, however, Ula said that the Halakha prevailed according to R. Jose.

Do we then act according to the opinion of R. Jose? Have we not learned, (concerning the Boraitha in Tract Taanith which teaches) that Rabbon Gamaliel said: "On a Friday the fast need not be completed," that upon the death of Rabbon Gamaliel, R. Jehoshua came and sought to nullify his decree and R. Johanan ben Nouri arose and declared: "We see that the body always follows the head. As long as Rabbon Gamaliel lived, we abided by his decisions. Now that he is dead, thou wouldst abolish them. Jehoshua! We will not listen to thee. The Halakha prevailed according to R. Gamaliel and so must it remain," and there was none to contradict R. Johanan ben Nouri. (Thus we see, that the decree of R. Gamaliel was accepted and not that of R. Jose.) (This is no question!) In the generation of R. Gamaliel his decree was followed and in the generation of R. Jose, R. Jose's opinion prevailed.

And did they really act in accordance with R. Gamaliel's opinion during his generation? Have we not learned that R. Elazar ben Zadoc (who was certainly of R. Gamaliel's day) said: I am a descendant of Sanab of the tribe of Benjamin and it once happened that the ninth of Abh fell on a Sabbath, so we postponed it until the following day and we did not complete the fast because it was our holiday. Thus we see, that the fast was not

completed because the tenth of Abh was a holiday and besides the fast-day was a postponed one. Had the ninth of Abh however fallen on a week-day, which for them would have been the eve of a festival, they would have completed the fast nevertheless and this is not in conformity with the decree of R. Gamaliel ? Said Rabbina : How can ye compare that festival to our festivals. Their festival was not biblical and on a festival which is not biblical one may fast for three or four hours if he chooses. On a biblical festival, however, it is not allowed to complete the fast.

R. Joseph said : " I did not hear of this Halakha." Said Abayi : Thou didst relate this to us thyself, in reference to the Boraitha, that a fast-day must not be ordered on the days of the first of the month. (The occasion when R. Joseph related this is mentioned in Tract Taanith.) Mar Zutra related in the name of R. Huna : The Halakha prevails, that one may complete the fast until dusk.

CHAPTER IV.

REGULATIONS CONCERNING THE OVERSTEPPING OF THE LEGAL LIMITS ON THE SABBATH, AND MEASUREMENTS OF THE SABBATH- DISTANCE.

MISHNA: If foes, or an evil spirit (a fit of insanity ?), caused one to go beyond the Sabbath limit, he after recovering his freedom must not move further than four ells; if the foes or the fit have carried him back within the limit, it is as if he had not gone beyond it. If they have carried him into another town, or into a pen or a fold for cattle, he according to Rabbon Gamaliel and R. Eliezer ben Azariah, may go about throughout the entire extent (of the town, pen or fold). R. Joshua and R. Aqiba maintain, that he must not move further than four ells. It once happened that these four sages came together from Parendisim (Brundisium or Brindisi) and their vessel was still at sea on the Sabbath. Rabbon Gamaliel and R. Eliezer ben Azariah walked about throughout the whole vessel; but R. Joshua and R. Aqiba did not move beyond four ells, as they wished to take upon themselves the rigid observance. Once these four sages were on board a vessel and did not enter the harbor until after dark (on the eve of Sabbath); so they inquired of Rabbon Gamaliel: "What are we to do as to descending from the vessel?" He answered them: Ye may descend; for I observed, that we had already entered the limits of the Sabbath-distance before dusk.

GEMARA: The Rabbis taught: "There are three things, which cause a man to commit deeds against his own will and against the will of his Creator, viz.: Idolatry, and evil spirits and stress of poverty." [For what purpose do the Rabbis tell us this? In order, that we may pray God to deliver us from those evils.]

Three persons will never come to Gehenna: He who suffers from extreme poverty, he who suffers with a diseased stomach and one who is oppressed by the government, and others add also the man who is afflicted with a bad wife. [Why was the

latter not mentioned in the first place? Because if one has a bad wife he should divorce her. Those however who declare that one who has a bad wife will not see Gehenna refer to those, who cannot afford to make a settlement upon their wives, or to those, who have children and cannot divorce their wives. For what purpose did the Rabbis tell us this? In order, that a man, who is subject to these misfortunes, should accept them with resignation.]

Three classes of human beings die in the possession of their power of speech, viz.: "A man who is suffering from a diseased stomach, a woman lying in and a man suffering with dropsy." [For what purpose are we taught to this effect? In order that shrouds may be prepared for such people.]

R. Na'hman said in the name of Samuel: If one went out beyond the Sabbath-limit and foes or an evil spirit brought him back within the limit, he must not move more than four ells from where he stands. Have we not learned this in our Mishna, which says, if foes or evil spirits carried him out and then brought him back it is as if he had never gone out at all; now is it not self-evident that if he went out of his own accord, he has only four ells of space in which to move? We might assume that the Mishna teaches us, if foes or evil spirits carried him out and he returned of his own accord, he has no more than four ells of space, but if he went out of his own accord and foes or evil spirits brought him back it would be as if he never went out at all, hence this teaching of Samuel.

Rabba was asked: "How is the law regarding one, who only had four ells to move in and was compelled to go out to obey nature's call?" and he answered: "Great is the honor of man, which supersedes even a biblical negative commandment."

The men of Neherdai said: If the man in question is prudent, he will enter the legal limits, perform his necessities and then go on.

Said R. Papa: "If fruit was carried beyond the legal limits and then even purposely brought back, the right to move it within the limits is not forfeited, because the fruit certainly did not go out beyond the limits of their own accord." R. Joseph bar Shmaya objected to this statement: "R. Nehemiah and R. Eliezer ben Jacob both said: The fruit which was carried out must not be handled when brought back unless this was done unintentionally, but if intentionally, they must not be handled?" Concerning this, there is a difference of opinion between Tanaim

in a Boraitha elsewhere (and R. Papa holds with the Tana, who permits it).

Said R. Na'hman in the name of Samuel: "If one went out and did not know the legal distance he could traverse, he may walk on for a distance of two thousand medium steps. This will constitute the lawful limit of the Sabbath." He said again quoting the same authority: If one took his Sabbath-rest in a valley, and Gentiles made an enclosure around the valley on the Sabbath, he may go two thousand ells, but he may throw things over the entire extent of the valley." R. Huna said: "He may go two thousand ells, but may carry only for a distance of four ells." The reason R. Huna prohibits throwing is in precaution, lest the man throw a thing outside of his two thousand ells and go after it.

Hyya bar Rabh, however, said: He may go two thousand ells and may carry things inside of that limit.

Said R. Na'hman to R. Huna: "Do not refute the dictum of Samuel; for we have learned in a Boraitha in support of Samuel."

R. Huna said: "If one measured the legal distance on a Sabbath and his measurement came to an end in one half of a court, he may avail himself of that half of the court only." Is this not self-evident? If he ended his measurement in one half of a court, why should he not avail himself of that half? We might assume, that if the one half is permitted he might be tempted to use the other half also, so we are told that this precaution is not necessary.

R. Na'hman said: "Huna agrees with me, that if in measuring the Sabbath-distance, the measurement end in the edge of a house, one may throw things into the house although he must not go into it himself, for the edge of the house is a fixed sign for him and will remind him, that he must not enter the house." Said R. Huna the son of R. Nathan: "The necessity for a precautionary measure to prevent the man from entering the house forms the subject of a discussion between Tanaim as follows: If foes or an evil spirit have carried the man into another town, or into a pen or a fold for cattle, he may, according to Rabbon Gamaliel and R. Elazar ben Azariah, go about throughout the entire extent (of such a place); R. Joshua and R. Aqiba, however, maintain, that he must not move further than four ells." Now, we must assume that those who permit the traversing of the entire extent of such places do so because

they do not fear that the man will traverse the whole valley where those places are situated, and those who only allow four ells, do so, because they regard this precautionary measure necessary. The same argument applies also to throwing, viz. : Those who have no fear that the man will traverse the entire valley, permit throwing throughout the pen or fold where the man is ensconced and those who allow him only four ells hold the same precautionary measure necessary where throwing and going after it is concerned.

Rabh said: "The Halakha prevails according to R. Gamaliel, where a pen, fold or ship is concerned," but Samuel said: "Only as far as a ship is concerned, but not as regards a pen or a fold." Thus we see that, as to a ship, all agree the Halakha prevails according to R. Gamaliel. What is the reason therefore? Said Rabba: "Because already before the Sabbath set in, the man is within the confines of the ship and although the ship was involuntarily carried out beyond the legal limits, the man had prepared his Sabbath-rest there." R. Zera said, however: "The reason is: that the man on board of the ship did not have four ells to move in, for the ship moves more than four ells every time it lurches forward, consequently he does not come under the law of four ells and may go throughout the entire extent of the ship." Rabba rejoined: "Thou referrest to a man who entered the ship while in motion. Concerning this, there is no difference between any of the Tanaim; even R. Aqiba permits the traversing of the entire ship, but they differ concerning a man who entered the ship while it was anchored."

Said R. Na'hman bar Itz'hak: From the Mishna itself we may infer, that there was no difference concerning a ship while in motion, because it states, that R. Joshua and R. Aqiba did not move beyond four ells, as they wished to take upon themselves the rigid observance. Were it not permitted at all, why should it say, that they wished to take upon themselves the rigid observance, they would have to obey the law?

Said R. A'ha the son of Rabha to R. Ashi: "The Halakha prevails according to R. Gamaliel where a ship is concerned." Then, there must be some who maintain that the Halakha does not prevail according to R. Gamaliel. Yea, there are, as we have learned in the following Boraitha: Hananiah the son of R. Jehoshua's brother said: "The whole day that R. Gamaliel and R. Aqiba were on board the ship they disputed concerning this Halakha, and yesterday my uncle affirmed the Halakha to the

effect, that as regards a ship at anchor it prevails according to R. Gamaliel and as for a pen or a fold it prevails according to R. Aqiba."

R. Hananiah propounded a question: Is there such a thing as a legal limit above ten spans from the ground or not? Concerning a pillar ten spans high and four spans wide one side of which was outside of the legal limit there is no question; for it is equal to the ground itself, but concerning a pillar, that was ten spans high and less than four spans wide or a man who went on board of a ship, does the law of legal limits apply or not? R. Hosea answered: "Come and hear! It once happened that four sages came together from Parendisim, etc. (see Mishna). If we say, that the law of legal limits applies to objects higher than ten spans, then it can be understood why R. Joshua and R. Aqiba took upon themselves the rigid observance (for concerning a ship in motion they do not disagree with the other sages), viz.: on account of the law of legal limits, but if this law does not apply to a ship, what rigid observance could they have taken upon themselves?" Rejoined R. Hananiah: "It may be that their ship was passing through shallow water, as related elsewhere by Rabha, and was not over ten spans from the ground."

Come and hear! The seven Halakhas related on a Sabbath morn in the presence of R. Hisda at Sura were related on the same evening in the presence of Rabha at Pumbaditha. Who could have decreed them? No one, but Elijah? Hence we see, that there is no such thing as legal limits above ten spans from the ground? Nay. It may be that those Halakhas were transmitted from one school to the other by Joseph the evil One, who did not observe the Sabbath.

Come and hear! If one say: I wish to be a Nazarite at the coming of the Messiah, he may drink wine on a Sabbath or on a festival but must not do so during the week-days. (For Messiah is liable to come at any time.) The Boraitha would be correct if we assume, that there *is* a legal limit above ten spans from the ground, because Messiah will then not come on the Sabbath or on a festival, but if there is no legal limit above ten spans, the man should not drink wine even on those days, because the Messiah might come. In that case it is different: for it is written [Malachi iii. 23]: "Behold, I send unto you Elijah the prophet before the coming of the day of the Lord, the great and the dreadful." Hence, if Elijah did not come on the day preceding

Sabbath, he may drink on the Sabbath. If this is so, then he may drink on a week-day also providing Elijah did not come on the preceding day. It might be assumed, however, that Elijah had already come and appeared before the high court and for that reason the man should not drink on any day, lest Elijah had already come, then this would apply also to the Sabbath? There is a tradition among Israelites that it is an assured fact, that Elijah will not come on the eve of a Sabbath or a festival. If that is so, why should the man not be permitted to drink wine on the eve of Sabbath? Because although Elijah will not come, the Messiah himself might come.

Thus it must be assumed, that if there *is* a legal limit above ten spans, a man who wishes to be a Nazarite on the day of the coming of the Messiah should be permitted to drink wine not only on Sabbath and the festivals but also on the day following Sabbath, because Elijah cannot come on the Sabbath? The sages who prohibited a man of that kind to drink wine on a week-day were themselves in doubt as to the validity of a legal limit above ten spans and only made it more rigid for the man on general principles.

"And did not enter the harbor until after dark," etc. It was taught in a Boraitha, that R. Gamaliel had a telescope, through which he could see for a distance of two thousand ells on land and on sea. If a man wishes to measure the depth of a valley, he should use one of those telescopes and if he should wish to measure a tree, he should observe his shadow, measure himself and his shadow and the shadow of the tree and calculate the proportion.

Nehemiah the son of R. Hanilai was engrossed in thinking about a Halakha and inadvertently stepped out beyond the legal limits. Said R. Hisda to R. Na'hman: "Thy disciple Nehemiah is in trouble," and R. Na'hman answered: "Make him a partition with men and let him come back."

R. Na'hman bar Itz'hak sat behind Rabha who sat in the presence of R. Na'hman. Said R. Na'hman bar Itz'hak to Rabha: "How was the case when R. Hisda asked R. Na'hman concerning Nehemiah who had overstepped the legal limits? Shall we say, that there were sufficient men on hand who had made an Erub at the limits and could therefore go out to Nehemiah then the question was merely whether the Halakha prevailed according to R. Gamaliel, who said, that where there is a partition, even if a man had not declared his intention to rest there on the Sab-

bath, he may avail himself of it and traverse its entire extent, or that there were not sufficient men who had made an Erub who could reach Nehemiah and the question presented itself, whether the Halakha prevailed according to R. Eliezer, that if a man went out two ells beyond the limits he may return, and Nehemiah did not go out further than that." Is this not self-evident? For if there were sufficient men to reach Nehemiah, why did R. Hisda ask R. Na'hman? Rabh had already decided that the Halakha mentioned prevailed according to R. Gamaliel and for R. Hisda Rabh was the final authority? The question was merely then, whether R. Hisda could make a partition with men who had not made an Erub, at the end of two ells beyond the limit, which according to R. Eliezer was free to everybody, so that Nehemiah who had gone further than two ells beyond the limit could avail himself of that partition and return.

R. Na'hman bar Itz'hak objected to the above, addressing Rabha: "Have we not learned in a Boraitha: 'If the wall of a booth fell in on a festival, one must not use a man, or an animal or vessels or put up a bed and cover it with a sheet in order to fill in the gap, because a temporary tent must not be erected on a festival to commence with and so much less on a Sabbath?' " Answered Rabha: Thou quotest this Boraitha but I can quote another which states: "A man can make a wall of his comrade, that he may be able to eat a meal or drink or sleep in a booth (the wall of which had fallen in); he may also put up a bed and cover it with a sheet to keep the sun off from a corpse or from food."

These two Boraithas are contradictory to each other? This presents no difficulty. One of them is according to the opinion of R. Eliezer and the other according to the opinion of the sages.

It happened once, that some baldachin-makers brought in water through a partition formed by men. Samuel punished them, saying: "This was done in an emergency where a man had overstepped the legal limits accidentally but ye do this 'purposely.' "

It once happened that flasks of wine were thrown out of Rabha's house on the road in the city of Mehuzza. When Rabha came from his college, a number of men followed him as usual, and thus relying upon the partition formed by them, someone carried the flasks back into the house. Next Sabbath, the same thing happened, but Rabha would not permit the flasks to be carried back to the house, saying, that this time it might seem as

if it were done on purpose. In like manner straw was brought into the house of Levi, hay to the house of Zera, and water into the house of R. Shimi bar Hyya.

MISHNA: One who is authorized to go beyond the prescribed limit on important business pertaining to public or private safety and is told, that "it is already done," is at liberty to go two thousand ells in any direction. If he was still within the prescribed limit, it is as if he had not gone out at all, for all those who go forth on an errand of safety, are permitted to return to their homes on Sabbath.

GEMARA: What is meant by "if he was still within the prescribed limit"? Said Rabha: "This means to impart to us, that if he had not gone out beyond the limit, it was as if he had not left his house. Is this not self-evident? I would say, that if he had gone out of his house he forfeits his right to go two thousand ells in any direction he chooses, and we are told, that such is not the case." R. Shimi bar Hyya however said: "This means to state, that if the man had already gone beyond the usual limit but had not yet gone out of the additional limit allowed him by the sages for the errand, it is regarded as if he had not overstepped his own ordinary limit." Upon what point do they differ? Upon the permissibility of one end of a limit including another established limited distance adjoining it. The latter holds, that this point may be depended upon, while the former holds that it cannot.

"*For all those who go forth on an errand of safety,*" etc. Even such as go beyond four thousand ells? In the first part of the Mishna it is stated that they only have two thousand ells in each direction? What question is this? This is a case of where a man goes forth on an errand of safety, and on such an errand it may be permitted to go beyond four thousand ells. If there is a question it can be made upon the following Mishna: "Those who go to assist others in case of conflagration, or of an attack of robbers, or of flood, or of rescuing people from the ruins of a falling building are considered for the time being as inhabitants of that place, and may go thence on the Sabbath, two thousand ells in every direction." Thus here it is stated, that they may go only two thousand ells and our Mishna does not limit the distance? Said R. Jehudah in the name of Rabh: Our Mishna means to imply, that they may even return to their homes with all their implements of war, as we have learned in a Boraitha: In former times, they used to deposit their arms in a house nearest

to the fortifications of the city. Once it happened, however, that the enemy was informed of the fact, that the Israelites had stored their arms, so they pursued them and in endeavoring to enter the house to gain possession of their arms, the Israelites trampled more of their own to death than were killed by the enemy. Since that time it was ordered to carry their arms back to their homes.

R. Na'hman bar Itz'hak however said: This presents no difficulty: If the Israelites are victorious, they have only two thousand ells in which they may go in every direction, but if they are defeated, they may escape as far as possible.

R. Jehudah said in the name of Rabh: If enemies besieged cities inhabited by Israelites, the latter must not go outside of the cities with their arms and must not violate the Sabbath, providing the enemies were there on account of money-matters; but if they were there for the purpose of slaughter, the Sabbath may be violated and arms be carried on Sabbath. If a city near the boundary of the country is besieged even on account of a trivial business matter such as straw or hay, arms may be carried and the Sabbath may be violated. Said R. Joseph bar Minyumi in the name of R. Na'hman: "Babylon is considered as a city near the boundary," and this dictum was explained to mean the city of Neherdai (which was surrounded on one side by Gentile neighbors and on the other side by Israelites).

MISHNA: If a man sit down by the road-side (towards dark on the eve of Sabbath), then gets up and observes, that he is near a town, he must not enter the town; for it had not been his intention to do this. Such is the dictum of R. Meir; but R. Jehudah permits him to enter. R. Jehudah said: "It once happened that R. Tarphon entered a town although it was not his intention to do so."

One who falls asleep on the eve of Sabbath while on the road and thus knows not that night has set in, is permitted (upon awaking) to go two thousand ells in any direction. Such is the decree of R. Johanan ben Nouri; but the sages hold, that he has only the right to move four ells. R. Eliezer said: "And he himself forms the centre of the four ells." R. Jehudah however said: He can go four ells in whichever direction he pleases. Still R. Jehudah admitted, that if the man had made his choice (which direction to take) he must not afterwards (change his mind and) go in another direction. Should there be two persons so situated (*i.e.*, form the centre of the four ells they are allowed to

move in), and part of the four ells permitted to one is within the limits of the other, they may meet and take their meals together in the centre of their joint space, provided that neither exceed his own limits by going into those of his neighbor. If there are three persons so situated and part of the four ells occupied by the middle one forms part of the space belonging to each of the other two, the one situated in the middle is at liberty to meet each of the others, or each of the others may meet him; but the two on each side of him must not meet each other. Said R. Simeon: What can this be compared to? Three courts opening into each other and also opening into public ground. If the two outer courts have combined in an Erub with the middle one, one is at liberty to carry things between the middle court and each of the outer ones, but between the two outer courts one must not carry or convey anything.

GEMARA: We have learned in a Boraitha: R. Jehudah said: It once happened that R. Tarphon while on the road was overtaken by dusk on the eve of Sabbath and stayed outside of the town over night. In the morning the cattle-herders met him and said: "Rabbi, the town is not far distant. Enter." So he entered the town, went into the college and lectured all day. Said R. Aqiba to R. Jehudah: Wouldst thou cite this as an example? Perhaps it had been the intention of R. Tarphon to enter the town previously (*i.e.*, he was within two thousand ells of it) or the college was included with the legal limits allowed R. Tarphon.

"*Such is the decree of R. Johanan ben Nouri.*" Rabba propounded a question: What is the intent of R. Johanan's decree? Does he hold that things having no particular owner, if situated at a certain place on the Sabbath, acquire the right to their resting-place (*i.e.*, may be carried for a distance of two thousand ells in any direction)? And the Mishna should have commenced by citing an instance of this kind. Why does it give the instance of a man who had fallen asleep, whom the sages consider the same as a thing having no particular owner? In order to show the firmness of the sages, who, though agreeing that the man when awake, is entitled to two thousand ells in each direction, whence we might assume that he is entitled to the same privilege when asleep, we are told that such is not the case; or, in order to show that R. Johanan ben Nouri does not hold, that a thing having no particular owner acquires the right to be carried for a distance of two thousand ells in every direction, but

that a man when *asleep* is entitled to this privilege, merely because he is entitled to it when awake.

Said R. Joseph: "Come and hear: We have learned that if rain had fallen on the eve of a festival, the rain-water acquires the right of (being carried) two thousand ells in every direction; but if rain had fallen *on* a biblical festival, the rain-water has the same right (of being carried for the same distance) as the inhabitants of the place where it had fallen (have the right of walking)." Now, if we say, that R. Johanan holds, that a thing having no particular owner, if situated at a certain place on Sabbath, acquires the right of (being carried) two thousand ells in every direction, then the Boraitha is in conformity with his opinion; but if we say, that he does not hold to that effect, according to whose opinion is the Boraitha, certainly not according to that of the sages?

Said R. Jacob bar Idi in the name of R. Jehoshua ben Levi: "The Halakha prevails according to R. Johanan ben Nouri." Said R. Zera to R. Jacob: "Didst thou hear R. Jehoshua himself declare this, or dost thou merely infer this from another ruling made by him?" And he answered: "I heard him declare it." What ruling could R. Zera have referred to, which R. Jehoshua ben Levi had made? The ruling made by R. Jehoshua ben Levi elsewhere, that the Halakha always prevails according to the Tana, who makes the laws regarding Erubin more lenient. Why was it necessary for R. Jehoshua to make both statements? Said R. Zera: It was necessary; for had he said merely, that the Halakha prevails according to R. Johanan ben Nouri, we might assume that it always prevails thus, whether it be more lenient or more rigorous than another; hence we are told, that the Halakha prevails according to the one who is the more lenient regarding the laws of Erubin.

Let him say then, that the Halakha prevails according to the one who is the more lenient with the laws of Erubin, and that will cover the case of R. Johanan who *is* more lenient. Nay; it was also necessary to make the statement regarding R. Johanan exclusively; because it might be assumed that the Halakha prevails according to the more lenient interpretation where one opinion is opposed by the opinion of another individual, or where the opinion of a number (of sages) is opposed by the opinion of another number (of sages), but if the opinion of one is opposed by that of a number, the latter opinion prevails whether it be lenient or rigorous; hence we are told that the opinion of R.

Johanen ben Nouri prevailed although opposed by a number of sages, and from this the rule is adduced that as far as the laws of Erubin are concerned the more lenient Halakha prevails even if the opinion of one is opposed by a number (of sages).

R. Papa, however, said: "Both statements made by R. Jehoshua ben Levi are necessary, because, had he simply stated, that the Halakha of the more lenient Tana only prevails, we might have assumed that he referred only to Erubin of courts and not to Erubin of legal limits; therefore he also stated the case of R. Johanen ben Nouri in order to demonstrate that he referred also to Erubin of legal limits."

R. Ashi said: "Both statements made by R. Jehoshua ben Levi are necessary because, had he only made the statement concerning the Halakha of the more lenient Tana, it might have been assumed that he referred to an Erub that had been made for a number of Sabbaths and had gradually dwindled, but not to such Erubin as had been made afresh; hence he also made the statement concerning R. Johanen ben Nouri in order to emphasize the fact that the more lenient Halakhoth prevail even in the instances of newly made Erubin." *

R. Jacob and R. Zreika both said: "In all instances where R. Aqiba differs with an individual the Halakha prevails according to R. Aqiba. In all instances where R. Jose differs even with a number of sages the Halakha prevails according to R. Jose, and in all instances where Rabbi differs with an individual, the Halakha prevails according to Rabbi." For what purpose is this statement made? Shall we act accordingly or is this merely a vague statement? R. Assi said: "Yea; we must act accordingly. Where R. Aqiba differs with an individual we must act in accordance with R. Aqiba's opinion; where R. Jose differs with a number of sages we must act in conformity with R. Jose's opinion." R. Hyia bar Abba, however, said: R. Jacob and R. Zreika did not mean to establish the rule, that the Halakha prevails according to the opinions of R. Aqiba, R. Jose and Rabbi, but that they should be given preference wherever possible over their opponents (*i.e.*, if, for instance, a man asks

* The following paragraphs in the original Gemara are devoted to arguments of R. Papa and R. Ashi concerning the adduction of the differences quoted by the two Rabbis in the preceding paragraphs and quote the Boraithoth further on. Hence we have omitted them, and the reader will understand this from what follows. This rule is made by us for the benefit of the Hebrew scholar and will apply to all such omissions later.

concerning a decree of R. Jose, it may be declared valid, but it should not be taught as a rule in the colleges that when a number of sages decide against R. Jose the Halakha nevertheless prevails according to his opinion). R. Jose bar R. Hanina, however, said : (Not even this should be done.) R. Jacob and R. Zreika merely assert, that it seems to them that the Halakhas should prevail as stated, but not that this should be maintained as a general rule (and if one inclined to their opinion, he cannot be accounted wrong).

In the same manner as there is a divergence of opinions concerning the statement of R. Jacob and R. Zreika, so is there also a dispute concerning the following statement of R. Jacob bar Idi in the name of R. Johanan: In all instances where R. Meir and R. Jehudah differ, the Halakha prevails according to R. Jehudah, wherever R. Jehudah and R. Jose differ the Halakha prevails according to R. Jose, and so much more when R. Meir and R. Jose differ the Halakha prevails according to R. Jose, for if R. Jehudah is given preference over R. Meir, and R. Jose over R. Jehudah, then certainly R. Jose has preference over R. Meir.

Said R. Assi: "From this I can infer, that where R. Jose and R. Simeon differ, the Halakha prevails according to R. Jose, for R. Abba said in the name of R. Johanan, that wherever R. Simeon and R. Jehudah differ, the opinion of R. Jehudah prevails." As a matter of course if R. Jehudah is given preference over R. Simeon, R. Jose is certainly more competent authority than R. Simeon.

The schoolmen propounded a question: "How is it, when R. Meir and R. Simeon differ?" This question is not decided.*

R. Mesharshia said: All these rules are of no account (*i.e.*, decisions should be made according to the dictates of one's own understanding); for Rabh never acted according to such rules.†

* Wherever a question remains undecided in the Talmud, the letters Taph, Iod, Quph, Vav, are inserted, and some scholars maintain, that this means "Theiqu," *i.e.*, "So shall it remain." Others, however, maintain that the letters stand for: "Tishbi = Elijah the prophet, Ietharetz = will answer, Qushiuth = contradictions, Veabaioth = and questions.

† This statement of R. Mesharshia applies to the whole Talmud from the fact that, although the authorities quoted above are among the greatest of the Mishna and the Gemara, the interpretation of all Halakoth should be based upon common sense, and in connection with this we would wish to call the attention of the reader to the assertion made in our article, "What is the Talmud?" contained in our "The Pentateuch, Its Languages, Character, etc.," and in our article entitled "Two Questions

R. Jehudah said in the name of Samuel: "Things belonging to non-Israelites, if situated at a certain place on the Sabbath, do not acquire the right to their resting-place." According to whose opinion is this statement? Shall we say, according to the opinion of the sages? This is self-evident; for they hold, that even things having no particular owner do not acquire the right to their resting-place, and so much more things belonging to a Gentile, which accordingly possess an owner. Hence we must say, that this is even in accordance with the opinion of R. Johanan ben Nouri, who says, that things having no particular owner *do* acquire the right to their resting-place (but those, which have an owner, unless he be an Israelite, do not).

An objection was made: R. Simeon ben Elazar said: "Vessels which an Israelite borrows from a Gentile on a festival, or which he has lent to a Gentile and receives in return on a festival, also vessels and treasures which were within the legal limits on the eve of Sabbath, may be carried two thousand ells in every direction; but if a Gentile brought fruit on a Sabbath from beyond the legal limits, it must not be moved from its place." Now if it be said, that R. Johanan ben Nouri holds, that things belonging to a Gentile acquire a right to their resting-place, then R. Simeon ben Elazar's statement is in accordance with the opinion of this R. Johanan; but if the latter holds, that things belonging to a Gentile *do not* acquire a right to their resting-place, according to whose opinion is the statement of R. Simeon; not according to that of R. Johanan nor to that of the sages? Nay; R. Johanan may hold, that things belonging to a Gentile *do* acquire the right to their resting-place and still Samuel quoted the opinion of the sages; but as for this being self-evident, it is not so, for it might be assumed that a precautionary measure should be made in the case of a Gentile owner in order to put them on a par with vessels of an Israelite owner; therefore we are told that such a precautionary measure is not necessary. R. Hyya bar Abhin, however, said in the name of R. Johanan, that things belonging to Gentiles *do* acquire the right to their resting-place, as a precautionary measure for things belonging to Israelites.

It once happened that rams were brought into the city of

concerning the Talmud and Schulchau Aruch," published in the *American Israelite*, 1894, that "no one has any right to establish a code based upon Halakhoth of the Talmud."

Mabrahkhta on a festival. Rabha allowed the inhabitants of the city of Mehuzza (which adjoined the other city) to buy them and take them home. Said Rabhina to Rabha: "Why didst thou permit this; because thou holdest to the opinion of Samuel, that things belonging to Gentiles do not acquire the right to their resting-place, but the rule is, that where Samuel and R. Johanan differ, the opinion of R. Johanan prevails and R. Johanan holds, that things belonging to Gentiles *do* acquire the right to their resting-place on Sabbath?"

Thereupon Rabha said: "Let the rams be sold to the inhabitants of Mabrahkhta; for that city is to the rams as four ells (being equal to the case of where a man was brought into a pen or a fold against his will and may in consequence traverse the entire extent of the pen or fold, as if they were only four ells)."

R. Hyya taught: "If the legal limits of two cities terminated in the water and a partition was made to denote the place where they met, by means of a fishing-net, it is not sufficient; for an iron partition is necessary in order that the water of both limits should not mingle." R. Jose bar Hanina laughed at this teaching. Why did he laugh at it? Because Rabh decreed, that the sages were very lenient with all things pertaining to water (see page 24).

"But the sages hold, that he has only the right to move four ells." Is R. Jehudah not of the same opinion as the first Tana? Said Rabha: Nay; they differ to the extent of eight square ells. The sages hold that he may go four ells in every direction, that is, in all, eight square ells; but R. Jehudah says, that he may go only four ells in one direction. We have also learned to this effect in a Boraitha: "He may move in eight square ells, so saith R. Meir." Said Rabha: "They differ as to the extent that the man may traverse, but as for carrying things all agree, that he may do so only for a distance of four ells."

The questions seem to be centred in four ells. Whence do we derive these four ells? As we have learned in a Boraitha: From the passage [Exodus xvi. 29]: "Remain ye, every man in his place," etc. By "his place" is meant the size of his body. What is the size? Three ells, and one ell additional in case he wishes to stretch his limbs. So said R. Meir. R. Jehudah, however, said: "Three ells are allowed for the size of the body and an additional ell in case he wishes to take a thing at his feet and place it underneath his head." What is the point of variance between the two? According to one, the four ells

must be exactly measured, and according to the other, an approximate distance only is necessary.

R. Mesharshia said to his son: "When thou goest to see R. Papa, ask him whether the four ells are measured proportionately to the size of the man concerned or whether they are the holy ells (*i.e.*, ells measuring six spans). If he should tell thee, that the holy ells are meant, what should a man do who is as tall as Og, King of Bashan, and if he should tell thee, that the proportionate ells are meant, why were the four ells not included in the Boraitha, which teaches, that all things should be reckoned according to the proportionate ells."

When the son of R. Mesharshia came to R. Papa he was told: "If we were to learn the Talmud in this manner (*i.e.*, if we were so particular as to details) we would never be able to learn anything. Certainly proportionate ells are meant, and the reason the Boraitha does not mention them, is because it was not quite certain, and there may chance to be a dwarf, whose legal four ells the Boraitha did not feel justified in diminishing."

"But between the two outer courts one must not carry anything." Why should this not be permitted? If both of the outer courts and the middle one have combined in one Erub, they are regarded as one court? Said R. Jehudah: "In this instance a case is referred to, where the middle court deposited an Erub in each of the outer courts; hence the two outer courts have no connection with each other." R. Shesheth, however, said: "Even if the two outer courts had deposited their Erubin in the middle court but had each done so in a separate house, they have no connection with each other. Had they deposited their Erubin in the same house, they would have been regarded as one court." According to whose opinion would this be? Shall we assume, that it was according to the Beth Shammai as we have learned in the following Boraitha: "If five persons conjoined their Erubin and deposited them in two vessels the school of Shammai hold them to be of no value, but the school of Hillel say they are of value." Nay; this latter opinion is even in conformity with the school of Hillel who, while maintaining, that if the Erubin had been deposited in separate vessels the connection would be consummated, may hold, that if this was done in separate houses the connection is not valid.

R. Jehudah said in the name of Rabh: "All the foregoing is according to the dictum of R. Simeon; the sages, however, hold, that from the two outer courts things may be carried into the

middle court, but from the middle court, things must not be carried into the outer courts; provided no Erub had been made, for one court may serve for two others, but two must not be utilized by one." And R. Jehudah goes on to state: "When I made this statement before Samuel, he said: 'Even this is in accordance with the dictum of R. Simeon; but the sages hold, that neither of the three courts may be made use of.'"

The following Boraitha is in support of the dictum of Samuel as quoted by R. Jehudah: R. Simeon said, "What can this be compared to? Three courts opening into each other and also opening into public ground. If the two outer courts had combined in an Erub with the middle one, a man is at liberty to carry victuals from either of the outer courts into the middle court and eat them, then remove the remainder (but a man of the middle court must not carry things into the outer courts);" the sages however said: "No connection is permitted between the three courts."

Samuel in making this statement holds to his theory advanced elsewhere: If there is a court between two entries, and an Erub was made by the court with both entries, connection between the court and both entries is nevertheless prohibited (but in each entry separately things may be carried); if, however, no Erub was made by the court with either of the two entries, the court acts as a bar so that carrying in either entry is prohibited even by the inhabitants of the entries. If the court, however, made more frequent use of one entry to the neglect of the other, it acts as a bar only to the one frequently used, but the inhabitants of the neglected entry *may* carry therein.

Said Rabba bar R. Huna: If the court made an Erub with the entry used only on rare occasions (it is evident, that henceforth, the court intends to make more frequent use of this entry and to abandon the other entry) then the other entry becomes separated and the inhabitants thereof may carry therein.

Rabba bar R. Huna said again in the name of Samuel: If the entry more frequently used by the court made an Erub for its own use, and the court itself as well as the neglected entry did not make any Erubin for their own use, the court is relegated to the neglected entry, but cannot prove a bar to the entry having an Erub, because that were otherwise as the manner of the Sodomites, *i.e.*, if an act is perpetrated which is neither beneficial nor injurious to the perpetrator but solely in order to injure another, the perpetrator is compelled to desist. (The compari-

son is made to the case in question as follows: Neither the inhabitants of the court itself nor of the entry may carry within their precincts nor even within the entry provided with an Erub, and hence it would not be just, if, because they were not permitted to carry, they should prove a bar to those who by virtue of their Erub are allowed to do so.)

R. Jehudah said in the name of Samuel: "The Erub of a man who is particular about it that his fellow (with whom he had joined in the Erub) should not eat it, is of no account. Why so? Because the word Erub signifies commixture, *i.e.*, those who make the Erub can individually do with it as they see fit, and if one man is particular about it, its intent is abolished." R. Hanina however said: The Erub is valid; but a man of that kind is like the men of Vardina (who were notoriously penurious).

R. Jehudah said again in the name of Samuel: "An Erub which is divided by a man in two parts or deposited by him in two separate vessels is of no account." Then Samuel's dictum is in accordance with Beth Shammai, as stated in the Boraitha (page 108): We may assume that Samuel's teaching may be also according to Beth Hillel; for the latter hold, that the Erub is valid only then, if one vessel was filled with it and the remainder had to be put into another vessel, but if it was originally divided and then deposited, it is not valid.

Samuel said: "The virtual intent of the Erub is, that by mutual interchange of articles, the right to the ground is bought and sold." Why then are eatables necessary; could it not have been permitted to make an Erub with money? Because, as a usual thing on the eve of Sabbath money is scarce. (If that is so, then why should an Erub that had been made with money not be valid? This is merely a precautionary measure, lest it should be said that the main principle of an Erub is money, and in the case of a lack of money, eatables will not be used in its stead, and thus the law of Erubin will sink into oblivion.) Rabba, however, said, that the Erub signifies, that wherever the victuals have been deposited, there the man resides, *i.e.*, wherever a man's bread is, there is also his domicile. What is the point of difference between Samuel and Rabba? The points of difference are as follows: A vessel of any value, victuals worth less than a Prutah (a coin of minimum value) and a minor. (According to Samuel a vessel having a market value may be used, but according to Rabba it does not follow that if it is

deposited in a certain place the owner resides there, hence it must not be used. Victuals worth less than a Prutah, according to Samuel, not having a market value, must not be used, but according to Rabba, being eatables, may be deposited. A minor, according to Samuel, cannot be commissioned to act because no money consideration can be intrusted to him, and according to Rabba where he only gathers the material for the Erub, he may be commissioned to act.)

Said Rabba in the name of R. Hama bar Guria, quoting Rabb: The Halakha prevails according to R. Simeon.

MISHNA: Should a man, when overtaken by dusk on the road (on the eve of Sabbath), single out a tree or a hedge and say: "I will take my Sabbath-rest underneath it," (*legally*) he has said nothing, but if he says: "I will take my Sabbath-rest at its base," he may go from the spot on which he stands to the base of the tree or hedge two thousand ells and thence to his domicile two thousand ells more; thus it may be seen, that a man may go four thousand ells after dark (on Sabbath). If he cannot single out a tree or a hedge or is not conversant with the Halakha (covering his case) and says: "I will take my Sabbath-rest on the place where I stand," the spot upon which he stands (virtually) gives him two thousand ells in any direction; in a circle, according to the dictum of R. Hanina ben Antignous; but the sages hold, that he has two thousand ells in a square, so as to enable him to take advantage of the angles. This rule is explanatory to the saying (of the sages): "The poor prepare their Erubs with their feet." R. Meir said: "This rule is applied only to the poor," but R. Jehudah replied: It applies to poor and rich both; inasmuch as the Erub to be made with bread was only decreed in order to render its observance easier for the wealthy, so that they should not be compelled to go out and prepare the Erub with their own feet.

GEMARA: What is meant by "legally he has said nothing"? Said Rabb: "It means literally that he has said nothing and must not move from his place; (because where he stands, he did not acquire the right to rest on Sabbath, his intention having been to rest underneath the tree. Underneath the tree he acquired no right, not having specified the spot where he would rest, and although the space underneath the tree is within two thousand ells from his position at the time, as long as he did not specify the exact spot he must not go there)." Samuel, however, said: It means, that he said nothing con-

cerning the distance from the tree to his domicile but he may traverse the distance from where he stands to the tree (because the entire space underneath the tree is within two thousand ells of his position at the time, and the distance from his domicile is only two thousand ells to the base of the tree, but to the entire space underneath the tree it is more than two thousand ells); hence this entire space is like driving an ass and leading a camel, for it is not known from which side the distance to his domicile is two thousand ells. If it be measured from the north, chances are that it should be measured from the south, and *vice versa*.

Said Rabba: (Samuel's opinion is feasible, for he says, that the man acquired the right to two thousand ells from where he stands; but not having determined the exact spot underneath the tree, he loses the further two thousand ells to his domicile) but what grounds has Rabh for his opinion? Rabh holds, that if two intentions, one consequent upon the other, are expressed in one assertion, the inability to carry out one intention destroys the other also (and in this case as the man cannot proceed from the tree to the domicile it invalidates his right to go from his place to the tree). What is the difference between the two opinions? The difference is if one says, "I will take my rest in the four ells of the eight ells underneath the tree," according to those who hold that the place of rest must be exactly determined, it is of no value, but he who holds that if two intentions, one consequent upon the other, are expressed in one assertion, the inability to carry out one intention destroys the other also, in this case when he determines four ells it may be called the exact spot, and is valid.

Said R. Huna the son of R. Jehoshua: The case in the Mishna mentioned "he legally said nothing" applies only if the space underneath the tree is eight ells or more; but if it measures only seven ells the man may proceed to the tree and from the tree to his domicile (because he is entitled at any rate to four ells and no matter from which side the distance to his domicile is measured, part of his domicile will be within two thousand ells).

We have learned one Boraitha in support of Rabh and another supporting Samuel: The one upholding Rabh is as follows: If one, while on the road, was overtaken by dusk, and, singling out a tree, said: "I will take my Sabbath-rest underneath it," he has said nothing. If he said, however, that he would rest in a certain place, he can proceed to that place and,

arriving there, may traverse the entire extent of that place and two thousand ells outside of it. When may he do so? If he designated a particular place, *i.e.*, if he designated a sand-heap ten spans high, or a valley ten spans deep, and from four ells to two saahs' capacity wide; but if he did not previously designate the place or there was no such place in existence, he may only move four ells from where he is situated at the time. If there were two men, one of whom could designate the place and the other could not, the latter may invest the former with the right to select the place for him and he (the former) may act accordingly. This is the case only if the man designates the four ells where he desires to rest, but if he does not, he must not move from his place.

The Boraitha upholding Samuel is as follows: If a man made an error and deposited his Erub in two directions, or if a man thought that it was allowed to make two Erubin and go in one direction in the morning and in another in the afternoon, or if a man said to his servants: "Make an Erub for me," without specifying the place for it, and one of them made the Erub in the north and the other in the south, the man may go south for a distance of two thousand ells minus the distance from his house to the Erub on the north or may go north for a distance of two thousand ells minus the distance from his house to the Erub on the south. If the house was midway between the two Erubin, however, *i.e.*, the two Erubin were placed equidistant from the house two thousand ells, he must not move beyond his house.

"If he says, '*I will take my Sabbath-rest at its base,*'" etc. Said Rabha: "Being overtaken by dusk" signifies, that if the man walked slowly he could not reach the tree before dusk, but if he ran speedily he could reach the base of the tree.

Rabba and R. Joseph were on the road: Said Rabba to R. Joseph: "We will rest underneath the tree that tolerates good fellowship." And according to another version he said: "We will rest underneath the tree, that honorably acquits itself of its dues (*i.e.*, that bears quantities of fruit and thus pays its dues)." Said R. Joseph: "I know not of such a tree." Answered Rabha: Depend upon me, as a Boraitha stated, R. Jose said: If there be two men, one of whom could designate the place and the other could not, the latter may invest the former with the right to select the place for him and he (the former) may say: "There shall we rest." In truth this is not so. R. Jose

never said this; but Rabba asserted this in the name of R. Jose so that R. Joseph should listen to him; for it was known that R. Jose was final authority and that the Halakhas prevailed according to his opinion.

"If he cannot single out a tree or is not conversant with the Halakha." From what biblical passage is all this talk about two thousand ells adduced? We have learned in a Boraitha: It is written [Exod. xvi. 29]: "Remain ye every man in his spot, let no man go out of his place on the seventh day." "On his spot" means four ells, and "out of his place" refers to two thousand ells. Whence does the Boraitha adduce this assertion? Said R. Hisda: "Because it is written [Numbers xxxv. 5]: 'And ye shall measure from without the city on the east side two thousand ells,' etc. (Thus from the verse it is seen, that the city was in the centre and they measured two thousand ells on every side and from this the legal limits were derived.)

"Two thousand ells in any direction in a circle," etc. What grounds has R. Hanina ben Antigonus for the statement? If he agrees to the interpretation of the passage quoted, he should have said in a square, for so the passage determines, and if he does not hold to the passage at all, whence does he adduce two thousand ells in general? He holds to the interpretation of the passage quoted, but the end of the same verse reads, "*This* shall be to them the open spaces of cities," and he declares, that for the purpose of the verse it should be in a square, but for Sabbath it should not be in a square. Whence do the sages adduce that the two thousand ells should be in a square? The sages hold with Hananiah, who taught, that "*this* shall be to them," should read "*as this*," and as this should be all the legal limits of the Sabbath.

Said R. A'ha bar Jacob. One who carries four ells in public ground is not culpable unless he carries in a diagonal of four ells.*

Said R. Papa: "Rabha wished to examine us and asked the following question: 'Is it necessary that a pillar ten spans high and four wide standing in public ground, should contain a square so that a diagonal can be drawn?' We answered: Is this not the same as the teaching of R. Hananiah which states '*as this* should be all the legal limits of Sabbath.'"

"R. Meir said: 'This rule is applied only to the poor,'" etc.

* Rashi explains this to mean 4 ells and $\frac{1}{2}$ or $1\frac{1}{2}$ of an ell additionally. It is difficult to understand just how this is meant or how the diagonal can be derived without the square.

Said R. Na'hman: "The point of difference between R. Meir and R. Jehudah is where a man says: 'I will rest in my place' (where I am standing). R. Meir holds, that the principal thing to be used for an Erub is bread; and for the poor man, who has no bread with him, it is made easier; the rich man, however, has no right to do so; but R. Jehudah holds, that the principal way to make an Erub is to make it with one's feet, whether the man be poor or rich, but concerning the designation of a tree or a certain place for a Sabbath-rest while travelling, all agree, that it is allowed for a poor man but not for a rich man." The statement in the Mishna "This rule is explanatory to the saying," means to say that the saying is that of R. Meir, and what does it refer to? To the previous clause in the Mishna, "If he cannot single out a tree or is not conversant with the Halakha." The teaching "for the poor man who has no bread with him, it is made easier," is that of R. Jehudah.

R. Hisda, however, said: On the contrary. R. Meir and R. Jehudah differ only as to the designation of a certain place for the Sabbath-rest, the former holding, that for a poor man this is allowed, but not for a rich man, and the latter holding that it is permitted for both; but all agree that as for resting in one's place where he stands it is allowed to both rich and poor, because the principal way of effecting an Erub is with one's feet. The statement of the Mishna, "This rule is explanatory to the saying," refers to a man who was overtaken by dusk, while the teaching "for the poor man who has no bread, it is made easier," is according to the opinion of all.

We have learned a Boraitha in support of R. Na'hman: Be it a poor man or a rich man an Erub should be effected with bread. A rich man should not go out to the legal limits and say: "Here will I take my Sabbath-rest" because this is allowed only to one who was overtaken by dusk on the road, so saith R. Meir. R. Jehudah, however, said: Be it a poor man or a rich man the Erub should be effected with the feet and a rich man may go out to the legal limits and take his Sabbath-rest there, because the principal manner of effecting an Erub is with the feet. To the householder, however, the sages allowed to send a servant, a son, or any other messenger, to make the Erub in his stead, in order to make it easier for him, and R. Jehudah said again: It happened to the men of the house of Mamel and of the house of Gurion in the city of Aruma who would distribute figs and raisins during years of famine, that the poor of the villages

of Shihin and Hananiah would come on the eve of Sabbath to the legal limits, remain there over night, and on the morrow would enter the city of Aruma and receive their share.

R. Hyya bar Ashi taught Hyya the son of Rabh in the presence of Rabh: "Be he a rich man or a poor man." Said Rabh to him: "Add to this teaching, that the Halakha prevails according to R. Jehudah."

Rabba bar R. Hanan generally went on the Sabbath from Artibna to Pumbaditha. Once, while on the way he said: "I will take my Sabbath-rest in Tzintha (a small hamlet between the two towns)." Said Abayi to him: Why dost thou say this, because thou knowest, that where R. Meir differs with R. Jehudah the Halakha prevails according to R. Jehudah and besides, thou art of the opinion of R. Hisda, who holds, that they differ only concerning the designation of a certain place for the Sabbath-rest; but did not R. Na'hman explain to the contrary and have we not a Boraitha in support of R. Na'hman?

Answered Rabba bar R. Hanan, "Henceforth I shall not do this again."

Rami bar Hama asked: "It was said, that one who made an Erub by means of his feet, has four ells for himself besides the two thousand allowed him. What is the law concerning one who had sent bread to make the Erub? Has he the extra four ells or not?" Said Rabha: "Come and hear: The Mishna states that the Erub was to be made with bread only to make it easier for the wealthy. If we should say, that he has not the four ells, it will not be made easier for the wealthy, but on the contrary stricter?" It will not be stricter? For he would rather lose the four ells and be enabled to send a messenger in his stead than to go himself.

MISHNA: If a man (on the eve of Sabbath) had been despatched by his townsmen to combine by an Erub a town (or village in the vicinity) and was subsequently induced by a neighbor to go back (before completing his errand) he is permitted to go to the place in question (nevertheless); all his townsmen, however, are forbidden (to go thither). Such is the dictum of R. Jehudah; but R. Meir said: One who can prepare an Erub and does not prepare it, is (like one driving) an ass and (leading) a camel (at the same time).

GEMARA: What difference is there between the man and his townsmen? Said R. Huna: "This is a case of where a man possessed two houses which had two legal limits between them,

i.e., they were four thousand ells apart and the man went out on the road without taking bread along. He is then considered as a poor man; (and in consequence made his Erub wherever he was with his feet) but his townsmen who sent him to make the Erub are regarded as wealthy and their Erub not having been effected are not allowed to go out."

We learned a Boraitha supporting this teaching: "One who has two houses between which there are two legal limits makes the Erub valid as soon as he starts out on the way from one to the other, such is the dictum of R. Jehudah. Moreover, said R. Jose the son of R. Jehudah, even if his comrades meet him and tell him to stay over night where he is, because it is too hot or too cold, he may arise in the morning and continue on his way (for his intention was originally to make his Erub at the end of his journey)."

Said Rabba: "All agree that a man may continue his journey after remaining at a certain place over night, if he had been persuaded to interrupt his journey by another, but if he did so of his own accord, he must not continue on his way, because he may have changed his original intention. Wherein they differ is, if the man was persuaded to remain at a certain place before commencing his journey. According to one, his Erub is invalid as long as he had not yet started, and according to the other, it is valid because the intention originally existed."

R. Joseph, however, said: "All agree that one must start on the journey, otherwise his Erub is not valid; but they differ in a case of a man having been persuaded to stop over at a certain place or doing so of his own accord. One holds, that if he stopped over of his own accord, he may have changed his original intention and hence his Erub is not valid, while the other maintains, that as long as he had started, it does not matter.

R. Jehudah bar Isht'tha brought a basket of fruit to R. Nathan bar Oshiya on the eve of Sabbath (and the distance from his house to that of R. Nathan was four thousand ells). He started to return and R. Nathan let him go as far as the first step and then said to him: "Remain here over night." On the morrow, he arose and returned to his home.

"*But R. Meir said: 'One who can prepare an Erub,'*" etc. Have we not learned already in a Mishna (of the third chapter) that R. Meir and R. Jehudah both said: "If (an Erub) is doubtful, this is (like drying) an ass (and leading a) camel." Said R. Shesheth: It might be assumed that the reason of R. Meir's

opinion is that only in the case of a doubtful Erub, it is a case of an ass and a camel, but if it is known to a certainty that no Erub was made, such is not the case (but it is positively forbidden); hence we are given to understand that even where it is certain that the Erub was not made it is also a case of an ass and a camel; because the Mishna cites a case where it is certain that no Erub was made.

MISHNA: If one went beyond the legal limit even a single ell, he must not go back the entire distance. R. Eliezer said: If he went two ells beyond the limit he may go back; but if three ells, he must not.

GEMARA: Said R. Hanina: "If a man had one foot within the limit and the other foot outside he may enter, because it is written [Isaiah lviii. 13]: 'If thou restrain thy feet for the sake of the Sabbath' and we read 'thy feet' and as one foot was still within the limit, it cannot be said, that he had restrained his feet." We have learned, however, in another Boraitha, that he must not enter? R. Hanina holds according to the opinion of the anonymous teachers, who maintain in still another Boraitha, that wherever the greater part of the body of a man is situated, there is his place.

"R. Eliezer said: '*If he went two ells,*'" etc. Did we not learn in a Boraitha, that R. Eliezer said: If he went one ell beyond the limit he may go back; but if he went two ells, he must not? This presents no difficulty; our Mishna refers to a case where he had overstepped one ell and remained exactly two ells beyond, while the Boraitha refers to one who had overstepped two ells and was already in the third. Did we not learn in another Boraitha, that R. Eliezer said: "Even if he had stepped out one ell, he must not reënter?" This Boraitha refers to the one who measured the legal distance (as is stated in the last Mishna of the next chapter, which will be explained then and there).

MISHNA: One who was overtaken by dusk one ell outside of the legal limit must not reënter the town; R. Simeon, however, said: Even if one was fifteen ells beyond the limit, he may go back, as the land-surveyors who establish the limits, are not very exact in their measurements and allowance is made for those who might err.

GEMARA: We have learned in a Boraitha: "It sometimes happens that the land-surveyors forget their mark and go beyond the distance."

CHAPTER V.

REGULATIONS CONCERNING THE BOUNDARIES OF A TOWN AND THE MEASUREMENTS OF THE LEGAL LIMITS.

MISHNA: How can the boundaries of a town be extended? If one house recede from the city wall and another project, or if a ruin recede or project, or if fragments of a wall ten spans high lie beyond the walls, or if there be any bridges or cemeteries, with dwelling-houses thereon, the measurement of a town is commenced on a level with them; and the whole is formed into a (quasi) square, in order to gain the angles.

GEMARA: R. Johanan said: For eighteen days I lived with Oshiya the Great and did not learn but one thing concerning this Mishna, namely: The Mishna should not read "How can the boundaries of a town be extended, but how can they be restricted." * This is not so! Did not R. Johanan once assert, that during his stay with Oshiya the Great for eighteen days he learned to know the heart and wisdom of each one of Oshiya's twelve disciples? He says only that he learned but one thing *concerning this Mishna*, but aside from that, he learned many other things.

R. Johanan said again: "When we were studying the Law at Oshiya's we sate four men to one ell." Rabbi said: "When we studied at R. Elazar ben Shamua's college we sate six men to one ell."

R. Johanan said once more: As R. Meir was in *his* generation so was R. Oshiya the Great in his day. As with R. Meir, the colleagues of his day, could never arrive at his final decisions, so was it also with Oshiya. His colleagues could also never fathom his ultimate conclusions.

R. Johanan said again: The hearts of the first sages were as broad as the porch of the Temple and those of the later sages were as broad as the gates of the Temple, but our hearts are as

* The question here arises whether the Hebrew term "Meabrin," which we render with "extended," is spelled with an Aleph or an Ayin. If with an Aleph it signifies extended, and if with an Ayin it means restricted.

narrow as the eye of a sewing-needle. Whom does he refer to as the first sages? R. Aqiba. Whom as the later sages? R. Elazar bar Shamua, and according to another version he refers to R. Elazar ben Shamua and Oshiya the Great respectively.

Said Abayi: We are as a nail driven in a hard wall as far as explanations are concerned (*i.e.*, we understand but little of what we hear, and that with difficulty). Said Rabha: We are also like a finger pushed into a cake of wax (meaning we are so dull of comprehension where comparisons are concerned, that but as little remains with us as with the finger that has been pulled out from the wax). Said R. Ashi: "And we may say, that it is as easy for us to forget what we have learned as it is to put our finger in the hole of a well."

R. Jehudah said in the name of Rabh: The children of Judæa who paid strict attention to the words of their masters and propounded many questions retained all they learned. The Galileans, however, who did not pay strict attention to the language of their masters, and did not question them, did not retain anything. The Judæans learned from one master, hence they remembered what they learned; but the Galileans had many teachers and in consequence they did not retain anything.

Rabhina said: The Judæans taught every tract they had themselves mastered to others; hence they retained their knowledge; because teaching others improves one's own learning; the Galileans, however, did not do this and in consequence their knowledge forsook them. Of David who taught others it is said [Psalms cxix. 74]: "Those that fear thee will see me and be rejoiced," but of Saul, who did not teach others, it is said [I Samuel xiv. 47]: "And whithersoever he turned himself, he caused terror."

Said R. Johanan: "Whence do I know, that the Lord forgave Saul for the sin of massacring the priests of the city of Nev?" Because Samuel's spirit said unto him: "On the morrow, thou and thy children shall be with me." What is meant by "with me"? (That means in the same place as Samuel and as Samuel was a righteous man and certainly in Paradise, so Saul must have been forgiven in order to share Samuel's abode.)

R. Jehoshua ben Hananiah said: "I was never disconcerted in my life except by a woman, a boy, and a little girl. The instance of the woman occurred in this wise: I at one time resided at the house of a widow. At table she set before me a

plate of beans and I ate it up leaving nothing. On the second day she gave me the same dish which I also consumed entirely. On the third day she made the dish too salt and after tasting it I naturally stopped and left it alone. Said she to me: 'Rabbi, why dost thou not eat?' and I answered, that I had already eaten during the day; she then rejoined: 'Thou shouldst have eaten less bread,' and continued: 'Perhaps because thou didst not leave any Peah* on the first two days, thou dost leave it now to serve for all three; for have not our sages decreed, that no Peah need be left in the cooking pot, but some should be left in the plate on which the dish is served?''

The instance of the little girl happened as follows: Once I was travelling on a road and seeing a beaten path leading across a meadow I took that path. Said a little girl to me: "Rabbi! is this not a meadow that thou art crossing?" and I answered: "Is this not a beaten path?" and she answered: "Yea; such robbers as thou art have made it a beaten path." As for the affair with the little boy it happened thus: Once while on the road I noticed a child sitting at a cross-road. I asked him, which road led to the city, and he answered: "This road is the shorter but at the same time the longer, and this one is long but nevertheless short." I took the shorter road that was at the same time the longer. When I came to the city I saw the entrance to the city at that point was surrounded by gardens and vineyards, so that I had to retrace my steps. Said I to the child at the cross-road: "Didst thou not say that this was the short route?" and he answered: "Did I not also tell thee that it was a long route?" I then kissed him on the forehead and remarked: "Well is thee, Israel, that all thy children are wise, both great and small."

R. Jose the Galilean was travelling on the road. He met Brurih (the wife of R. Meir) and asked her: "Which way must we take to the city of Lud?" She answered: "Thou Galilean fool! Did not our sages say, that thou shouldst not converse much with a woman? Thou shouldst have asked, which way to Lud?"

The same Brurih once found a young scholar learning quietly to himself. She scolded him and said: "It is written [II Samuel xxiii. 5]: 'Firm in all and sure,' which signifies, that if the Law

* Peah signifies the corners of the field, the crops of which must be left over for the widows, orphans, etc.

is firmly imbedded in all the two hundred and forty-eight members of the body it can remain with the man, otherwise it cannot." We have learned that there was a disciple of R. Eliezer, who learned quietly to himself and in the course of three years he forgot all he had learned.

Said Samuel to R. Jehudah: Thou sagacious one. Open thy mouth, when thou readest and also when thou learnest and then may it come to pass, that thou shalt live long, as it is written [Proverbs iv. 22]: "For they are life unto every one of those that find them, and to all his body a healing." Do not read "that find them," but "that make them a find for others," that is by pronouncing them with the mouth others will hear them and be benefited.

Samuel said again to R. Jehudah: Thou sagacious one! As long as thou hast any money, eat and drink; for the world which we leave behind is like a wedding-feast, it is soon over (and in the next world, thou wilt not be able to do this).

Rabh said to R. Hamnana: My son! If thou hast the wherewith to do thyself good, do so, for in the grave there is no pleasure and there is no fixed time for death, and if thou shouldst wish to say: "I will leave my children sufficient to live on when I am in my grave," who can assure thee, that they will keep it; for men are like grass in the field—some spring up and have everything prepared for them while others fade and have nothing.

R. Jehoshua ben Levi said: One who travels on the road and has no companion, should study the Law, as it is written [Proverbs i. 9]: "For a wreath of grace are they unto thy head, and chains for thy throat." If a man have a headache, he should study the Law for it is "a wreath of grace" unto his head. If his throat be sore, he should study the Law for it is "a chain" for his throat. If thy stomach hurt thee, do likewise, for it is written [ibid. iii. 8]: "It will be healing to thy travel" (body), and also if thy bones ache, for it says further [ibid.], "and marrow to thy bones." Likewise one who has pains in any part of his body should study the Law, for it is written [ibid. iv. 22]: "And to all his body a healing."

Said R. Jehudah ben R. Hyya: Come and observe how the custom of the Lord differs from that of man! If a man prescribes a remedy, it may benefit one and injure another, but the Holy One, blessed be He, gave the Law to all Israel as a remedy for all and for the whole body as it is written: "And to all his body a healing."

R. Ama said: It is written [Proverbs xxii. 18]: "For it is a pleasant thing if thou keep them within thy bosom, if they be altogether firmly seated upon thy lips." Which signifies: "When are the words of the Law a pleasant thing? If thou canst keep them within thy bosom, and when canst thou keep them in thy bosom? If thou canst pronounce them well with thy lips."

R. Zera said: It is written [ibid. xv. 23]: "A man hath joy by the answer of his mouth; and a word spoken at the proper time, how good is it." Which signifies: When hath a man joy by the answer of his mouth, if at any time that he is asked concerning the Law, he can make proper reply.

R. Itz'hak said: It is written [Deut. xxx. 14]: "But the word is very nigh unto thee, in thy mouth, and in thy heart, that thou mayest do it." When is the word nigh unto thee? If it is in thy mouth, and in thy heart thou meanest to do it.

Rabha said: It is written [Psalms xxi. 3]: "The longing of his heart hast thou given him, and the request of his lips hast thou not withholden. Selah." Which means: When was the longing of his heart given him? If the request of his lips was in accordance with the Law.

Rabha inferred a contradiction from the verse just quoted: It says, "The longing of his heart hast thou given him," and immediately afterwards, "and the request of his lips hast thou not withholden." If the longing of his heart was given him, what need was there of the request of his lips? And explained this seeming contradiction thus: If the man had merited it, the longing of his heart was granted him without request, but if he did not, he first had to make a request for it, before it was granted.

The disciples of R. Eliezer ben Jacob taught: In every instance, where the words "Netzach," "Selah," or "Voëd" form the conclusion of the passage it signifies, that it will be forever without interruption. As for the word "Netzach" it is written [Isaiah lvii. 16]: "For not to eternity will I contend, neither will I be forever wroth"; "forever" is here expressed by "Netzach." As for the word "Selah" it is written [Psalms xlvi. 9]: "As we have heard, so have we seen it in the city of the Lord of Hosts, in the city of our God: God will establish it forever. Selah." Concerning "Voëd" it is written [Exod. xv. 18]: "The Lord will reign for ever and ever" and the expression used is "Voëd."

R. Elazar said: The term quoted in the verse [Proverbs i. 9]:

"Chains for thy throat" means to signify, that as a chain is loose around the neck and is not seen when a man bows his head, so it is with a scholar. If he is not seen constantly in the markets, or oppresses not his neighbor, but sits quietly and studies the Law, he retains his knowledge; otherwise he does not.

R. Elazar said again: The verse [Solomon's Song v. 13]: "His cheeks are as a bed of spices" means "If a man makes himself as a bed (of plants) upon which everyone treads (*i.e.*, is extremely modest) and also conducts himself as a man who held spices in his hand, which even after leaving the hands, still make them fragrant, he retains the knowledge he has acquired, otherwise he does not."

He said again: It is written [Exod. xxxi. 18]: "Tables of stone" (tables are in this verse expressed by the Hebrew term "Luchoth" and Lechi also means cheek). This refers to a man who hardens his cheeks until they are like stone and when trodden upon are not defaced, meaning a man who constantly studies and in the same manner as the stone is not impaired by wear, the constant study does not injure the man: such a man retains knowledge, otherwise he does not.

Again R. Elazar said: It is written [Exod. xxxii. 16]: "Engraved upon the tables," which means, that if the tables had not been broken the first time, the Law would never have been forgotten by Israel, for a thing that is engraved cannot be obliterated, and R. Aha bar Jacob added, "that no nation on earth could have got them in their power," because: do not read "Charuth" (engraved) but "Cheiruth" (liberty).

R. Mathna said: It is written [Numbers xxi. 18]: "And from the wilderness to Mattanah,"* which signifies, that if the man makes himself as a wilderness, upon which everybody treads, and does not mind it, the knowledge he gains remains with him as a present.

R. Huna said: It is written [Psalms lxviii. 11] Thy assembly dwelt therein: thou didst prepare it with thy goodness for the afflicted people, O God! ("Thy assembly" is expressed in the Hebrew by "Chaiothcha" and Chaiah means a wild beast.) If a scholar is in the manner of learning as a wild beast which devours its prey immediately after killing it, *i.e.*, as soon as he learns a thing he repeats it again and again until he knows it thoroughly, he retains his knowledge, otherwise he does not. If

* Mattanah is the Hebrew term for a present.

he does this, however, the Holy One, blessed be He, Himself, prepares a meal for him, as may be seen from the end of the passage quoted.

R. Hyya bar Abba said in the name of R. Johanan: It is written [Proverbs xxvii. 18]: "Whoso guardeth the fig-tree will eat its fruit." Why are the words of the Law compared to a fig-tree? As a fig-tree yields its fruit whenever it is shaken, so does the Law always yield new teachings whenever it is repeated.

R. Samuel ben Na'hmeni said: It is written [Proverbs v. 19]: "Let her bosom satisfy thee abundantly at all times." Why is the Law compared to a bosom? Because as at all times when the child desires to suck, the bosom yields its milk, so does the Law yield its teachings every time it is perused. Further, it is written [ibid.]: "With her love be thou ravished * continually." This means to imply as was said of R. Elazar ben P'dath, that when he was studying the Law in the lower market of Sephoris, his clothes were frequently found in the upper market; so engrossed was he in his studies, that he did not even miss his clothes. Said R. Itz'hak ben Eliezer: "Once a man attempted to steal the clothes of this R. Eliezer and found an adder lying on top of them."

The disciples of R. Anan taught: It is written [Judges v. 10]: "Ye that ride on white asses, ye that sit in judgment, and ye who walk on the way, utter praise!" "That ride on white asses" refers to scholars who go from town to town and from country to country to teach the Law and who make it clear as daylight. "That sit in judgment" refers to those who give a just verdict which is truly just. "Who walk" refers to those who study the Bible, "on the way" refers to the students of the Mishna, and "utter praise" refers to the students of the Talmud, whose every utterance is concerning the Law.

R. Shezbi said in the name of R. Elazar ben Azariah: It is written [Proverbs xii. 27]: "The indolent roasteth not that which he hath caught in hunting." This signifies, that one who studies the Law superficially merely to delude people but does not study it thoroughly and repeat it often, will not retain the knowledge nor will he live long. R. Shesheth, however, said: "A man of that kind is not wicked, but merely foolish; on the other hand a prudent man, who studies many things and

* The Hebrew term for "ravished" in the verse is Tishgeh, which means also "thou shalt err."

makes marks, so that he will not forget what he had learned, retains his knowledge and will have long life."

When R. Dimi came from Palestine he said: The verse quoted is a simile to a man who catches birds. If he pinions the wings of those he catches, he can proceed and catch more, otherwise they will escape. The same applies to a man who studies the Law. If he reviews his learning constantly, he retains it and can proceed; if he does not, however, he cannot retain it.

Rabha in the name of Sechorah quoting R. Huna said: "It is written [Proverbs xiii. 11]: "Wealth gotten by vain deeds will be diminished; but he that gathereth by close labor will increase it." Which means: If a man groups the ordinances he has learned, he cannot retain them; but if he gathers them slowly and deliberately, he will constantly increase them." And Rabha said: "The Rabbis know of this and yet they pay no attention to it." Said R. Na'hman bar Itz'hak: "I have acted accordingly and in consequence I have retained my knowledge."

The Rabbis taught: "How was the method of teaching the Law in the days of Moses?" Moses learned the Law from the might of God. Then Aaron entered and Moses taught him a chapter. When Aaron had finished he sat down to the left of Moses and his children came in, when Moses would teach them the chapter again. When they had finished, Elazar would sit down to the right of Moses and Ithamar to the left of Aaron. R. Jehudah, however, said, that Aaron would always sit to the right of Moses after his children had finished. Following the sons of Aaron would come the elders of Israel and Moses would repeat the chapter to them. After the elders had finished, the rest of the Israelites who wished to learn would enter and would learn the same chapter. Thus we see, that Aaron heard the same chapter four times, his sons three times, the elders twice, and the rest of the people once. After the last reading Moses would depart and Aaron would again repeat the chapter to the others; then he would depart and his children would teach the chapter; after them the elders would do so, so that no one heard it less than four times. From this R. Eliezer deduced, that every teacher should recite his teaching to his disciples four times, holding that as Aaron who learned from Moses, who in turn learned from the might of God, had to learn one thing four times so much more ought an ordinary man to do so when learning from another.

R. Aqiba, however, said: Whence do we adduce, that a teacher should teach his disciple until the latter knows the lesson thoroughly? From the verse [Deut. xxxi. 19]: "Now therefore write ye for yourselves this song, and teach it the children of Israel," and whence do we infer, that a disciple must be taught until he can impart the teaching to others? From what is written further [ibid.]: "put it in their mouth," and whence do we know, that if the reasons for the teaching can be given, this must be done? From the verse [Exod. xxi. 1]: "And these are the laws of justice which thou shalt set before them," and by setting before them is meant that they must be thoroughly explained.

Why did not all learn directly from Moses? In order to show honor to Aaron, his children and the elders. If that be so, let Aaron learn it from Moses, Aaron's children from Aaron, and the elders from the children, then the people from the elders? Because Moses learned from the might of God, all wished to hear it from him.

R. Preida had a disciple, whom he would teach a thing four hundred times and then the disciple would understand it. One day R. Preida was invited to attend the celebration of a circumcision and as he was just teaching his disciple, he finished the teaching for the four hundredth time but still the disciple did not understand. So he asked him: "What is the difficulty?" and the disciple replied, that from the moment the master was invited to the celebration, he could not pay proper attention, thinking that every moment he would be going away. So R. Preida said: "Pay proper attention and I will teach thee again," and he accordingly repeated the teaching another four hundred times. A heavenly voice was heard at that time which said: "What wouldst thou rather, that thou live another four hundred years, or that thou and the entire generation in which thou livest should be given a share in the world to come." R. Preida answered: "I would rather accept the latter proposition." Said the Holy One, blessed be He: "Give him both."

R. Hisda said: The law cannot be retained except through signs, as it is written (as quoted previously): "Put it in their mouth." Read: "Put it with signs in their mouth." R. Tachlipha of Palestine heard this and on his arrival home repeated it in the presence of R. Abbahu. Said R. Abbahu: Ye learn this from that verse, but we derive the same from the verse [Jeremiah xxxi. 21]: "Set thyself up way-marks," mean-

ing, set up way-marks to the Law; this is in accordance with the dictum of Abhdimi bar Hama bar Dosa, viz.: It is written [Deut. xxx. 12], "It is not in heaven," meaning if it were even in heaven, one would have to get it from there, and [ibid. 13]: "Neither is it beyond the sea" implies that even were it beyond the sea, one would have to go after it there. Rabha, however, said: "It is not in heaven" means, that knowledge cannot be found in a man who holds himself as high as heaven; and "Neither is it beyond the sea" means, that knowledge cannot be found in a man who considers his opinions as vast as the sea. R. Johanan said the first statement refers to those who are great in their own estimation, and the last statement to those who ply the seas and are constantly engaged in traffic.

The Rabbis taught: How are the boundaries of a town extended? A town that is oblong remains as it is. A town in the form of a circle is provided with corners. One that is in the form of a square need not be made equiangular. If it was narrow on one side and wide on another it must be made even all around (through the formation of a parallelogram). If a house or row of buildings protruded from one of the walls of the town, a straight line is drawn from the extreme end of such protruding buildings parallel to the wall and thence two thousand ells are measured. If the town was in the form of an arch or a right angle it should be considered as if the entire space enclosed by the arch or right angle were filled with houses and two thousand ells should be measured from the extreme ends.

R. Huna said: If a town was in the form of an arch and the distance between the two ends of the arch was less than four thousand ells, the enclosed space is considered as filled with houses and two thousand ells may be measured from the extreme ends. If the distance was more than four thousand ells, the two thousand ells must be measured from the centre of the arch. What distance should a man have from his house to the end whence the two thousand ells are measured. Rabba bar R. Huna said: "Two thousand ells" and Rabha the son of Rabba bar R. Huna said: "Even more than two thousand ells." Said Abayi: "It seems to me that the latter opinion is correct, because, if the man chose, he could go through all the houses in the arch to that end, then why should he not be permitted to cross over the space between his house and the end of the arch?"

Or if fragments of a wall ten spans high, etc. What is

meant by this? R. Jehudah said: "This means, if there were three partitions without a roof." A question was propounded: How was it if there were two partitions with a roof? Come and hear: These are the things that are counted in together with the town: A monument covering four square ells, a bridge, a mausoleum, a synagogue that has a dwelling for an attendant, a church with a vestry, stables, and barns that have a dwelling attached for the keeper, huts in the field and houses built on islands of a lake, which are not more than seventy and two-thirds ells away from the town. All these are counted in together with the town, and following are the things that must not be counted in with the town: A monument partly demolished on both sides, a bridge, a burying ground without a dwelling on it, a synagogue or church that has no dwelling for the sextons, a stable or barn that has no dwelling for the keeper, a pit, a cavern, a fence, a dove-cot, and a boathouse; all these are not counted in with the town." We see then, that a monument which had been partially destroyed on both sides, must not be counted in with the town? Must we not assume that it still retained its roof? Nay, this refers to a monument that did *not* retain its roof. Of what use is a house built on an island? Said R. Papa: "Those houses are used to unload the utensils of a ship." It is said "a cavern is not to be counted in with the town"? Did not R. Hyya teach that it should? Said Abayi: "R. Hyya refers to a cavern, that has a building above it." If that is the case, why mention the cavern? The building itself must be counted in? Here the meaning is, if a building was above the cavern, no matter how far the cavern extended, it is regarded as a foundation for the house and should be counted in.

R. Huna said: Those who live in huts made of twigs may measure the limit only from their doors (even if there are a number of those that extend for over one hundred ells). Said Hinana the son of R. Kahana in the name of R. Ashi: If in the street where the huts stood there were three courts each containing two ordinary buildings, the huts are given the privileges of a town.

R. Jehudah said in the name of Rabh: Those who dwell in huts and those who travel in the deserts do not enjoy life and their wives and children are not their own. We have also learned the same in a Boraitha: Eliezer the man of Biria said: Those who live in huts are the same as those in a grave and concerning their daughters it is said [Deut. xxvii. 21]: "Cursed be

he that lieth with any manner of beast." Why is this so? Said Ula: Because they have no bathhouses (and when the men go away to some distant bathhouse no one is left to take care of the women). R. Johanan said: "Because, when the women go to take their ritual bath, they are afraid to go alone so long a distance; hence they go in company with other women and are followed by evil men who lead them astray." What is the point of difference between Ula and R. Johanan? If there is a lake in the vicinity, the statement of R. Johanan falls to the ground, but according to Ula even then, the women, if left alone by their husbands, are led to sin.

R. Huna said: "In a town where there are no herbs, a scholar should not live (because herbs are cheap and good food and a scholar can thus live economically)." Shall we assume, that herbs are such a good thing? Have we not learned in a Boraita, that three things cause much waste, cause a man's body to stoop, and deprive a man of one five-hundredth of his eyesight? Those three things are: coarse bread, newly brewed beer, and herbs? This presents no difficulty: R. Huna refers to onions, garlic, and fine herbs, which are necessary, while the Boraitha refers to bad herbs.

R. Jehudah said in the name of Rabh: In a town that is hilly and where there are many steps to ascend and descend, both man and beast become prematurely aged. Said R. Huna bar R. Jehoshua: "The towns of Bebiri and Benaresh, two adjoining cities, that had many hills between them caused their inhabitants to become prematurely aged."

The Rabbis taught: "If one comes to make a town square, he must make it as the square of the earth, *i.e.*, the north must be towards the north of the earth, the south towards the south, and his signs shall be: the zodiac of the capricorn in the north and that of the scorpion in the south." Said R. Jose: If he does not understand how to make it as the square of the earth, he should be guided by the equinox. How so? Where the sun rises during the long days and sets during the long days, it is north of the equator, and during the short days, where it rises and sets it is south of the equator, but during the Nissan and the Tishri equinox, it rises half (*i.e.*, directly) east and sets half (*i.e.*, directly) west, as it is written [Ecclesiastes i. 7]: "Going toward the south" during the day, "and turning around toward the north" during the night "the wind moveth round about continually," meaning east and west; at times it goes through them

and at other times it passes them. Said R. Mesharshia: All these rules are of no account, for we have learned in a Boraitha that the sun never rose in the northeast nor set in the northwest and the sun never rose in the southeast nor set in the southwest.

Samuel said: The equinox of Nissan can only take place during one of the four quarters of a day, either at sunrise, sunset, noon, or midnight, and the equinox of Tamuz cannot take place except at one and one-half hours after sunrise or sunset or seven and one-half hours after either. The equinox of Tishri takes place only at three or at nine hours after either sunrise or sunset, and the equinox of Tebeth takes place only four and one-half hours or ten and one-half hours after either sunrise or sunset. There is not more than ninety-one days seven and one-half hours between each equinox, and they occur in the first and second half of the same hour respectively.*

The Rabbis taught: One who comes to measure the city should first make it square in the form of a board. Afterwards he makes another square of the legal distance of two thousand ells also in the form of a board. When he comes to measure the legal limits from the town, he should not commence at the centre of a side because then he would lose the corner, for, if the diagonal distance from one corner to another is two thousand ells the distance from the one side to the opposite will be 1,428 ells. Hence he should make the square two thousand ells from one opposite side to the other, and in that event he will gain four hundred ells on each side. Then the two legal limits together will gain eight hundred ells on each side, and, in consequence, the town together with the limits will gain twelve hundred ells on each side. Said Abayi: "This can be proven by calculating on a city exactly two thousands ells square."

MISHNA: An allowance of seventy and two-thirds ells of space must be made to the town. Such is the dictum of R. Meir; but the sages hold, that such an allowance is to be made

* This is calculated by the ancient astronomers as follows: There are seven planets, which change with every hour; *e.g.*, in the first hour we have the planet Mercury, in the second the Moon, in the third Saturn, in the fourth Jupiter, in the fifth Mars, in the sixth the Sun, and in the seventh Venus. Thus at the end of the 91 days and $7\frac{1}{2}$ hours of the first equinox (of Nissan), if Mercury is in the ascendant the second equinox (that of Tamuz) will fall in the second half-hour of the planet Mercury, the third equinox (of Tishri) will occur in the first half-hour of the Moon, and the last equinox (of Tebeth) will fall in the second half-hour of the Moon, etc.

only if two towns be so close to each other, that each only requires seventy and two-thirds ells to bring them within the legal limits; in that case an allowance is made to both, so that they become as one. Thus also, if three villages form a triangle, and the two outer ones require $141\frac{1}{3}$ ells, a double allowance to bring them within legal distance of each other, the middle one between the two makes all one, so that the three villages become as one.

GEMARA: Whence do we adduce, that an allowance should be made to the town? Said Rabha: Because it is written [Numbers xxxv. 4]: "From the wall of the city and outward," which implies, first leave a part outward and then commence to measure.

"*But the sages hold,*" etc. It was taught: R. Huna said: An allowance should be made to each of the two cities, and R. Hyya bar Rabh said: "Only one allowance is made for both." We have learned in the Mishna, however, that the sages hold, such an allowance is to be made only, etc., whence we see that only one allowance is spoken of and this would be contradictory to R. Huna? R. Huna may say, that by the allowance is meant the law of the allowance, and if the law of allowance is given at all, it should be given to each of the two cities. It seems to us, that the explanation of R. Huna is correct, because further on the Mishna states, that each only requires seventy and two-thirds, *i.e.*, one town requires seventy and two-thirds ells and the other requires seventy and two-thirds ells, hence the law of allowance applies to each of the two.

An objection was made based upon the last clause of the Mishna: If three villages form a triangle and the two outer ones require $141\frac{1}{3}$ ells, the middle one between the two makes all one; thus if there were no middle one the allowance for the two outer ones would not hold good, and this would be contradictory to R. Huna, who says, that the law of the allowance should be applied? R. Huna might reply: It was taught, however, that Rabba in the name of R. Idi quoting R. Hanina said: The Mishna does not mean to state that there must absolutely be three villages in a triangle, but even if the third is some distance off and between the two there is sufficient space which would permit of the third village being placed there, and the distance from that third village to one of the outer ones be $141\frac{1}{3}$ ells, *i.e.*, the quantity of two allowances of seventy and two-thirds ells each, this third village makes the other two as one. Then

Rabha asked of Abayi: "How far must the third village be from the other two, that it may be counted in with them?" and he answered: "Two thousand ells." Said Rabha to Abayi: "Didst thou not say previously, that thou art of the opinion of Rabha bar R. Huna, who said that it may be even more than two thousand ells distant?" Rejoined Abayi: "How canst thou compare the two? In the former instance there were inhabited houses, while here there is only empty space."

Rabha asked Abayi again: "What must the distance between the two outer villages be?" and he answered: "What is the difference? Thou hast heard, that if the village standing at a distance is placed between the two there would be a distance of $141\frac{1}{2}$ ells to each of the outer ones." "According to that," rejoined Rabha, "it would not matter if there were four thousand ells between the two outer ones?" "Yea," answered Abayi, "so it is."

MISHNA: One must not measure the legal distance except with a line exactly fifty ells long, no more and no less; and one must not measure in any manner except from the breast. If during the measurement a deep dale (cleft) or heap of stones is encountered, the line is passed over it and the measurement resumed; if a hillock is encountered, the line is passed over it (also) and the measurement resumed, provided the legal limit is not overstepped while this is being done. If the line cannot be passed over the hillock on account of its height, R. Dostai bar Janai said: I have heard on the authority of R. Meir, that those who make the measurement cut straight through the mountain (in an imaginary sense).

GEMARA: Whence do we adduce that the line must be exactly fifty ells long? Said R. Jehudah in the name of Rabh: It is written [Exod. xxvii. 18]: "The length of the court shall be one hundred ells, and the breadth fifty by fifty," and thus the verse means to say, that the line should be fifty ells. Is this verse not necessary in order to teach us that the excess of fifty ells of length over the breadth should be apportioned so as to make the court seventy ells and four spans square? (See page 73.) If such were the case, the verse could read "fifty and fifty," but from the fact that it reads "fifty by fifty" we assume that both teachings may be adduced.

"*No more and no less.*" It was taught in a Boraitha: "No less," because when the line is taken up (by the surveyor) it may be stretched a trifle (and it should be only fifty); and "no

more," for should it be longer, it might become entangled and be shortened accordingly.

Said R. Assi (according to another version R. Ami): "The line must be made only of Apaskima." What is an Apaskima? Said R. Abba: "A Nargila," and what is a Nargila? Said R. Jacob: "The fibre of walnut-trees."

We have learned in a Boraitha: R. Jehoshua ben Hananiah said: There is nothing better to measure with than an iron chain; but what can be done, when it is written [Zechariah ii. 5]: "There was a man with a measure-cord in his hand." It is written, however [Ezekiel xl. 3]: "There was a man, etc., and a measuring rod." The verse quoted refers to the measurement of the gates of the Temple.

R. Joseph taught: "There are three kinds of cord: One made of rushes, one made of willows, and one made of flax. The first kind of cord was used to tie the red heifer (because it was not subject to defilement and all things used in connection with the red heifer had to be *not* subject to defilement) as we have learned (in Tract Parah): "She was tied with cord made of rushes and was laid on the spot where she was to be burned." The second kind was used for tying a woman who was to stand the bitter water test as we have learned in a Mishna (Tract Sotah): Then an Egyptian rope was tied above her breast (an Egyptian rope was made of willows). The third kind was used for measuring.

"*If during the measurement a deep dale, etc., was encountered,*" etc. From the statement of the Mishna that after passing over it the measurement is resumed, we must assume, that if the surveyor *cannot* pass over it with a line fifty ells long, he must go to a place where it is possible for him to do so, and after passing over it, should resume the measurement at the original place as nearly as possible on a level with the place where he had left off at the other location.

This is identical with the teaching of the Rabbis as follows: "If during the measurement the surveyor come to a cleft, and *can* pass over it with a line fifty ells long, he should do so. If, however, he *cannot* do this, he should go to another place where this would be possible and resume his measurement at the original place as nearly as possible on a level with the place where he had left off at the other location. Should, however, the cleft be sloping so that he can cross over it without difficulty he should measure it by drawing an imaginary line straight across

the cleft and do this successively both up hill and down. If he come to a wall, he must not cut through the wall but must estimate its thickness, and after allowing sufficient distance for it, he should resume his measurement." We have learned, however, that he should cut through it (in an imaginary sense), why do they say that he should estimate its thickness? In the former instance the case referred to is where the wall was impassable, while in this instance the surveyor can circumvene it.

Said R. Jehudah in the name of Samuel: "Under what circumstances are these rules concerning passing over (a cleft) or cutting straight through to be applied? If the line with a weight attached to one end, will *not*, when dropped, reach bottom. If, however, the line *will* reach bottom, the actual measurement of the cleft must be counted." What must the depth of the cleft be in order that it may be passed over? Said R. Joseph: "Even if it be more than two thousand ells deep." According to whose opinion is this teaching of R. Joseph? Have we not learned in a Boraitha, that if the cleft is one hundred ells deep and fifty wide it may be passed over but not if it be more? while the anonymous teachers hold, even if it be two thousand ells deep. Then R. Joseph's teaching coincides neither with that of the first Tana nor with that of the anonymous teachers? The Boraitha refers to a case where the depth of the cleft cannot be sounded with the sounding line, while R. Joseph refers to a case where the sounding line can be dropped straight down. If the sounding line cannot be used, what distance may he go to find another location for measuring? Said Abimi and also Rami bar Ezekiel: "Four ells."

"*If a hillock is encountered,*" etc. Said Rabha: "This refer to a hillock with a base of five ells and a peak of ten spans; but a hillock with a base of four ells and a peak of ten spans should be merely estimated and the measurement resumed."

"*Providing the legal limit is not overstepped,*" etc. What is the reason therefor? Said R. Kahana: In order that it may not be said, that the legal limit commences at the spot where the hillock had already been passed over (*i.e.*, if the hillock was too wide to be passed over in the line of the legal limit and another place had to be selected for passage, it serves as a precautionary measure, in order not to appear as if the legal limit commenced at the point on the other side of the hillock, which, by virtue of its accessibility, had been selected for passage).

"*If the line cannot be passed over the hillock,*" etc. The Rab-

bis taught: "What is meant by cutting straight through the mountain?" The man at the foot of the mountain should hold the line to his breast and the man at the summit should hold it to his feet. Said Abayi: There is a tradition to the effect, that the mountain must not be cut through (measured) except with a line measuring four ells.

Said R. Na'hman in the name of Rabba bar Abbahu: "The law of cutting through the mountains does not apply in the case of the heifer, which must have its neck broken (see Deut. xxi. 1-9), and not to the cities of refuge (see Deut. xix. 2-10; and Numbers xxxv. 6).

MISHNA: The measurement must be undertaken only by one who is an expert (in measuring land). If the legal limit was carried farther to one place than to another, the farther limit is held to. If *one* surveyor carried the limit farther than another, the farther measurement is abided by. Even a bond-man or bond-woman must be credited if testifying, that "Until here is the Sabbath-limit"; for the sages do not intend to enforce a more rigorous observance (of the law) but to make it more lenient.

GEMARA: What is meant by, "the farther limit is held to"? What about the shorter limit? Is that not within the limit? The Mishna must be read: Even the farther limit is also held to.

"If one surveyor carried the limit farther than another," etc. Said Abayi: "Provided the difference in the distance does not exceed the diagonal measurement of the town."

MISHNA: If a town (originally the property) of a single individual, becomes (property) of the public, all the householders residing therein may combine in preparing the Erub. If the town originally was public property and becomes the property of an individual, all the householders must not join in the Erub, unless a number of dwellings outside of the city was not included in the Erub made by the town proper, which number was equal to the new town in Judæa; *i.e.*, containing fifty dwellings. Such is the dictum of R. Jehudah; R. Simeon, however, holds, that it is sufficient if three courts each containing two houses were not included.

GEMARA: The Rabbis taught: What is meant by originally the property of a single individual, and become property of the public? Said R. Jehudah: "For instance, the district of the Exilarch." Rejoined R. Na'hman: "Why dost thou mention the district of the Exilarch, because many people come there

and it thus becomes like public ground; but the seat of government being there, it will serve as a reminder, that there is a law against carrying on the Sabbath? Still even in a place where many Israelites congregate on the Sabbath, even if the seat of government is not there, they will remind each other of the law? Therefore," continued R. Na'hman, "(it is not necessary that the district be the property of the Exilarch) it may be like the district of Nathazai, who owned a whole town."

The Rabbis taught: In a town, originally the property of an individual, which had become public property, containing a wide street, how should an Erub be made? Either a side-beam or a cross-beam must be erected at each end of the street (providing the town was not surrounded by walls) and it is permitted to carry throughout the street. It is not permitted, however, for one half of the town to combine in an Erub (because the city, having at one time been the property of an individual, the other half will prove a bar to those who have combined in the Erub). Either the whole town must combine an Erub, or each entry must make an Erub for itself. If, however, the entire town was at all times public property, and have but one exit, an Erub may be combined for the whole town.

Who is the Tana who holds, that even for the wide street an Erub may be effected? Said R. Huna the son of R. Jehoshua: This is according to R. Jehudah, as we have learned in a Boraitha: "Moreover, R. Jehudah said: 'A man having two houses, one at each end of a wide street, may make a cross or a side beam at each end of the street and is allowed to carry throughout the street,' and the sages rejoined: 'Such an Erub is not sufficient for a wide street.'"

The Master said: "It is not permitted for one half the town to combine an Erub." Said R. Papa: This prohibition refers to an Erub made lengthwise in half the town but in the breadth of half the town (which contained one of the two exits of the whole town) it is allowed.

The Master said: "Either the whole town must combine an Erub or each entry must make an Erub for itself." Why should an Erub not be effected in one half of the town, because the other half might prove a bar? Why should one entry then not prove a bar to another? Each entry may erect a door for itself, which will signify that there is no connection with the others. This is identical with the statement of R. Idi bar Abin in the name of R. Hisda, viz.: If one of the inhabitants of an entry

made a door to his court, he demonstrates thereby that he has no connection with the other inhabitants and consequently does not make the Erub of the others invalid.

"If the town was originally public property and became the property of an individual," etc. R. Zera made an Erub in the city where lived R. Hyya, that included the whole city and did not leave out any part thereof. Asked Abayi: "Why did Master do this? Why did he not leave out a part of it?" Answered R. Zera: "The elders of the city told me, that R. Hyya bar Assi once combined an Erub for the entire city, so I thought that at one time the city was individual property and then became the property of the public." Rejoined Abayi: "The same elders told me, that at one time a pile of dirt blocked one of the entrances so that only one remained; hence R. Hyya bar Ashi made the Erub for the entire city. Now, however, the dirt has been removed and the city never was individual property"; and R. Zera answered: I did not know this.

R. Ami bar Ada of Harphan asked Rabba: "What is the law concerning a town that had one entrance by means of a door and another by means of a ladder?" He answered: "Rabh said, that a ladder is in law accounted the same as a door." Said R. Na'hman to them: "Do not heed him; for thus said R. Ada in the name of Rabh: 'A ladder combines within itself the two uses, that of a door and that of a partition.' The latter if it is on the outside of the city and is hence not accounted as a door and when it stands between two courts it can be accounted as a partition, thus enabling the courts to make separate Erubin, or it can be accounted as a door and both courts may combine in effecting one Erub."

R. Jehudah in the name of Samuel said: "If an entire wall was made of ladders even though it be wider than ten ells, it is nevertheless a lawful partition." R. Brona contradicted R. Jehudah, standing at the wine-cellar of R. Hanina's house: How canst thou say, that Samuel held the ladders to constitute a partition, did not R. Na'hman say in the name of Samuel: "If the people living in attics of courts, which contain balconies, and who are obliged to descend by means of ladders to the court, had forgotten to combine an Erub with the people below, they do not render the Erub of the people below invalid, providing their ladders have apertures at least four spans high?" This is the case if the balconies were not over ten spans high. If the balconies were not over ten spans of what use are the apertures?

If the balconies were provided with railing and ten ells were left vacant and a small door was erected in that vacant space, it signifies, that there is no connection between the inhabitants of the attics and those of the court; hence they do not prove a bar to each other.

The inhabitants of Kakunai came before R. Joseph and asked him to give them a man to effect an Erub for them in their city. He accordingly said to Abayi: "Go and make an Erub for them, but see that it provoke no comment from the college." He went and saw that some houses of the city faced a lake and had no other entrance. "I will make an Erub, but will exclude these houses," said he. Subsequently it occurred to him, that an Erub must not be made for the entire city, at the same time it was possible to do this; with these houses, however (that faced the lake), it was an impossibility. Consequently he desired that apertures be made in those houses facing the streets, thereby making it possible for them to make an Erub and then to exclude them, in which event the Erub for the entire city would be valid. Then he concluded that even those apertures were unnecessary, because Rabba bar Abbahu made an Erub for the entire city of Mehuzza, which was composed of several rows of entries and between each row there was a ditch used for the storing of kernels of dates to be used as fodder. He made an Erub for each row and permitted the carrying of things in each entry and from one entry into another without erecting either cross or side beams. He did this on account of the ditches between the rows, which ditches prevented crossing over from one row to the other and the town having been originally public property and subsequently having become the property of an individual, in which case part of the town must be excluded from participation in the Erub, he held that by virtue of the inaccessibility of one row to the other on account of the intervening ditches, one row became the excluded part to the other, and *vice versa*.

Suddenly it occurred to him again, that the rows of entries might have had protruding roofs, which would make communication with each other possible, hence they were enabled to make an Erub; but in the case of those houses that could not make an independent Erub, he again concluded that apertures were necessary. Finally, however, he recollected, that Mar the son of Pipidatha of Pumbaditha made an Erub for the entire city of Pumbaditha and merely excluded his straw-shed underneath the

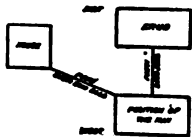
city. Hence he again concluded, that no apertures for the houses were necessary. In conclusion he said: "I see now, after all this trouble, why my master cautioned me against provoking the comment of the colleges."

"*R. Simeon, however, holds, that it is sufficient, if three courts,*" etc. Said R. Hama bar Guria in the name of Rabh: "The Halakha prevails according to R. Simeon." R. Itz'hak, however, said, that one house in one court is sufficient.

Asked Abayi of R. Joseph: "Whence does R. Itz'hak adduce his statement? From a tradition or an opinion?" Answered R. Joseph: What is the difference? (The Halakha prevails according to R. Simeon?) Rejoined Abayi: Shall we learn the Gemara as we do a song?

MISHNA: Should a man (on the eve of Sabbath) be at the east of his domicile and say to his son: "Place my Erub towards the west," or being at the west of his domicile say to his son: "Place my Erub towards the east": if the distance from the place where he stands to his domicile be within two thousand ells and to his Erub farther than that, he must take his Sabbath-rest at his domicile, but must not take it where his Erub is deposited; if the distance to his Erub, however, be within two thousand ells, and to his domicile farther than that, he must take his Sabbath-rest where his Erub is placed and not at his domicile. If a man has deposited his Erub within the limits (allowance of seventy and two-thirds ells) of a town, he has (legally) accomplished nothing and it counts for nothing; if he, however, deposited the Erub outside of the legal limit, be it but a single ell, whatever ground he gains in one direction, he loses in the opposite direction.

GEMARA: What is meant by "towards the east"? "Towards the east of his son" said R. Itz'hak, "and towards the west also of his son." Rabba bar R. Shila, however, says, that both "towards the east" and "towards the west" refer to the house, but the question will arise how will it be possible for the house to be farther than the Erub, because if he told his son to make an Erub



there, the son must have stood between the house and the Erub? In this case, the house was diagonally opposite the place where the son stood while the Erub was directly opposite (as shown in illustration).

"If he, however, deposited the Erub outside of the legal limit,"

etc. Is it possible to assume, that he really overstepped the legal limit? Read: "If he placed the Erub outside of the seventy and two-thirds ells allowed the town."

"*Whatever ground he gains in one direction, he loses in the opposite.*" He loses only what he gains, no more? Have we not learned in a Boraitha: "If he placed his Erub within the allowance (of seventy and two-thirds ells) of the city, he has accomplished nothing and it counts for naught; if, however, he placed his Erub outside of such allowance even one ell, he loses (his right to) the whole city, because the measure of the city will be counted to him in the legal limit effected by the Erub?"

This presents no difficulty. According to the Boraitha, he loses the whole city only when the two thousand ells of his limit terminate in the centre of the city; but if they terminate at the end of the city, which is the case in our Mishna, he loses nothing, as R. Idi said in the name of R. Jehoshua ben Levi: If he measured the limit and it terminated in the *centre* of a town, he has only half the town; but if it terminated at the *end* of the town, the whole town becomes as four ells and he may complete his entire limit of two thousand ells outside of the town." R. Idi said, however: "This is merely a prophetic assertion! For what is the difference whether it terminate in the centre of the city or at the end!" Said Rabha: "This is by no means a prophetic assertion. Thou wilt learn this in the succeeding Mishna."

R. Joseph said in the name of Rami bar Abba quoting R. Huna: "If a town was standing on the steep banks of a lake and there was a partition made on the brink of the banks four ells high, the measurement of the legal limits may be commenced from that partition. If there was no partition, however, the measurement must be commenced from the entrance of the house (nearest the lake)." Said Abayi: "Why dost thou require in this case a partition four *ells* high? Generally four *spans* are sufficient!" Because usually, no fear is entertained as to the use of the place, while in this case there is constant fear of falling over the banks (hence that place cannot be taken into consideration and the measurement must be made from the houses).

Said R. Joseph: Whence do I adduce this teaching? From the following Boraitha: "Rabbi permitted the inhabitants of Gadar to descend to Hamtan but forbade the people of Hamtan to ascend to Gadar." Why did Rabbi decree thus? We must

assume, because the inhabitants of Gadar (who lived above the people of Hamtan on the slope of a mountain) made a partition at the foot of their city while the inhabitants of the city of Hamtan did not make a partition at the foot of their city; hence Gadar which had a partition was safe from falling, and the legal limit, which was measured from any part of the city included Hamtan, but the people of Hamtan, which had no partition and was consequently not safe, could measure their legal limits only from their houses and thus it did not include the city of Gadar.

When R. Dimi came from Palestine, however, he assigned a different reason for the above Boraitha, saying: "Rabbi decreed thus, because the Gadarites would maltreat the Hamtanites; hence he prohibited the latter to ascend to Gadar on a Sabbath." Why on Sabbath, why not also on a week-day? Because on Sabbath there is more drunkenness (and in consequence more brutality). Why did he then permit the Gadarites to descend to Hamtan? Cannot they maltreat the Hamtanites even there? Because a dog that has no home will not bark even in seven years (meaning that in their own homes the Hamtanites could better protect themselves). Is there not danger, however, that the Hamtanites will maltreat the Gadarites? The Hamtanites would not dare do this (because they were in the minority).

R. Saфра said: There is a different reason for the Boraitha, viz.: The city of Gadar was built in the form of an arch and the two ends of the arch were more than four thousand ells apart. We have learned in connection with this that the legal limits must be measured from the houses of the individuals; hence when the inhabitants of Gadar measured their limit, it included the city of Hamtan, but when the people of Hamtan, who were opposite the space of the arch, measured their limit, it terminated in the empty space between the two sides of the arch, and that space being over four thousand ells, could not be counted as part of the city.

R. Dimi bar Hinana said: (There is another reason for the Boraitha.) The city of Gadar was a large city whereas Hamtan was a small town and the laws concerning this will be explained in the following Mishna.

MISHNA: The inhabitants of a large town may traverse the whole of a small town (within or adjoining their legal limits); but the inhabitants of the small town must (not) traverse the

whole extent of the large town. How then? If an inhabitant of the large town place his Erub in the small town, or an inhabitant of the small town place his Erub in the large town, each may traverse either town and proceed two thousand ells beyond its boundaries. R. Aqiba said: "One has only the right to proceed two thousand ells from the place where he deposited his Erub." Said R. Aqiba to the sages: "Will ye not admit, that in the case of one who deposits his Erub in a cavern, that he has not the right to proceed further than two thousand ells from the place where he has deposited his Erub?" They replied: "True; but when is this the case? If there are no dwellings in the cavern; but if there are dwellings within it, he may not only traverse the whole extent of the cavern, but also proceed two thousand ells outside of it." (Hence, it may be seen) that the ordinance is less rigid as to the interior of a cavern, than to the space above it.

Concerning one who measures (previously mentioned) he is only allowed to carry the legal limits two thousand ells from the place whence he started, even though the end of his measurement terminate in a cavern.

GEMARA: Said R. Jehudah in the name of Samuel: If one took his Sabbath-rest in an abandoned city, he may traverse the entire extent of the city and two thousand ells besides; but if he deposited his Erub in that city, he only has two thousand ells from that Erub. R. Elazar, however, said, whether he merely took his rest there or deposited his Erub, he may traverse the entire extent of the city and two thousand ells outside of it.

An objection was made based upon the statement of R. Aqiba addressed to the sages: "Will ye not admit, that in the case of one who deposits his Erub in a cavern, that he has not the right to proceed further than two thousand ells from the place where he has deposited his Erub?" and their reply: "True; but when is this the case? If there are no dwellings in the cavern." Thus we see, that if there are no dwellings within it, the sages agree with R. Aqiba? (How then can R. Elazar say, that one may traverse the whole extent of the city and two thousand ells beyond?) By the statement "if there are no dwellings in the cavern" the sages mean to say, if there is no *room* for dwellings in the cavern.

Mar Jehudah observed that the inhabitants of Mabrachta placed their Erub in the synagogue of the city of Agubar, so he

said to them: "Why do ye not place the Erub a little further? Ye will have more space to the two thousand ells?" Said Rabha to him: Thou quarreller! (Thou disputest the opinion of the sages!) Concerning the law of Erubin no attention is paid to R. Aqiba (because it had been decided long ago, that the more lenient decrees concerning Erubin prevail).

CHAPTER VI.

REGULATIONS CONCERNING THE ERUBIN OF COURTS AND PARTNERSHIPS.

MISHNA: To one who dwells in the same court with a Gentile, or with one who does not acknowledge the laws of Erub, the latter prove a bar (to his carrying in the court). R. Eliezer ben Jacob, however, said: "At no time can such a prohibition be caused, unless there be two Israelites, who prevent each other."

R. Gamaliel related: "It happened that a Sadducee dwelt with us in one alley (entry) in Jerusalem, and my father said to us (on the eve of Sabbath): 'Make haste and bring all the vessels into the alley, lest the Sadducee bring out his, and thus make it unlawful for you to carry out yours.'" R. Jehudah related the same circumstance with a variation in the language, viz.: "Make haste and do what you require done in the alley, lest he come out and make it unlawful for you to do so."

GEMARA: Abayi and R. Hinana, both sons of Abin, were sitting along with Abayi. The two brothers said: "The Mishna would be correct according to the opinion of R. Meir, who holds that the dwelling of a Gentile as far as the laws of Erubin are concerned is regarded as a dwelling; but what about R. Eliezer ben Jacob? If he regards the dwelling of a Gentile as a dwelling, then it should prove a bar even to one Israelite, and if he holds that it is not regarded as a dwelling, then it should not interfere even with two Israelites." Said Abayi to them: "Does then R. Meir hold, that the dwelling of a Gentile is regarded as a dwelling where the laws of Erubin are concerned? Have we not learned in a Boraitha, that R. Meir holds the dwelling of a Gentile to be like a vacant house, where things may be moved at will? Therefore I say, All agree that the dwelling of a Gentile is not considered as a dwelling as far as Erubin are concerned and that the intent of the Mishna is simply to prevent the Israelite from falling into the ways of the Gentile and disregard the Sabbath entirely, and to this end R. Meir holds, that a

Gentile proves a bar even to one Israelite, but R. Eliezer ben Jacob maintains, that it is so rare an occurrence for one Israelite and one Gentile to live in one court, that such a precaution is in that case superfluous."

The text of the above Boraitha is as follows: "The dwelling of a Gentile is, as far as the laws of Erubin are concerned, to be regarded as a vacant house and things may be moved and carried to and from his house and the court; but if an Israelite also dwelt in the same court, the Gentile proves a bar to the Israelite." Such is the dictum of R. Meir; R. Eliezer ben Jacob, however, said, that the Gentile does not interfere, unless there are two Israelites who prevent each other."—Have we not learned in our Mishna that if one dwells in the same court with a Gentile, the Gentile proves a bar? This presents no difficulty: The Mishna refers to the Gentile who is on the spot, while R. Eliezer ben Jacob refers to one who is not at home.

What does R. Eliezer mean to express? Does he hold, that a dwelling without the occupant is also a dwelling, then he should state, that even one Israelite is prevented by it; if he holds, that a dwelling without its occupant is not considered a dwelling, then why does he mention a Gentile, he could say, if there be two Israelites and one is absent from home, he does not prove a bar to the other? Nay; a dwelling without its occupant is not considered a dwelling; but in the case of the Israelite who was absent, if he had proved a bar when at home, the precaution is also enforced when he is not at home, but in the case of a Gentile, no such precaution is necessary for the reason, that he himself does not prove a bar to the Israelite and his interference is merely due to the fact that the Israelite might fall into his ways and disregard the Sabbath. When the Gentile is absent, however, such apprehension does not exist.

If the Gentile is absent he does not prevent the Israelite? Have we not learned in a Mishna, that "if a person quits his house, and he goes to take his Sabbath-rest in another town, whether he be a Gentile or an Israelite, he proves a bar to the other inmates of the court, such is the decree of R. Meir"? This refers to a case of where there is fear that the person will return on the same day.

R. Jehudah said in the name of Samuel: "The Halakha prevails according to R. Eliezer ben Jacob." R. Huna, however, said: "It is customary to hold to the opinion of R. Eliezer, *i.e.*, it is not taught in the colleges that the Halakha prevails

according to R. Eliezer ben Jacob, but when a man asks concerning this law, he may be told to follow that dictum." R. Johanan however said: "The people act in accordance with R. Eliezer's decree, but it should not be decided so when the question arises."

Abayi asked R. Joseph: "It is known to us, that all the Mishnaoth taught by R. Eliezer ben Jacob are clean and thorough. Here also R. Jehudah said in the name of Samuel, that the Halakha prevails according to R. Eliezer ben Jacob. Now then, if a disciple of a certain master live in the same town as his master and is asked concerning a Halakha established by R. Eliezer ben Jacob (which is therefore correct) may he decide it himself or must he as usual refer the case to his master?" R. Joseph answered: "R. Hisda (who was a disciple of R. Huna) would not even decide the question whether eggs may be eaten with kutach (a dish made principally of milk) as long as R. Huna was living."

R. Jacob bar Abba asked Abayi: "May a disciple decide in the place where his master resides a Halakha, contained in the scrolls of Fast-days?" Abayi replied: R. Joseph decided this question as stated above.

R. Hisda *did* decide legal questions, during the lifetime of R. Huna, in Khafri.*

R. Hamnuna† decided questions in the city of Hartha, which belonged to Argaz in the days when R. Hisda lived. (Hartha was not far from Pumbaditha, the residence of R. Hisda.)

Rabhina would examine the slaughtering-knives in Babylon during the lifetime of R. Ashi (who was the head of the college). R. Ashi asked him: "Why does Master do this?" Rabhina answered: "Did not R. Hamnuna decide questions in Hartha during the lifetime of R. Hisda?" Said R. Ashi to him: "On the contrary! We have learned, that R. Hamnuna did *not* do this." Rejoined Rabhina: "We have learned both, that he did and that he did not, and the case seems to be thus: As long as R. Huna the master of R. Hisda lived, R. Hamnuna did not decide any questions, but upon the death of R. Huna when R.

* Rashi states, that Khafri was a town near Pumbaditha, but in our opinion Khafri is the plural of Khfar—Hebrew for village—and it seems that R. Hisda decided legal questions in the villages where the inhabitants could not reach R. Huna (Tospath).

† This R. Hamnuna is not to be confounded with the disciple of Rabh previously mentioned.

Hisda became the head of the college, R. Hamnuna began to decide questions also, because he was virtually a disciple (and) comrade of R. Hisda and I am also a disciple comrade of Master."

Rabha said: "If a slaughtering-knife is brought to a young scholar for examination, he may examine it, providing he intends to use some of the meat himself."

Rabhina* came to the city of Mehuzza (and stopped at an inn). The inn-keeper brought a slaughtering-knife to him for examination, and Rabhina told him to take it to Rabha. Said the inn-keeper: "Dost thou not hold with Rabha, that a young scholar may examine a slaughtering-knife if he intends to use the meat himself?" Rejoined Rabhina: "Yea; but the meat is thine and I merely buy the meat of thee as others do."

R. Elazar of the city of Hagronia and R. Abba bar Tachlipha (R. Aha) were the guests of R. Aha the son of R. Iqua in the city presided over by R. Aha bar Jacob. A calf, which was the third of its mother, was to be prepared and the slaughtering-knife was brought to them for inspection. Said R. Aha bar Tachlipha: "Must we not respect the elder (meaning R. Aha bar Jacob)?" Said R. Elazar to him: "Thus decided Rabha: A young scholar may examine the slaughtering-knife if he intends to use the meat himself." Accordingly R. Elazar examined the knife but was afterwards punished for it.

Why was R. Elazar punished for it? Rabha had really allowed it? Because R. Aha bar Jacob was an exceptionally wise and extremely old sage.

Rabha said: A disciple has no right to decide questions of law. If, however, he sees a person committing a prohibited act, he may even in the presence of his master correct such a person.

Rabhina while in the presence of R. Ashi (his master) observed a man tying an ass to a tree on Sabbath. He admonished him and told him that it was not allowed; but the man paid no attention to him, whereupon Rabhina said to him: "Thou art under a ban for this." Then he (Rabhina) said to R. Ashi: "Can this action of mine be construed as disrespectful to thee because it was done in thy presence?" R. Ashi answered: "It is written [Proverbs xxi. 30]: 'There is no wisdom nor understanding nor counsel against the Lord,' and that means, where the honor of

* This Rabhina is also not to be confounded with the Rabhina previously mentioned.

the Lord is concerned, the respect due a teacher is not to be considered."

Rabha said: "If a disciple decide a point of law in the presence of his master, it is considered as a capital offence; but if he does this in the absence of his master while the master is still in the same city, it is not a *capital* offence, but is nevertheless prohibited." Zera said in the name of R. Hanina: It is not a capital offence, but he is nevertheless called a sinner, as it is written [Psalms cxix. 11]: "In my heart have I treasured up thy saying, in order that I may not sin against thee." (This signifies that if one did not treasure up his knowledge but uttered it in the presence of his master, he commits sin.)

R. Hamnuna propounded a contradictory question to the above verse, viz.: It is written [Psalms xl. 10]: "I announce thy righteousness in the great assembly," and himself explained it by saying: "The former verse was proclaimed by David when Ira the Yairite, who was his master, was still living and the latter when Ira was dead."

R. Abba bar Zabhdā said: "He who sends his gifts to one particular priest to the exclusion of all others brings famine into the world, as it is written [II Samuel xx. 26]: "And Ira the Yairite was a priest unto David." Why a priest unto David? Was he not also a priest to the rest of Israel? The inference then is, that David presented him with all his gifts and immediately following this verse, it is written [ibid. xxi. 1]: "And there was a famine in the days of David three years."

R. Elazar said: A disciple who decides a point of law in the place of his master, if intrusted with a position of importance, is eventually deposed, as it is written [Numbers xxxi. 21-24] that Elazar the priest quoted a law and although he quoted it in the name of Moses, still he was deposed from office on that account; for although Joshua was ordered to stand before Elazar [Numbers xxvii. 21], we do not find one instance where Joshua ever availed himself of Elazar's services.

R. Levi said: He who decides a point of law in the presence of his master will die childless, for it is written [Numbers xi. 28], that Joshua, the son of Nun said, "My lord Moses, forbid them," and [Chronicles vii. 27] it merely states, "Now his son, Jehoshua his son," whence we see that Joshua had no children.

There was an entry in which a man by the name of Lachman bar Risthak resided. He was asked to rent his right to the

ground occupied by him to the other inmates; but he would not do this. So the matter was brought to Abayi for decision and he told them as follows: "All of you, resign your rights to your grounds to one man in the entry and thus it will constitute a case of where one Israelite and one Gentile occupy the same entry; when one Gentile occupies the same grounds with one Israelite he does not interfere with the Israelite." How can this remedy us? Why was it decreed, that one Gentile does not interfere with an Israelite, because it is of rare occurrence, that they should occupy the same court, but in our case it is different. We all live there? Said Abayi: "In your case there is also an unusual occurrence; for it seldom happens, that all the inmates of one entry should resign their rights to one man."

Subsequently R. Huna the son of R. Jehoshua related this statement of Abayi to Rabha. Said Rabha: "If so, then the entire law of Erubin was made void in that entry." Nay; they made an Erub between themselves also. Rejoined Rabha: "This is still worse. In that case it will be said that an Erub may be made where a Gentile lives." Answered R. Huna: "It will be proclaimed, that the carrying is not done on account of the Erub, but because every inmate has resigned his right to the ground to one man and hence it is private ground." "To whom will ye proclaim this? To the children?" continued Rabha. "I have a better plan. Let one man go and ask Lachman bar Risthak to permit him to deposit something in his (Lachman's) yard, which will then be considered as rented for an entire year, and R. Jehudah said in the name of Samuel, that if ground had been rented by an Israelite from a Gentile or *vice versa* for one year or even for one season when the crops are harvested, in fact if any dealings at all have been had on this order with the Gentile, an Erub may be placed in the entry where he lives with impunity."

Abayi asked of R. Joseph: "How is it, if there are several who had rented apartments from a Gentile and one of them forgot to make an Erub. Would he prove a bar to the others or not?" Answered R. Joseph: "The statement of R. Jehudah in the name of Samuel was made in order to make the law more lenient and not to make it more rigid."

When R. Na'hman heard the dictum of R. Jehudah in the name of Samuel quoted above, he said: "How fine is this Halakha!" Then he heard another dictum of R. Jehudah in the name of Samuel stating, that one who had imbibed a quarter of

a lug of wine, must not decide any legal questions. Said R. Na'hman: "This Halakha is preposterous! I know that my head is not quite clear until I drink a quarter of a lug of wine." Said Rabba to him: "Why should master say this? Has he not heard the dictum of R. A'ha bar Hanina, viz.: it is written [Proverbs xxix. 3]: 'He that keepeth company with harlots wasteth his wealth,' and this means, that one who declares one Halakha to be fine and another to be bad loses the beauty (wealth) of the Thorah." Answered R. Na'hman: "Thou art right. I shall do this no more."

Rabba bar R. Huna said: One who is tipsy should not pray; but if he had done so his prayer is nevertheless acceptable. One who is intoxicated, however, and prayed, his prayer is considered as a blasphemy. What is meant by tipsy? If a man were compelled to speak to the king and had still sense enough to do so, he is merely tipsy; but one who would not be able to do this is considered intoxicated.

Said Rami bar Abba: "One who after drinking had walked a mile or slept a little is again considered sober." Said R. Na'hman in the name of Rabba bar Abbahu: This is the case if he had drunk only a quarter of a lug of wine; but if he drank more, then the walk tires him still more, and the interrupted doze inebriates him still more.

Will a walk of one mile then neutralize the effects of the wine? Have we not learned, that Rabbon Gamaliel while travelling at one time rode upon an ass from the city Akhu to Khazib and was followed by R. Ilayi. R. Gamaliel noticed some loaves lying on the road, so he said to Ilayi: "Take the loaves up," and meeting a Gentile later said to him: "Mabgai, take the loaves away from Ilayi." Ilayi then asked the Gentile: "Whence art thou?" and he answered: "From the cities of Burganin." "What is thy name?" asked Ilayi again. "I am called Mabgai," was the answer. "Dost thou know R. Gamaliel?" was the next question, "or does R. Gamaliel know thee?" "Nay," answered the Gentile. Thus it is obvious, that R. Gamaliel knew the name of the Gentile by inspiration [and three things may be deduced from his actions, viz.: "Firstly, that bread must not be passed by (but should be gathered up); secondly, that we must be guided by the majority of wayfarers (*i.e.*, on account of the majority of wayfarers being Gentiles, the bread is presumed to belong to them and hence R. Ilayi was told to give it to the Gentile); and thirdly, that leavened bread

belonging to a Gentile, even if remaining over from the Passover, may be made use of by Israelites after the Passover."']

Upon his arrival at Khazib, R. Gamaliel was asked by a man to nullify a vow. Said R. Gamaliel to his companions: "Have we drunk a quarter of a lug of Italian wine?" and they answered: "Yea, we did." "Then," quoth R. Gamaliel, "let us walk on, the man following us until the effects of the wine wear off," and they walked on for three miles. When they came to the steps leading up to the city of Tyre, R. Gamaliel dismounted, wrapped himself in a robe, sat down and nullified the man's vow, and from these actions we have learned many things; namely: "A quarter of a lug of Italian wine inebriates a man; when a man is inebriated, he must not decide any legal questions; a walk neutralizes the effects of wine; and a vow must not be nullified while riding, standing, or walking, but in a sitting position."

Thus we see, that a three miles' walk is required to destroy the effects of wine, how can it be said, that one mile is sufficient? In a case of inebriation through Italian wine it is different, because that wine is very strong, but for ordinary wine a walk of one mile is all that is necessary.

The master said: "One must not pass by bread." Said R. Johanan in the name of R. Simeon ben Jochai: This was said in the earlier generations when the daughters of Israel had not yet resorted to witchcraft, but in the latter generations when they began to practise it, bread may be passed by, lest it be bewitched.

We have learned in a Boraitha: Whole loaves of bread may be passed by, because they may be bewitched, but pieces of bread should not, as there is no fear of their being bewitched.

R. Shesheth said in the name of R. Elazar ben Azariah: "I could exempt the entire world from divine judgment since the destruction of the Temple to the present day; for it is written [Isaiah li. 21]: "Therefore, hear now this, O thou afflicted, and drunken, but not with wine." (Hence if all the world is drunken, they should not be judged.)

An objection was made: "We have learned, that a drunken man's purchase is a valid purchase, his sale is a valid sale; if he has committed a capital offence, he should be executed; if he committed a crime involving the punishment of stripes, he must be given the stripes. The rule is, that he is in all respects considered as a sober man with the exception that he is absolved

from prayer." R. Shesheth means to say by stating that he can absolve the entire world from divine judgment, that he can exempt the world from the judgment concerning their prayers. Said R. Hanina: All this is said concerning a man whose drunkenness does not equal that of Lot's, but if it is of the degree of Lot's drunkenness, he is exempt from all judgment.

R. Hyya bar Ashi said in the name of Rabh: "One whose mind is not thoroughly at ease must not pray, as it is written: "In his affliction shall he not judge."*

It was the custom of R. Hanina to omit saying his prayers on a day when he was in a bad humor, and Mar Uqba would not take his seat on the judge's bench on a day when a hot south wind would blow, saying, that it was too hot to judge with a clear mind. R. Na'hman bar Itz'hak said: When a Halakha is to be decided by a man, his head should be as clear as it is on a day when a north wind which drives away all dark clouds is blowing and the sky is clear and the weather fine.

Abayi said: "When my mother would tell me to hand her some kutach, it so confused me, that I could not study that whole day." Rabha said: "If a flea bit me, I could no longer learn."

The mother of Mar, the son of Rabhina, made her son seven suits of clothes, one for each day of the week.

R. Jehudah said: "The night was made only for sleep." R. Simeon ben Lakish, however, said: "The moon was made only in order to facilitate study at night."

R. Zera was told that all his conclusions were very sagacious, and he replied, that they were all studied during the day.

The daughter of R. Hisda said to her father: "Why does Master not sleep a while?" and he answered: "Very long days will yet come, when study will be impossible" (meaning the days in the grave).

R. Na'hman bar Itz'hak said: "We are all day-laborers." R. A'ha bar Jacob would borrow hours from the day and repay them at night.

R. Eliezer said: One who travelled on the road should,

* This verse is not to be found in the entire Bible. Rashi, however, says that it may be found in the part of the Apocrypha called Ben Sira, but to our knowledge it cannot be found even there. Tospath says, that a number of verses cited in the Talmud are to be found in Ben Sira, while quite a number cannot be found anywhere in the Scriptures or in the Apocrypha. Concerning the above verse, Tospath states, that it should read as quoted in Job. xxxvi. 19.

upon his return, not recite his prayers for three days, as it is written [Ezra viii. 15]: "And I gathered them together to the river that runneth into the Ahava, and we encamped there three days: and I looked about among the people." (Which signifies, that one should deliberate for three days and then pray.)

The father of Samuel when on the road would not pray for three days. Samuel himself would not pray in a room where there was any beer, saying, that the odor of the beer confused him. R. Papa would not pray in a house where there was Harsena (a dish made of fish and vinegar) saying, that the odor disturbed him.

R. Hanina said: A man who is angry with another and when under the influence of liquor can be persuaded to a reconciliation possesses one of the qualities of his Creator, as it is written [Genesis viii. 21]: "And the Lord smelled the sweet savor," etc.

R. Hyya said: "One who drinks wine and is not excited thereby, has some of the qualities of the seventy sages in the days of Moses." The inference of R. Hyya is based upon the word Yaïn (wine), which according to the Hebrew method of counting, namely, Yod = 10 and another Yod = 10 and Nun = 50, altogether 70; and also upon the word Sod (secret) Samach = 60, Vav = 6 and Daled = 4, altogether 70; hence when the wine enters, the secrets escape and the man who does not become excited through wine and can retain his secrets, possesses the wisdom of the seventy sages.

R. Hanan said: "Wine was created only to comfort the mourners and to pay the wicked their reward for any good they may have done, on this earth, as it is written [Proverbs xxxi. 6]: "Give strong drink unto him that is ready to perish, and wine unto those who have an embittered soul." (By "one that is ready to perish," is meant the wicked and by "those who have an embittered soul," are meant the mourners.)

R. Hanin bar Papa said: A house where wine does not flow like water cannot be classed among those that are blessed, as it is written [Exod. xxiii. 25]: "And he will bless thy bread and thy water." The bread referred to is that which can be bought with the proceeds of the second tithes and the water which cannot be bought with such money really means wine. If, then, wine is so plentiful in the house, that it flows like water, the house is counted among the blessed.

R. Ilayi said: By means of three things a man's character

may be ascertained: "By his wine-cup, by his purse, and by his anger," and others say also by his play (for money).

R. Jehudah said in the name of Rabh: There was a case, where an Israelite and a Gentile occupied an inner court and another Israelite occupied the outer court and it was referred to Rabbi for decision. He decided that the outer court must not be used to carry therein. It was then referred to R. Hyya and he decided likewise.

Rabba and R. Joseph both sat in the presence of R. Shesheth, when he finished his lecture, and R. Shesheth concluded by saying, that Rabh decided the above Halakha in accordance with the opinion of R. Meir. Rabba shook his head. Said R. Joseph: Is it possible, that two such great men (as R. Shesheth and Rabba) should be mistaken? If Rabh's dictum were according to R. Meir, why was it necessary to state, that the outer court was occupied by an Israelite? (R. Meir holds, that even one Gentile and one Israelite are sufficient to make it unlawful to carry in one court.) If we assume, that Rabh merely related the circumstance as it occurred, without making a decision, is it not a fact that when Rabh was asked whether, if the Gentile was at his home, the Israelite may carry from the inner court to the outer, he answered that he may, hence we see that the Gentile does not prevent the Israelite occupying the same court from carrying therein; but that the two Israelites prevent each other. Shall we then assume, that Rabh held in accordance with R. Eliezer ben Jacob? Why should it be prohibited for the Israelite to carry from one court to the other? Further on we shall learn, that, according to R. Aqiba, a foot (meaning a man) which is allowed to carry in its place cannot interfere with the right of another place (and in this case each Israelite may carry in his own court, for one of them has the court to himself and the other has but one Gentile in his court, who, according to R. Eliezer ben Jacob, does not interfere with his right to carry), why then should it be prohibited for them to carry between the courts? It might be then, that Rabh holds with R. Aqiba, who says, that a foot which is allowed to carry in its own place nevertheless interferes with the right of another place, then why should the Gentile be mentioned? Each Israelite will prevent the other?

Said R. Huna, the son of R. Jehoshua: It may be assumed that Rabh agrees either with R. Eliezer ben Jacob or with R. Aqiba; but in this case the two Israelites combined in an Erub,

and on account of the interference of the Gentile, he prohibited both.

Resh Lakish and the disciples of R. Hanina met in an inn where lived two Israelites and a Gentile, who rented his place from another Gentile. The tenant was not at home but the owner was. The question then arose whether the place of the tenant could be rented from the owner for the Sabbath. Where the tenant had a perfect lease and could not be dispossessed for that day, it is entirely out of the question. If, however, the tenant's lease was conditional, *i.e.*, if the owner could at any time dispossess him, the question arises whether, because of the fact, that he had not yet been dispossessed the tenant retains his right to the place and it cannot be rented, or from the fact, that it is optional with the owner to dispossess the tenant at any time, the place may be rented.

Resh Lakish said: In the meantime, let us rent the place, and afterwards, when we come to our sages in the South, we will ask their opinion. Subsequently, when they came to R. Ephes and asked him, he told them that they had done rightly.

R. Hanina bar Joseph, R. Hyya bar Abba, and R. Assi met at an inn, the proprietor of which was a Gentile and who arrived on the Sabbath. The question then arose, whether his place could be rented from him for the Sabbath or not. If renting a place is equal to making an Erub, then, of course, it would not be permitted on Sabbath, but if renting a place was merely the resigning of it by one man to another, then it may be done, because that is allowed *on Sabbath*. R. Hanina advised renting it but R. Assi objected. Said R. Hyya bar Abba to them: Let us depend upon this elder (meaning R. Hanina) and rent it and then we will ask R. Johanan. When they asked R. Johanan he told them, they had done what was right.

The men of Neherdai when hearing of this were surprised, saying: "Did not R. Johanan say at another time, that 'renting a place for the Sabbath was equivalent to making an Erub,' hence, as the Erub must be effected on the preceding day, the renting must be done likewise." Nay; R. Johanan means to state that as an Erub may be effected with anything, no matter how little in value, a place may also be rented for any amount, be it ever so small; and as one man may combine an Erub for five others occupying the same court, so may one rent also for others.

Samuel said: "There is no such thing as resigning the right

of one court to another court, nor resigning the right to the space of a ruin. (This signifies, that if two courts opened into an entry or into the street and besides had a door between them, there is no necessity for them to combine an Erub, and, in consequence, they are not benefited if the right of one court is resigned to the other.) And as for a ruin, it means, that if there were two houses opening into a ruin between them, neither can use the ruin, unless they combine an Erub; but the space enjoyed by each cannot be resigned by one to the other. R. Johanan, however, said that both in the case of the court and of the ruin the right to the space may be resigned by one to the other.

It was necessary for us to be told of both instances wherein they differ; for if we had been told, that Samuel only prohibited the resigning of the space by one court to the other, we might have assumed, that he did so because each court had a right in itself without combining a joint Erub, but as for a ruin, he might have held, that as an Erub must be effected by the two houses on each side, if the use of the ruin is desired, the resigning of the space was *permitted*. If the difference concerning the ruin only were related, it might be said, that R. Johanan permits the resigning of the space of the ruin only; because an Erub must be effected by the houses desiring its use, whereas in the case of the court, he agrees with Samuel. Hence both instances are quoted.

Abayi said: The prohibition of Samuel regarding the resigning of the space by one court to another refers only to two courts that had a door between them. If, however, one court was contained within the other and did not have a separate entrance to the street, they may mutually resign their space, because they are bound to combine an Erub. Rabha said: In such a case, they at certain times may do so and at other times they must not (and this will be explained at the end of this chapter).

When R. Hisda met R. Shesheth his lips would tremble; for knowing that R. Shesheth was so well versed in Mishnaoth and Boraithoth, he was afraid to render a decision lest R. Shesheth would contradict him with another Mishna or Boraitha. On the other hand R. Shesheth's whole body would tremble when he met R. Hisda, for knowing that the latter was very shrewd, he was afraid of R. Hisda's sagacity.

R. Hisda propounded the following question to R. Shesheth:

"If there were two houses on each side of a wide street (public ground) and some Gentiles made a partition around the street on the Sabbath, what is the law? According to those who maintain, that it is not allowed for one court to resign its space to another, there is no question; because if the two courts had desired to make an Erub on the preceding day they could have done so and still they are not allowed to resign their spaces to each other; so much the more in our case, where the two houses could not have combined an Erub on the preceding day on account of the intervening public ground which had not yet had a partition, they are not allowed to resign their space to each other. I am asking, however, considering the Tana who maintains, that the two courts may resign their space to each other. Shall I assume, that it is permitted in the case of the two courts because they could have made an Erub on the preceding day, but in the case of our two houses which could not have made an Erub on the preceding day, it is not permitted or, as there is a partition around the intervening public ground, they may do so?"

R. Shesheth answered: "Nay, it is not permitted." R. Hisda queried again: "How is it, if two Israelites living in the same court with a Gentile and not having made an Erub or rented the place of the Gentile, the latter died on the Sabbath? May they mutually resign their space to each other? According to the Tana who holds, that one may rent a place on the Sabbath, there is no question, because if they did not make an Erub they may rent the place from the Gentile and then resign their places to each other; thus if two things may be done on the Sabbath, one certainly may be done. I ask thee according to the Tana who prohibits renting on the Sabbath. May the two Israelites in this case where the Gentile is dead and they need not rent his place resign their places to each other or not?" Rejoined R. Shesheth: "I say that they may; because if they had chosen to rent the place yesterday and then effect an Erub they could have done so, but Hamnuna does not allow them to do this."

R. Jehudah said in the name of Samuel: "If a Gentile have in his court a door, four spans wide and four ells high, opening into a valley, even should he lead cattle, camels, and wagons through the entry to the court all day long, he does not interfere with the Israelites inhabiting the court, because his door is of more use to him than the common entry, and serves to separate him from the others."

The schoolmen asked: "How is the law, if the door of the Gentile opened into a woodshed?" R. Na'hman bar Ami said in the name of some learned men: "Even if the door of the Gentile open into a woodshed and the common entry into the street, he also does not interfere with the Israelites inhabiting the court." Rabba and R. Joseph both say: "If the woodshed was not more than of two saahs' capacity, the Gentile *does* interfere with the Israelites, because he cannot derive as much comfort from the woodshed as he can from the street, but if the woodshed was larger than that the Gentile does not interfere. With Israelites it is the reverse: if the woodshed, into which the separate door opens, be *no* more than of two saahs' capacity and the Israelite had not combined in the Erub with the others, he does *not* interfere with them, because a woodshed of that size may be used by him on the Sabbath; but if the woodshed be larger, he *does* interfere with the other Israelites."

Rabba bar Haklayi asked of R. Huna: "How is the law if a Gentile have a door opening into a woodshed?" and R. Huna answered: "The sages have already decided this. If the woodshed be of two saahs' capacity, he interferes with the Israelites, but if of more than two saahs' capacity he does not."

It happened that some warm water was spilled and more was needed for a child on the Sabbath. So Rabba said: "Let some warm water be brought from my house." Said Abayi to him: "Why! no Erub has been made!" Rejoined Rabba: "Let us depend upon the combine made in the entry (of this court)," but Abayi persisted: "We have no part even in the entry." Finally Rabba said: "Let a Gentile be told to bring it." Subsequently Abayi said: "I had a mind to dispute even this last order of my master, but R. Joseph would not permit me to do this; for R. Joseph said in the name of R. Kahana: 'Where a biblical ordinance is in question the case should be discussed before the act is committed, but in the matter of rabbinical ordinances the deed may be accomplished and then the decision may be asked for.'"

Then R. Joseph asked Abayi: "Upon what grounds dost thou desire to dispute this last order of the master?" and he answered: Upon the teaching we have learned in a Boraitha, viz.: While the sprinkling of an unclean man (with the ashes of the red heifer) by a clean man is only a rabbinical ordinance, the Sabbath should not be violated by the performance of this rite even if it be necessary for the fulfilment of a command-

ment, and in the same manner requesting a Gentile to perform an act on the Sabbath being also against the rabbinical ordinance, it should not be done on the Sabbath. Rejoined R. Joseph: "Canst thou discriminate between the performance of an *act* which is against the rabbinical ordinance and a case where no act at all was committed? The Gentile was not told by Rabba to warm the water but merely to bring it from his house through the entry, and this is certainly not prohibited."

Said Rabba bar R. Hanan to Abayi: "How is it possible, that in a court where two such great men as Rabba and thou reside, no Erub was made either in the court or in the entry?" Answered Abayi: "How can I help it? The master does not usually pay attention to such trifles; I am engaged all the week long in study, while the inmates of the court do not trouble themselves about it. Should I make up my mind to present them with the bread in my basket, it would be merely a sham, for if they were to demand it, I could not in reality part with it as I cannot spare it; hence even if I should have this in mind, it would be useless; for we have learned in a Boraitha, that if one of the inhabitants of the entry demanded wine or oil and was refused, the combine is made invalid." Rejoined Rabba bar R. Hanan: "Then thou couldst have in mind to give them a quarter of a lug of vinegar from the cask thou hast in the house, and thou surely wouldst not use up *that* on the Sabbath." Abayi replied: "We have learned in another Boraitha, that it is not allowed to combine an Erub with material which is in bulk because it might be, that the very part which was intended for the Erub may be used." "But," insisted Rabba bar R. Hanan, "we have learned in another Boraitha that this may be done." Said R. Oshiya: "Concerning this, there is a difference of opinion between Beth Shammai and Beth Hillel." It happened again that some warm water needed for a child was spilled. Said Rabba: "Let the mother be asked whether she is in need of warm water, and, if so, a Gentile may be told to warm it and bring it to her and it will serve for the child also." R. Mesharshia remarked: "The mother has been eating dry dates for some time (then she certainly does not need any warm water)." Rejoined Rabba: "She is not quite herself and knows not what she eats."

Another case of this kind happened with a child. So Rabba said: Let the belongings of the men be taken from the men's room into the women's apartment; I shall then resign my place

for the benefit of others and the warm water may be brought from my house.

Said Rabbina to Rabba: "Did not Samuel say, that it is not allowed to resign the space of one court to another?" and Rabba answered: "I hold with R. Johanan who permits this to be done." Rejoined Rabbina: "If thou dost not hold with Samuel, why then didst thou order the belongings of the men to be transferred to the women's apartments? Thou shouldst have resigned thy place to them and they their place to thee, then all of you will be enabled to carry, which according to Rabh is also permissible." Rabba replied: "In this respect I hold with Samuel in order that it should not appear as a farce if I resign my place to the others and they their place to me."

The text states, that Rabh permits the mutual resigning of places and Samuel prohibits it. Said R. Ashi: Rabh and Samuel differ in the same point as R. Eliezer and the sages (in Chapter II., last Mishna, where R. Eliezer forbids the inmate of a court who had forgotten to join in the Erub to carry and permits the other inmates to do so).

"*R. Gamaliel related: It happened that a Sadducee,*" etc. Whence this reference to a Sadducee? The Mishna is not complete and should read thus: A Sadducee is considered the same as a Gentile, and R. Gamaliel said: "He is not considered as a Gentile," and then relates the incident: "It happened, that a Sadducee dwelt with us in one alley in Jerusalem, and my father said to us: 'Make haste and bring out all your vessels into the alley, before the Sadducee can do this and thus prevent *you* from doing so.'"
We have also learned to this effect in a Boraitha, viz.: "An Israelite who lives in the same court with a Gentile, a Sadducee, or a Bathusee, is prevented by them (from carrying therein). R. Gamaliel, however, said this does not apply to a Sadducee or a Bathusee, and it happened that a Sadducee lived in the same alley with him in Jerusalem, so he said to his children: "Make haste and carry out all your vessels into the alley, before that unworthy one can come out and prevent you from doing so; for so far he has resigned his place to you (but later he may change his mind)." So said R. Meir. R. Jehudah, however, gave another version of the affair, viz.: Make haste and do what is necessary for you in the alley, before it becomes dark; for after dark the Sadducee will prevent you from doing so (meaning that the Sadducee, like a Gentile, cannot resign his place to the Israelites). Shall we assume then,

therefrom, that if the Israelites do a thing before the Sadducee that he cannot prevent them later? Have we not learned in a Mishna? "One who, after resigning his place, carries out intentionally or inadvertently into the court, prevents the others from doing so. So said R. Meir?" Said R. Joseph: "Say, that he does not prevent the others." Abayi says: There is no difficulty. The Mishna by stating that he prevents the others means to say, if he had previously carried out things (before the others did so) as we have learned in a Boraitha: If after resigning his place, a man carried out things into the court, either intentionally or inadvertently, he prevents the others from doing so, so said R. Meir. R. Jehudah said "only if he did so intentionally." All agree, however, that such is only the case, if the other inmates of the court had not carried out things before he did, but if they had done so, he does not prevent them at all, whether he had carried out things intentionally or unintentionally.

The master said: "R. Jehudah, however, gave another version of the affair. Then R. Jehudah holds, that the Sadducee is considered as a Gentile, and in the Mishna we have learned, that R. Gamaliel said: "Lest the Sadducee bring out *his* vessels," etc. This presents no difficulty. There are two kinds of Sadducees. One who publicly violates the Sabbath is considered as a Gentile, and one who does so secretly, is not considered as a Gentile. According to whose opinion will the following Boraitha be: "One who publicly violates the Sabbath, cannot resign his place?" According to the opinion of R. Jehudah.

Once a man went out on the Sabbath with a bundle of spices in his hand, and seeing the approach of R. Jehudah the Third, he concealed it. Said R. Jehudah the Third: According to R. Jehudah a man of this kind may resign his place, as we have learned in another Boraitha: An apostate who does not violate the Sabbath in the markets may resign his place, but one who does violate the Sabbath in the markets cannot do so; for it was said, that only an Israelite may resign his place or accept ground resigned to him by another, but from a Gentile the place must be rented. How may a place be resigned by Israelites? One says to the other: My place is sold to thee or my place is resigned to thee, and no token of acceptance is necessary.

MISHNA: Should one of the householders of a court forget, and not join in the Erub, neither he nor the other inmates of the court are allowed to carry anything into or out of his house,

but he *and* they may carry into or out of their houses. If the other inmates have resigned to him their common right to the court, he is permitted to carry therein, but they must not do so. Should there be two persons who have neglected to combine in an Erub, they mutually prevent each other; for one individual can resign his right to the court or can acquire that right; but two persons, though permitted to jointly resign their right, cannot jointly acquire the right to the exclusive use of the court.

From what time is the right to be conferred? Beth Sham-mai hold, "While it is yet daylight," but Beth Hillel maintains "even from dusk (on the eve of Sabbath)." Whoever resigns his right (to the court) and afterwards either intentionally or inadvertently carries within it, prevents (renders it unlawful for) the others from doing so. Such is the dictum of R. Meir. R. Jehudah, however, said: If he carries (within the court) intentionally, he prevents them, but if inadvertently, he does not.

GEMARA: Is it unlawful only to carry into and out of his house, but carrying into and out of the court it is lawful? How was the case? If he resigned his right to the house why should it be unlawful (to carry into) the house; if he did not resign his right to the house, why should they all have a right to the court? In this case, the man had resigned his right to the court alone but not to his house, and the sages maintain, that by resigning his right to the court he did not also resign his right to his house, and there are men who live in houses that have no court. Why then is it lawful for him to carry in and out of their houses? Because he is considered as a guest.

"*If the other inmates have resigned to him,*" etc. Will they then be considered as his guests? One man can be the guest of five, but five men cannot be considered the guests of one. Can we adduce from this clause in the Mishna that this resigning of the right (to a place) can be repeated mutually several times? The Mishna may mean to state that the other inmates had already previously resigned their rights to the one man, in which case it becomes lawful for him, but not for them.

"*Should there be two persons,*" etc. Is this not self-evident? The case is, if after having forgotten to join in the Erub, one of the two persons resigned his right to his house and also the right to the part of the court renounced to him by the others. We might assume that this could be lawfully done. We are therefore told that the other inmates having resigned their rights to

the two persons jointly, one of them individually cannot resign his right, because he had not an individual right at that time.

"*For one individual can resign his right,*" etc. This was just stated in the Mishna, what need is there of the repetition? We have learned both concerning resigning and acquiring a right? The latter part of the clause, which teaches that two persons may resign their right, but must not acquire it, is essential. This, however, is also self-evident? We might assume, that a precautionary measure is necessary prohibiting two to resign their right, lest one resign his to two; therefore we are told, that such a precaution is not necessary.

"*Two persons cannot jointly acquire the right.*" Why this repetition again? Here we are told, that two persons must not acquire the right even when presented with the ground in question outright, so that they have the privilege of transferring it to others.

Abayi asked of Rabba: "If five men inhabited one court and one of them had forgotten to join in the Erub, must he resign his right to each of the others individually or can he do so collectively?" Rabba answered: "He must do so to each individually." Rejoined Abayi: "We have learned, that one who had not joined in an Erub, may resign his right to another that had, and two persons who had joined in an Erub may resign their right to one who had not; two who had not joined in an Erub may also resign their right to two others who had not, but one who had not joined in an Erub must not resign his right to another in the same condition nor may two who had not joined in an Erub resign their right to two others, who were similarly situated. It says, then, that one who had not joined in an Erub, may resign his right to one who had. The one who had, certainly must have had another person to combine an Erub with him, then it seems to be sufficient if he (who had not joined) resigned his right to the one man only and not to the other also?" Rabba replied: "Yea, he certainly had a companion in the Erub, but it may be the case, that the companion died and he was left alone."

Rabha asked R. Na'hman: "May an heir (whose father died on the Sabbath) resign his right or not? Shall I say, that because he could not prepare the Erub on the preceding day, not having his own property, he cannot resign his right on the Sabbath; or that he, being a descendant of his father, has also inherited his father's right?" Answered R. Na'hman: "I

hold, that he may, but the disciples of Samuel maintain, that he must not." Rabha objected: We have learned: This is the rule: A thing that had been permissible on part of the Sabbath is permissible for the entire Sabbath, and that which was prohibited for part of the Sabbath was also prohibited for the entire Sabbath. What is meant by "had been permissible on part of the Sabbath?" *e.g.*, a door which was used for making the Erub and had become closed up during the Sabbath, and "by prohibited for part of the Sabbath" is meant, *e.g.*, two houses, each one of which stood on the opposite sides of a wide street and a partition was made by Gentiles on the Sabbath. The exception is as regards one who resigned his right, *i.e.*, although a man had forgotten to join in an Erub before the Sabbath, he was not permitted to carry on part of Sabbath, still he may on the Sabbath resign his right to the place and carry. It says, however, that only the man may carry but not his heir? Replied R. Na'hman: "Learn: instead of 'the exception is as regards one who resigns his right,' the exception is the law pertaining to the resigning of a right."

Rabha raised another objection: We have learned: "If one of the householders of a court died and left his right to the ground to one living in the market, if the death took place while it was yet day before the Sabbath, the man living in the market impedes the inmates of the court; but if the death took place after dusk, he does not. If a man, however, living in the market, was possessed of a house and having died left his right to his place to one of the inmates of the court, then the reverse is the case, *i.e.*, if he died before Sabbath set in, the inmate of the court does not impede the others, (because he could have joined in an Erub); but if the man died on the Sabbath, he does impede the others." Now if thou sayest, that the heir may resign the right, let him do so, why should he impede the others? Answered R. Na'hman: "This means, that he impedes the others only until he resigns his right."

R. Johanan said: The above Boraitha is according to Beth Shammai, who hold, that it is not allowed to resign a right on Sabbath as we have learned in our Mishna: From what time may the right be resigned? Beth Shammai hold "while it is yet daylight," and Beth Hillel maintain: "From dusk."

Said Ula: Why do Beth Hillel hold, that it may be done on Sabbath? The reason of Beth Hillel is based upon an instance where a man was about to separate heave-offerings for

another without being told to do so. In the meantime this other man came along and saw that the heave-offerings were being separated for him, whereupon he said to the man: "Separate it from the finer grain." In that case the heave-offering is valid. Why? Because by the statement "separate it from the finer grain" he demonstrated his approval of the man's action and his intention to have done this at all events. The same is the case with a man who resigns his right on the Sabbath; for he demonstrates that his intention had been to join in the Erub on the preceding day, but he had forgotten.

Said Abayi to him: If this be the reason of Beth Hillel, what about the case of a Gentile who lived in the same court with two Israelites and happened to die on the Sabbath? The Israelites are permitted in that event to resign their rights to each other, but can it be said that their intention dated from the preceding day? Hence the reason of Beth Hillel is simply this: While Beth Shammai prohibit the resigning of the right to a place because they hold, that it is equal to selling the place and selling or buying is prohibited on the Sabbath, Beth Hillel however hold, that resigning the right to a place is simply abandoning the place, and that is permissible on the Sabbath.

MISHNA: Should a householder be in partnership in wine with two of his neighbors (residing in the same alley), they do not require an Erub; if he be in partnership with one in wine and with another in oil, they do require an Erub. R. Simeon said: Neither in one case nor in the other do they require an Erub.

GEMARA: Said Rabh: "Such is the case if the wine was contained in one vessel." And Rabha said: "This may be inferred from the Mishna itself; for the latter clause of the Mishna states, that if the householder be in partnership with one in wine and with another in oil, they require an Erub. It would therefore be correct if in the first clause the wine is contained in one vessel and in the second clause there are two separate vessels; but were there two vessels in the first clause also, what difference would it make whether one vessel was filled with oil and the other with wine, or both with wine?" Rejoined Abayi: This is no argument. Wine can be mixed with wine (hence, even if it be in two vessels it can be mixed and an Erub made with it is valid), but oil and wine cannot be mixed, and even though there are two separate vessels the Erub cannot be made therewith.

R. Simeon said: "Neither in one case nor in the other do they require an Erub." Is it possible that R. Simeon holds, that even where one vessel contains wine and the other oil, no further Erub is necessary? Said Rabba: "The case referred to applies to a court between two entries (alleys) and R. Simeon holds to his theory, as we have learned in the case of the three courts opening into each other and also into the street, that communication between the middle court and the two outer or between the two outer ones and the middle one is permissible; thus in this case R. Simeon means to imply, that the court made an Erub with one of the entries by means of wine and with the other by means of oil, hence no additional Erub is necessary, and communication between the court and both entries is permissible."

Abayi objected: "How canst thou compare the two instances? In the case of the three courts communication between the two outer is prohibited, whereas here it is said that no additional Erub whatever is necessary?" Learn also here, that no additional Erub is necessary to allow of communication between the court and the entries, but if the inmates of either of the entries desire to carry in the other they must make an additional Erub.

R. Joseph, however, said: "R. Simeon and the sages differ in the same point as R. Johanan ben Nouri and the sages in another Mishna as follows: 'If oil floated on wine and a man who had bathed before sunset (and hence was not yet ritually clean) touched the oil, the sages hold, that the oil becomes unclean, but the wine is not affected. R. Johanan ben Nouri, however, maintains, that the wine and the oil are attached to each other and therefore both become unclean.''" In our Mishna, the sages hold with the sages of the Mishna quoted, and R. Simeon holds with R. Johanan ben Nouri.

We have learned in a Boraitha: R. Elazar ben Tadaï said: "In either case they require an additional Erub." Even if both vessels contain wine an additional Erub is necessary? Answered Rabba: The case is thus: If two men each bring a jug of wine and pour the wine together, there is no question but what that constitutes a legal Erub, but in this instance R. Elazar ben Tadaï means to state that if two men bought a cask of wine jointly and had not yet separated their shares, the Erub is not valid because it cannot be made with anything owned in partnership, and he holds thus for the reason that he does not accept the theory of premeditated choice. The sages, however,

permit this mode of procedure, because they accept the theory of premeditated choice.

R. Joseph said: "R. Elazar ben Tadaï and the sages differ on another point, namely: The question whether the inmates of the court can depend upon the combine made in the entries." All agree that carrying in the entries is permissible if the Erub has been made there, but R. Elazar ben Tadaï holds, that this is not permitted in the court because the combine made in the entries cannot be depended upon, while the sages hold that it may be depended upon.

R. Joseph continued: "Whence do I know, that this is the point of difference? From the statement of R. Jehudah in the name of Rabh, to the effect that the Halakha prevails according to R. Meir, and the subsequent statement of R. Brona in the name of Rabh, that the Halakha prevails according to R. Elazar ben Tadaï. Therefore, we must assume, that R. Meir and R. Elazar have one and the same reason." Said Abayi: "This may be so; but why did Rabh say at one time that the Halakha prevails according to R. Meir and at another time according to R. Elazar ben Tadaï? Would it not be sufficient to state, that the Halakha prevails according to one of the two?" (And R. Joseph answered:) "Rabh desires to inform us that wherever the laws of Erub are concerned and two Tanaim differ as to the details, but agree as to the main issue of the Halakha, and we say that the Halakha prevails according to both, we need not abide by the more rigorous decisions of each but, on the contrary, should accept the more lenient decrees of both."

Which R. Meir is referred to by Rabh? The one figuring in the following Boraitha: In courts an Erub must be made with bread, but it is not allowed to do so with wine. In the entries a combine must be effected with wine, but if the inmates desired to do so with bread, it is permissible. An Erub must be made in the courts and a combine in the entries in order that the growing children should not forget the laws of Erub and say, "Our parents did not make an Erub." Such is the decree of R. Meir; the sages, however, say: Either an Erub or a combine must be effected (*i.e.*, if one was omitted the other can be depended upon).*

R. Jehudah in the name of Rabh said: "The Halakha pre-

* The explanation to this Boraitha, as given by Rashi, will be embodied in the text throughout this Tract.

vails according to R. Meir." R. Huna said: "The custom prevails according to R. Meir," and R. Johanan said: "The masses only act in accordance with the dictum of R. Meir." *

MISHNA: Should five different companies take their Sabbath-rest in one hall (triclinium), Beth Shammai hold, that each company requires a separate Erub, but Beth Hillel hold, that one Erub suffices for all of them. The latter school admit, however, that if any of these companies occupy distinct chambers or attics, each company requires a separate Erub.

GEMARA: Said R. Na'hman: "The two schools differ only as regards a low centre-partition, but if there was a partition ten spans high between each of the companies, all agree that each company requires a separate Erub." According to another version, R. Na'hman is supposed to have said: "They differ not only as regards a low centre-partition, but also concerning partitions between each company."

R. Jehudah the Sagacious said: The schools of Shammai and Hillel do not differ where partitions that reach to the ceiling of the hall are concerned, they agree that in that event each company requires a separate Erub. Wherein they do differ, however, is if the partitions do not reach the ceiling. Said R. Na'hman in the name of Rabh: The Halakha prevails according to R. Jehudah the Sagacious.

R. Na'hman bar Itz'hak said: We can infer this from the Mishna itself. The latter clause of the Mishna states, that Beth Hillel also agree with Beth Shammai if the companies each dwell in distinct chambers or attics. What is meant by distinct chambers and attics? Shall we say, that they are really chambers and attics? Then it would be self-evident. We must say, then, that they are similar to chambers and attics, *i.e.*, that the reference is to partitions which reach to the ceiling. Hence the deduction that the decree of R. Jehudah the Sagacious is correct.

We have learned in a Boraitha: The difference of opinion between the two schools centres in the question whether the companies deposited their Erubin elsewhere. But if the Erub is deposited in the hall occupied by them, all agree that one Erub is sufficient for all. According to whose opinion will be the statement of the following Boraitha, that if five men combined an Erub, one Erub is sufficient for all of them? This is in accordance with the opinion of Beth Hillel.

* See pages 146 and 147.

MISHNA: Brothers (or associates) who take their meals at their father's (or at one) table, but sleep each in his separate house (in the same court), must each one prepare a separate Erub. Therefore if one of them had forgotten and not prepared an Erub, he must resign his right (to the common court). When is this the case? When the Erub had been deposited in some other place; but if the Erub has been placed with them, or if there are no other inhabitants in the court, they need not prepare any Erub whatsoever."

GEMARA: From this Mishna it may be adduced, that an Erub should be made in the place where a man sleeps and not where he takes his meals (and further, we will observe, that Rabh holds, that an Erub must be made where the man takes his meals). Said R. Jehudah in the name of Rabh: The Mishna means to say, that the brothers did not actually eat at their father's table but merely received from their father the means with which to obtain their meals.

The Rabbis taught: One who had a vestibule, a gallery, or a balcony in the court of another, and did not join in an Erub with the other inmates of the court does not impede the other inmates. If he had a hay-loft, a cattle-pen, a woodshed, or a granary in the court of another and did not join in an Erub, he does impede the others. R. Jehudah, however, said: "Nothing except a dwelling-house can prove an interference," and he continued: "It happened that an inhabitant of Naph'ha,* who had five courts in Usha, did not join in an Erub with the inmates of those courts and the question was laid before the sages whether this was an impediment to their carrying within the courts and the sages replied: 'Nothing but an actual dwelling-house can prove an impediment.'"

What is meant by a dwelling-house? A house occupied as a dwelling. What is to be understood by "occupied as a dwelling"? Rabh said: "The house where a man takes his meals," and Samuel said: "The house wherein a man sleeps."

An objection was made: The shepherds, those that guard the fig-trees, the inhabitants of huts in the country and the guards of the fields, when passing the night in a town have the same rights as the townsmen, but when passing the night at their posts, they have only the right to two thousand ells from the place where they are situated. (From this we can see, that the place where one passes the night is considered as his abode?)

* In the Tosephta this narrative is told of the son of a prince.

This is no proof! For we can testify, that those men would be much better satisfied if their meals were brought to them at their posts (hence their posts are not only their places of abode but also their eating-places, and as for those who pass the night in the town, they evidently also take their meals in the town for the time being).

The Rabbis taught: Concerning five women who receive from their husbands the means for securing their food and five slaves who receive the means from their masters to procure their sustenance and who live in separate houses in the court, R. Jehudah ben Bathyra permits the women to carry within the court and prohibits the slaves to do so; but R. Jehudah ben Babba on the contrary allows the slaves to carry but prohibits the women to do so.

Said Rabh: "What reason has R. Jehudah ben Babba for his decree? Because it is written [Daniel ii. 49]: 'Daniel remained in the gate of the king,' the inference is, that in the same manner as Daniel did not always remain in the gate of the king, but his office being such that his place was there, so it is also with slaves who, while in the service of their master, are considered as being always at their master's side." It is self-evident that if a son eat and dwell with his father, he need not make an Erub as stated previously. As for a woman who has a husband and a slave who belongs to a master there is a difference of opinion between R. Jehudah ben Bathyra and R. Jehudah ben Babba. How about a disciple, however, who dwells in the same court with his master and derives his sustenance from his master?

Come and hear: When Rabh still dwelt with R. Hyya he said: "We need not join in an Erub because we depend upon the table of R. Hyya," and when R. Hyya still dwelt with Rabbi he also said: "We need not make an Erub because we derive our sustenance from Rabbi."

R. Hyya bar Abhin asked of R. Shesheth: "What about the disciples of the college, who eat in the inns of the valley and pass the night at the college? When the legal limit of two thousand ells is measured where must the starting point be? The college or the inn where they take their meals?" R. Shesheth answered: "The college."

Rami bar Hama asked of R. Hisda: If a father and son, or a master and his disciple, lived in two courts, one inside of the other, and the outer court opened into an entry, what is

the law concerning them? Are they to be considered as if they were two distinct individuals who cannot mutually impede each other because each one of them has a right to carry in his own court and a man who is permitted to do so in his own court cannot interfere with a man in another place; hence both father and son, or master and disciple, may carry each in their respective courts; or, shall we consider them collectively because the son or the disciple who lives in a separate court but eats at his father's table has a certain right to his father's court. Thus the father or the master is not in sole possession, but shares it with another. The consequence is that the father or the master is in duty bound to make an Erub in his own court and, on account of this, he becomes one who can interfere with the right of another, and prevents his son from carrying in his own (the son's) court? Then again if they are considered as distinct individuals, are they in duty bound to combine an Erub covering the two courts? Finally if the two courts had separate openings into the entry, are they considered as separate courts and thus the entry becomes valid by the addition thereto of a cross and side beam, or they are considered as one court, and if one court only opens into an entry, the entry cannot be made valid by the addition of a cross and side beam?

Answered R. Hisda: We have learned this in a Boraitha: A father and his son or a teacher and his disciple, providing there are no other inmates in the court occupied by them, are considered as individuals, and need not make an Erub at any place. Nevertheless the entry into which their court opens becomes valid by the addition thereto of a cross or side beam.

MISHNA: If (the householders dwelling in) five courts that open into each other and also open into one common alley (entry) have joined in an Erub for the courts, but have not combined the alley, they are permitted to carry (things) in the courts, but must not do so in the alley; if they did combine the alley, however, they are permitted to carry both in the courts and in the alley. If they had combined both the courts and the alley, but one of the householders forgot and did not join in the Erub, they are nevertheless permitted to carry both in the courts and in the alley. Should one of the householders (dwelling) in the alley have forgotten to join in the Erub, it is permitted to carry (things) in the court but not in the alley, inasmuch as the alley (bears the same relation) to the courts as the court (does) to the houses within it.

GEMARA: According to whose opinion is our Mishna? We must say that it is in accordance with R. Meir, who holds that an Erub is needed in the court, and a combination in the alley. How, then, could that part of the Mishna be explained, which states that if a combination in the alley is made it is allowed to carry both (in the courts and in the alley); and this is certainly according to the opinion of the Rabbis, who hold that one of the two is sufficient (*i.e.*, either an Erub in the courts or a combination in the alley)? Are then the two parts of the Mishna based on different opinions? This presents no difficulty. The latter part of the Mishna refers to a case where a combination had already been made in the alley; hence it is according to R. Meir's opinion. Now, then, what is the reason of R. Meir in stating that if one of the householders in the court forgot and did not join in the Erub, it is nevertheless permitted to carry both in the courts and in the alley? R. Meir may hold as follows: The most essential feature of this case is to make an Erub in the courts and a combine should also be made in the alley for the benefit of the growing children in order that they may not forget the laws of Erubin. Hence if the combination has been made both in the courts and in the alley, in which the majority participated, there is no fear of the children forgetting the laws.

R. Jehudah said: "Rabh does not learn in the Mishna that the five courts opened into each other but merely that they all opened into one common alley." This was corroborated by R. Kahana. What reason did Rabh have to learn thus? He holds, that if several courts open into one common alley, a cross and side beam suffice to make that alley valid. If, however, only one court open into the alley, a cross and side beam do not suffice. Samuel, however, said: "Even if only one court or one house open into an alley, a cross and side beam suffice for the alley." R. Johanan said: Even if a ruin open into an alley, a cross and side beam suffice.

Abayi asked of R. Joseph: "Does R. Johanan hold, that even if the path leading to a vineyard open into an alley, a cross and side beam suffice for the alley?" R. Joseph replied: "Nay; R. Johanan meant to say a ruin which (in an emergency) could be inhabited; but a path which could not under any circumstances be inhabited, is out of the question."

Said R. Huna bar Hinana: R. Johanan's statement concerning a ruin is but in accordance with his theory expressed in

his decision regarding the Mishna (Chapter IX., Mishna 1, of this tract) where R. Simeon says that "roofs as well as courts and woodsheds constitute the same kind of premises for the carrying of all utensils contained therein when the Sabbath-rest began," etc. This was commented by Rabh as follows: "The Halakha prevails according to R. Simeon provided no Erub was combined by the inmates of each separate court," meaning thereby that if no Erub was combined, the inmates will not carry out any vessels from their houses into the court. Samuel and R. Johanan, however, declare that the Halakha prevails according to R. Simeon, even if an Erub was combined, as there is no apprehension that the inmates will carry out any vessels from their houses into the court, and as in this case there is no apprehension that the vessels will be carried out of the houses, so also in the case of a ruin, R. Johanan holds, that there is no fear of the inmates carrying vessels from the court into the ruin by way of the alley.

R. Brona sate and repeated the Halakha decreed by Samuel (to the effect that even if one court or one house opened into an alley, a cross and side beam was sufficient for the alley). Said R. Eliezer, one of the schoolmen, to R. Brona: "Did Samuel indeed say this?" and R. Brona answered: "Yea." R. Eliezer then asked to be shown where Samuel resided, and R. Brona showed him. R. Eliezer then came before Samuel and said: "Did master decree thus?" and the answer was: "Yea." Rejoined the schoolman: "Didst thou not state previously that where the laws of Erubin are concerned, we must hold strictly to the literal text of the Mishna and the Mishna distinctly teaches: 'The alley bears the same relation to the courts as the court (does) to the houses within it.'" Samuel remained silent.

Does the silence of Samuel signify, that he accepted R. Eliezer's view or that he did not care to reply? Come and hear: A certain Aibuth bar Ihi dwelt in an alley and erected a side-beam therein. Samuel told him that this complied with the legal requirements. After the death of Samuel, R. Anan came and destroyed the side-beam. Said Aibuth: "In an alley where I live by the direct permission of our master Samuel, a mere disciple like R. Anan dares to come and destroy my side-beam." Hence we see, that Samuel did not accept the opinion of R. Eliezer! This is not conclusive evidence! The case of the alley could be explained as follows: The sexton of the synagogue took his meals with this Aibuth bar Ihi, but lodged in the syna-

gogue. Aibuth was of the opinion that the residence is determined by the place where he takes his meals, hence the sexton and he were the occupants of one house; (and Samuel declared his alley to be valid in conformity with his original decision, that if one court or one house opened into an alley a cross and side beam is sufficient for the alley) but Samuel, who held that the residence of a man is determined by his lodging-place, may have accepted the opinion of R. Eliezer, and taking into consideration that there were two dwellings in the alley, that of Aibuth and that of the sexton, he made the alley valid by the addition of a side-beam.

MISHNA: If two courts be one within the other, should the inmates of the inner court prepare an Erub and those of the outer court fail to do so, the inmates of the inner court may carry within it, but those of the outer court must not carry within their (own) court. If the inmates of the outer court prepare an Erub, but those of the inner court fail to do so, neither are allowed to carry within their respective courts. If each have prepared a separate Erub, they are permitted to carry within their own limits. R. Aqiba holds, however, that the inmates of the outer court are prohibited to carry within it and that the right of thoroughfare possessed by the inner court renders the outer court prohibited; but the sages hold, that the right of thoroughfare does not render it so.

Should one of the inmates of the outer court forget to join in the Erub, it is permitted to carry within the inner court, but carrying within the outer court is prohibited. If one of the inmates of the inner court forget to join in the Erub, carrying in either court is prohibited. If the inmates of both courts deposit their Erub in one place, and one of the inmates of either the outer or inner court forgot and did not join in the Erub, carrying in either court is also prohibited. Should each court be the property of an individual (or inhabited by only one household), neither require an Erub.

GEMARA: When R. Dimi came from Palestine, he said in the name of R. Janai: The latter clause of the Mishna stating, that if one of the inner court forget to join in the Erub, carrying in either court is prohibited, is merely a continuation of the dictum of R. Aqiba, who holds, that a foot (*i.e.*, a man) which is allowed to carry in its own place nevertheless interferes with the right of another place. The sages, however, hold, that as a foot which is allowed to carry in its own place does not interfere

with the right of another place, so also a foot which is *not* allowed to carry within its own place does not interfere with the right of another place and thus the inmates of both courts may carry within their own limits.

An objection was made based upon a previous clause in the Mishna, which states that if the inmates of the outer court prepare an Erub, but those of the inner court fail to do so, neither are allowed to carry within their respective courts, and this is certainly not in accordance with the opinion of R. Aqiba, because even had the inmates of the inner court made an Erub he would still prohibit the outer court to carry within their own court. (Hence we must assume, that this is in accordance with the opinion of the sages, who hold that a foot which is allowed to carry within its own place does not interfere with the right of another place, but one which is not allowed *does* interfere.) Therefore we must rather accept the statement of Rabbin in the name of R. Janai: There are three different opinions concerning this subject, viz.: The first Tana of our Mishna holds that a foot which is allowed to carry within its own place does not interfere with the right of another place, but a foot which is prohibited does interfere with the right of another place. R. Aqiba holds that even a foot which is allowed, also interferes with the right of another place; but the last sages of our Mishna maintain, that as a foot which is allowed does *not* interfere with the right of another place, so also a foot which is prohibited does also not interfere.

"If the inmates of both courts deposit their Erubin in one place," etc. What is meant by "one place"? Said R. Jehudah in the name of Rabh: This refers to the outer court and is called "one place," because it is designated for the use of both courts (as the inmates of the inner court must pass through the outer).

We have also learned in a Boraitha (in support to R. Jehudah): "If the Erub was placed in the outer court, but one of the inmates either of the outer or inner court forgot to join in the Erub, carrying in either of the courts is prohibited. If the Erub was deposited in the inner court, but one of the inmates of that court forgot to join in the Erub, carrying in either court is also prohibited. If one of the inmates of the outer court forgot to join in the Erub, carrying in either court is prohibited. Such is the dictum of R. Aqiba; the sages, however, maintain that in the last instance carrying is permitted within the inner court, but prohibited within the outer court."

Rabba bar Hanan asked Abayi: "Why do the sages permit carrying within the inner court, because they can close their door and say all the inmates of our court have joined in the Erub? Why should R. Aqiba not take the same view, let him also say, that they can close their door and assert their right to carry within their own court?" Abayi answered: "The Erub deposited in the outer court accustoms the inmates of the inner court to make use of the outer." Said Rabba bar Hanan again: "And the sages, do they not hold that the Erub of the outer court accustoms the inmates of the inner court to walk in the outer?" The sages may maintain, that the inmates who have deposited their Erub can say to the one who forgot to join: We have included thee in our combination for thy convenience, but not to our detriment. Why can they not do this according to R. Aqiba also? According to R. Aqiba, the inmates who have joined in the Erub may say to the one who had forgotten: "We will resign our right to the place in thy favor." Why can this not be said according to the sages? Because the sages do not admit of the resigning of one's right to a place in one court in favor of one who resides in another court.

"*Should each court be the property of an individual,*" etc. Said R. Joseph: "Rabbi taught, that if there was a third court between the two also belonging to an individual, it is not permitted to carry in either of the three." Said R. Bibhi (to the schoolmen): "Do not listen to R. Joseph! Rabbi did *not* teach this; for I myself said it in the name of R. Ada bar Ahabha and gave as a reason that the outer court will be traversed by (the inmates of) three (courts); therefore I also prohibited carrying within the middle court, lest a mistake be made and things be carried in the outer court also." R. Joseph then exclaimed: "Lord of Abraham! I confounded the word 'Rabbim' (many) with Rabbi; for before I was ill I heard from R. Bibhi that the outer court will become a court for many (three) and when recovered from my illness I quoted the Boraitha in the name of Rabbi." Samuel, however, said: "It is always allowed to carry within courts for many (even if there be four or five) provided there is only one household in each court, but if there be two in one court it is not permitted."

Said R. Elazar: According to Samuel, if a Gentile live in one of the courts he is considered as many others and he impedes the outer courts.

R. Jehudah in the name of Samuel said: "If there were ten

houses one within the other and the house on the outside opened into the court it is not necessary for the inmate of each house to combine in an Erub with the other inmates of the court, but it is sufficient if the inmate of the innermost house, who must pass through all the others, do so," but R. Johanan says that each inmate must combine; even the one living in the house opening directly into the street. Even the one living in the uttermost court? Is not the uttermost court to be regarded as a vestibule? By uttermost he means to say the one next to the uttermost.

Upon which point do Samuel and R. Johanan differ? Their point of difference is regarding the definition of a vestibule. Samuel holds, that all the houses leading to the innermost are considered as vestibules hence they require no Erub, while R. Johanan maintains that only the uttermost house, through which all the other inmates must pass, can be considered a vestibule, but even the one next to the uttermost through which the eight other inmates must pass is also not a vestibule.

R. Na'hman in the name of Rabba bar Abahu quoting Rabh said: There were two courts between which stood three houses opening into each other and the two houses on each side of the middle house opened into their respective courts. If the inmates of the courts desired to place their Erub in the middle house, they used the houses opening into the courts as thoroughfares to the middle house. Thus the house at one court becomes as a vestibule to the inmates of that court and the house at the other court becomes a vestibule to the inmates of the other court, while the house in the centre being used to deposit the Erub therein, it need not be combined in the Erub itself. Consequently none of the three need combine in the Erub of the courts.

CHAPTER VII.

REGULATIONS CONCERNING THE PREPARATION OF ERUBIN FOR COURTS SEPARATED BY APERTURES, WALLS, DITCHES, AND STRAW-RICKS. COMBINATION OF ERUBIN IN ALLEYS.

MISHNA: If there be an aperture, four spans square, and less than ten spans high (from the ground), between two courts, the inmates of each court may prepare two separate Erubin; or if they prefer it, may combine in one Erub. If the aperture be less than four spans square or over ten spans from the ground, they are each obliged to prepare a separate Erub, and must not combine in one.

GEMARA: Shall we say that this anonymous Mishna is in accordance with R. Simeon ben Gamaliel, who holds that the law of "lavud" (attached) applies for a distance of less than four spans and not for a distance of less than three spans as maintained by the sages? Nay; this Mishna may be even in accordance with the opinion of the sages, for the question of "lavud" does not arise here. It is merely a case of an aperture which is less than four spans square, hence it is not considered a door and this is admitted by the sages also, who hold, that if an aperture is four spans square or more, it is considered a door, but if less than four spans square it is not.

"If the aperture be less than four spans square," etc. Why this repetition? Is this not self-evident? The first clause of the Mishna states, that if there be an aperture four spans square and less than ten spans high from the ground, the inmates of the courts may either prepare separate Erubin or combine in one, Hence if the aperture be less than four spans square and more than ten spans high, it is obvious that they cannot have their choice? The Mishna means to teach us, that if the aperture was partly less than ten spans high from the ground and partly more than ten spans high the inmates of the court still have their choice of either making separate Erubin or combining in one, and only if the entire aperture was over ten spans high

from the ground, they are obliged to make each a separate Erub.

This explanation of the Mishna has reference to the following teaching of the Rabbis, viz.: If the entire aperture, with the exception of a small part, was higher than ten spans from the ground (*e.g.*, if the aperture was twelve spans square and was eight spans high from the ground, thus two spans of the aperture were within ten spans from the ground and ten spans were over ten spans from the ground), or if the entire aperture with the exception of a small part was less than ten spans from the ground (*e.g.*, if it was twelve spans square and only two spans were over ten spans from the ground), the inmates of the courts may either each make a separate Erub or combine in one. If the entire aperture with the exception of a small part was higher than ten spans from the ground the inmates have their choice; why is it necessary to state, that if the entire aperture with the exception of a small part was within ten spans from the ground, the inmates have their choice, is this not self-evident? After having stated the law in the former case, it applies the more to the latter.

R. Na'hman said: "The case of where the aperture is less than four spans square or over ten spans from the ground, applies *only* to courts, but as for houses, the aperture may be at any distance from the ground, even over ten spans, and, nevertheless, the inmates are permitted to join in an Erub." Why so? Because a house is considered solid, and every portion is regarded as occupied.

R. Abba asked of R. Na'hman: "If in the attic of a house there was a hole for the purpose of fastening a ladder therein, may the inmate of the attic join in the Erub regardless of whether there was a ladder fastened in the hole of the attic or not, *i.e.*, should the house be considered solid and occupied and no ladder is necessary, or is the house only considered solid as far as the walls are concerned but not the interior, and a ladder is essential?" and he answered: "A ladder is not necessary." R. Abba understood R. Na'hman to say, that a permanent ladder was not necessary, but for the time that the Erub was to be combined it was necessary. It was taught, however, by R. Joseph bar Minyumi in the name of R. Na'hman that neither a permanent nor a temporary ladder was necessary.

MISHNA: If there be a wall ten spans high and four spans wide between two courts, the inmates of each must prepare sep-

arate Erubin and must not join in one. If fruit happen to lie on the wall, they may ascend from their respective sides and partake thereof, provided they do not bring any of it down with them. Should there be a breach in the wall, not wider than ten ells, they may prepare separate Erubin or if they prefer it join in one, because the breach is considered as a door. Should the breach, however, be wider than ten ells they must both join in one Erub but must not prepare two separate Erubin.

GEMARA: How is it, if the wall did not measure four spans in width? Said Rabh: "In that case, the atmosphere of two separate premises predominates at the wall and one must not handle anything even the size of a hair lying on the wall." R. Johanan, however, says to the contrary: "In that case the inmates of both courts may lay down fruit on the wall (or even take it down from the wall because it is regarded as ground under no jurisdiction)." R. Johanan will therefore explain the Mishna thus: "If the wall was four spans wide it is permitted to ascend on either side and partake of fruit lying on the wall, but it is not permitted to bring up any. If, however, the wall was less than four spans wide, one may carry fruit up on the wall and eat it there." This statement of R. Johanan is but in accordance with his own theory, as related by R. Dimi upon his arrival from Palestine in the name of R. Johanan, viz.: "An object less than four spans square, standing between public and private ground, may be used by both the occupants of the public and private ground as an aid on which to shoulder a burden on the Sabbath, but they should be careful not to confound the burdens placed on the object so that a burden placed by an occupant of public ground be taken up by an occupant of private ground and *vice versa*."

Can Rabh dispute this assertion of R. Dimi? Is it not identical with the Boraitha concerning a man standing on the doorstep and passing things to a mendicant in the street or to the master of a house (see Tract Sabbath, p. 8)? Rabh does not dispute the Boraitha in that instance, because it concerns a biblical law, but in this case where rabbinical law is dealt with, the Rabbis assume the privilege of reënforcing ordinances so as to preclude the possibility of transgression.

Rabba bar R. Huna in the name of R. Na'hman said: If between two courts there was a wall, which was ten spans high from the ground of one court, but on a level with the ground of

the other,* the wall is ceded to the latter court and considered part of its ground, but to the former court it is an ordinary wall ten spans high. Why so? Because the use of the wall is more convenient for the latter than for the former, and where an object is more convenient for one than for another it is generally ceded to the former.

Said R. Shezbi: "R. Na'hman rendered the same decision concerning a ditch that was situated between two courts and was on a level with the ground on one side."

If a man comes to diminish the size of the wall referred to in the Mishna (either by heaping up earth at the bottom or by erecting posts or benches at its side; such was the original definition of the manner by which the size of the wall was diminished) and this was done to the extent of four spans, or more, he may make use of the entire wall, but if less than four spans he can use only as much of the wall as has been diminished. What do you mean to say? In either case there is an objection. If by diminishing the wall to the extent of less than four spans the wall is actually diminished, why should it not be allowed to use the entire wall, and if this does not constitute a diminution at all, why should it be allowed to use that part (where the earth was heaped up or the posts erected to the extent of less than four spans)?

Said Rabhina: In this case the Mishna does not mean to say, that the wall was diminished by heaping up earth or erecting posts but simply that a part of the wall was removed at the top. If the breach made in this manner exceeded four spans it is considered as a door, and the entire wall may be used, and if it was not quite four spans the entire wall must not be used, but that part of the wall containing the breach may, because its height is lessened.

R. Yechiel said: "If a basin was set down (bottom side up) at the bottom of the wall, the wall is diminished thereby." How can a basin serve to diminish the wall? A basin may be handled on the Sabbath, and is it not a fact that any vessel which may be handled on Sabbath cannot serve to diminish a wall because it can be removed? R. Yechiel means to say, if the basin was fastened to the ground. And if it is fastened to the

* Rashi explains the term "on a level with the ground" to signify, that it was less than ten spans higher than the ground, in which case it is considered as level with the ground

ground may it not be removed nevertheless? By the statement "it was fastened to the ground," is meant if it was fastened so that a hoe or a pick-axe was required to remove it.

An Egyptian ladder does not diminish a wall but a ladder of Tyre does. What is meant by an Egyptian ladder? One that has not four rungs. So said the school of R. Janai.

Said R. A'ha the son of Rabha to R. Ashi: "Dost thou know why an Egyptian ladder does not diminish a wall?" and R. Ashi answered: "Didst thou not hear the statement of R. A'ha bar Ada in the name of R. Hamnuna, quoting Rabh, to the effect that it was an article which may be handled on the Sabbath and any article which may be handled on the Sabbath cannot serve to diminish a wall?" If such be the case, why can a ladder of Tyre serve to diminish a wall, may it not also be handled on Sabbath? A ladder of Tyre can serve because it is so heavy that it would require the efforts of several men to remove it.

Abayi said: If a wall ten spans high was between two courts and a ladder four spans wide was placed at each side of the wall: if the ladders were placed so that they are three spans apart, *i.e.*, the ladder placed on the other side was three spans further up or down alongside of the wall than the other ladder, the wall is not diminished; but if they are not three spans apart the wall is diminished. If the wall, however, was four spans deep so that a man can walk on it, it makes no difference how far apart the ladders are.

R. Bibhi bar Abayi said: "If one erected two benches one above the other at the foot of a wall, and the lower one was four spans wide while the upper was less, the wall is thereby diminished. If the lower bench however was less than four spans wide and the upper four, or more, the wall is also diminished thereby, providing the two benches were less than three spans apart." R. Na'hman said in the name of Rabba bar Abahu, that the same rule applies to a ladder where there is empty space between the rungs (*i.e.*, where one side of the ladder is not closed with boards).

R. Na'hman said again in the name of Rabba bar Abahu: If a cornice four spans square protrude from a wall and a ladder, no matter how narrow, has been placed against the cornice, the size of the wall is thereby diminished, provided the ladder was placed directly against the cornice, but if placed underneath the cornice against the wall, the cornice was merely

enlarged but the wall was not diminished. R. Na'hman says again in the name of the same authority: a wall which is nineteen spans high must have an additional cornice (a ladder which should be placed in the centre of the wall so that the space should not attain ten spans at the top or at the bottom). If the walls, however, measure twenty spans two cornices are needed to make them valid. (One cornice a trifle less than ten spans from the ground and another above that also a trifle less than ten spans from the lower.)

Said R. Hisda: "Providing the cornices are not exactly opposite each other (to prevent a ladder being placed on the bottom cornice)." R. Huna said: "If a peg be placed on a pillar in public ground ten spans high and four spans wide (which is legally private ground) the pillar is diminished." Said R. Adha bar Ahaba: "Providing the peg is three spans high." Abayi and Rabba both said: "Even if it is not as high as three spans." Why so? Because the peg makes the pillar useless. R. Ashi, however, said: "Even if the peg be three spans high it does not diminish the pillar and does not make it private ground because a peg of that kind can be used as a hanger."

R. A'ha the son of Rabha asked R. Ashi, "What is the law if several pegs be placed on the pillar in question?" and he answered: "Did you not hear what R. Johanan said concerning a well, that its enclosures of earth are counted in with the ten spans (makes it a legal private ground), why then should they be counted, are they not useless?" We must assume that, because one can place an object upon the enclosures and thus use them. The same is the case with the peg, one might also place something upon it also.

R. Jehudah said in the name of Samuel: "If a wall be ten spans high it requires, in order to become a valid wall, a ladder fourteen spans in height, because the ladder must be placed against the wall at an angle and the distance from the foot of the ladder to the wall being four spans, the ladder loses that much before it reaches the top of the wall." R. Joseph said: "Even if the ladder be a trifle over thirteen spans high it may be used (because should it lack one span of reaching the top of the wall the deficiency is not taken into consideration)." Abayi, however, said: It matters not if the ladder be even a trifle over eleven spans high (because should it lack three spans of reaching the top of the wall, it is considered as being at the top; for the law of "lavud" is applied in all cases where there is a

deficiency of three spans or less). R. Huna the son of R. Jehoshua, however, said: The ladder may be only a trifle over seven spans in height (because it is not compulsory to place the ladder at an angle, and if placed straight at the wall, together with the three spans allowed by the law of "lavud," it reaches the top. Should the ladder even be placed at an angle it may be considered as straight at the wall and the same rule applies).

Rabh said: "I have a tradition, that a ladder standing straight against a wall also diminishes its size, but I know no reason for it." Said Samuel to him: "Does Abba not know the reason for this? Why should a ladder be worse than two benches placed one above the other? Surely it is more difficult to scale a wall by means of benches than by means of a ladder."

Rabha in the name of R. Hyya said: "Trunks of Babylonian fig-trees when placed against a wall need not be fastened, because their weight is so great, that it is very difficult to remove them, although they may be handled on Sabbath." R. Joseph in the name of R. Oshiya said: "The same applies to Babylonian ladders, which are so heavy, that there is no fear of their being removed."

R. Joseph asked Rabba: "If a man had a ladder which he desired to place against a wall and the ladder being too narrow, *i.e.*, less than four spans wide, he hewed out in the wall itself, steps on each side of the ladder, how far up should those steps be hewn out?" Rabba answered: "For a distance of ten spans." Asked R. Joseph again: "How is it if a man hews out steps four spans wide in the wall itself? How far up must he do this?" and the answer was: "The entire height of the wall." "What is the difference between the case of the ladder where steps had to be hewn out additionally and this case where the steps were all hewn out of the wall?" "In the first instance the ascent of the wall is so much easier because the ladder can be placed against the wall at an angle, while in this instance the ascent is much more difficult; hence the steps should reach the entire height of the wall."

R. Joseph asked Rabba again: "What is the law if a man used a tree, which grew right at the wall, for a ladder? I ask thee, taking into consideration the difference of opinion between Rabbi and the sages. According to Rabbi, who holds, that rabbinical ordinances were not surrounded with precautionary measures for the sake of twilight, it may be said, that in this

case, where the tree will be used during the whole Sabbath day, even Rabbi might decide that it would not be allowed to make use of the tree; and on the other hand, even according to the sages, who disagree with Rabbi as regards the precautionary measures for the sake of twilight, it may be said, that the tree might be considered as a door; which, however, cannot be used because it is regarded as if a lion lie across it; nevertheless, it *is* a door, and being such, the wall may be used. Now, shouldst thou decide, that the wall may be used if a tree grow at its side, how would it be if a grove such as is used in idolatrous worship, grow alongside of the wall? I ask thee in this instance taking into consideration the difference of opinion between R. Jehudah and the sages. We are aware that R. Jehudah permits the depositing of an Erub even in a grave, notwithstanding the fact that no benefit must be derived from a grave, but for the reason that after the Erub has been deposited for the moment of twilight the grave is of no further use as the Erub need not be watched. In this case, however, R. Jehudah might prohibit the use of a grove, because it serves a distinct purpose, namely, that of a walk to the wall, and it is a law that no benefit must be derived from a grove used for idolatrous worship. On the other hand, even according to the sages, who prohibit the use of a grave for the depositing of an Erub, it might be permitted to use the grove because it is virtually a door to the wall and is merely regarded as if a lion were lying across it, which temporarily makes it unfit for use."

Rabba answered: "A tree may be used but a grove must not." R. Hisda opposed this: "On the contrary," said he, "the lion lying across the tree which renders it unfit for use temporarily is the rabbinical ordinance concerning the Sabbath-rest, *i.e.*, the tree must not be used on account of the Sabbath, while the grove must not be used for another reason altogether, hence it should be permitted to use the grove and the use of the tree should be prohibited."

It was also taught, that when Rabbin came from Palestine, he said in the name of R. Elazar, according to another version, R. Abahu said in the name of R. Johanan: (This is the rule:) Whenever the prohibition is based upon the Sabbath-rest laws, such prohibition must stand, but whenever the prohibition is based in some other law, it need not hold good.

R. Na'hman bar Itz'hak taught: "Concerning a tree the same divergence of opinion as exists between Rabbi and the

sages remains, and concerning a grove the same difference of opinion as exists between R. Jehudah and the sages remains."

MISHNA: If two courts be separated by a ditch, ten spans deep and four wide, the inmates of each court should prepare separate Erubin and must not join in one, even though the ditch be filled with stubble or with straw. Should it however be filled with earth or pebbles, the inmates must join in one Erub and not prepare two separate ones. If a board four spans wide had been put across the ditch, and likewise, if two projecting balconies, one opposite the other, have been connected by means of such a board, or plank, the inmates of the courts may prepare separate Erubin, or if they prefer it, they may join in one; if the board, however, was less (than four spans) wide, they must each prepare a separate Erub, and not join in one.

GEMARA: The Mishna states, that if the ditch was filled with stubble or straw, the inmates of each court must make a separate Erub, because the straw is not considered firm enough to afford a safe passage over the ditch, *i.e.*, it does not constitute a solid filling for the ditch, but in the succeeding Mishna we learn, that if there be between two courts a straw-rick, the inmates of each court must prepare a separate Erub, thereby demonstrating that straw can form a solid partition? Answered Abayi: As for a partition all agree that a straw-rick can form a partition, but as for straw serving as a filling for a ditch it depends upon whether the owner has devoted it entirely for that purpose. If he did and will not remove it, it may constitute a solid filling for the ditch, but if he did not and intends to subsequently remove it, it cannot be considered such.

"*Should it however be filled with earth or pebbles.*" Even if the man who did this, does not declare that he has devoted the earth or the pebbles for that purpose entirely? Have we not learned in a Mishna, that if a man filled a room (which had contained a corpse) with straw or pebbles and declared that he does not intend to make any further use of either the straw or the pebbles, the room is regarded as filled up and is not considered a tent, but if no such declaration was made, the room is still considered a tent. Thus we see, that one must declare the straw and pebbles to be devoted for such purpose only, and our Mishna does not state anything in regard to this? Said R. Assi: This Mishna treating of Erubin is in accordance with the opinion of R. Jose in a Tosephta (in Tract Oholoth) who holds, that in the case of straw no express declaration is necessary.

R. Huna, the son of R. Jehoshua, however, said: Thou wouldst prove a contradiction from a law pertaining to uncleanness to a Sabbath-law? Leave out the prohibition of Sabbath; for a thing which must not be handled on Sabbath is at all events sacrificed even if it be a purse of money; because it must not be handled on Sabbath. (With straw it is different, because that is food for animals, and hence may be handled on Sabbath.)

R. Ashi, however, said: Thou wouldst base a contradiction on an ordinance concerning a room to that concerning a ditch. A ditch was made to be filled up, but is then a room also made to be filled up?

"If a board four spans wide had been put across the ditch." Said Rabha: "When must the board be four spans wide? If it was laid crosswise across the ditch, but if it was laid lengthwise across the ditch it makes no difference how wide the board is, because the width of the ditch was decreased to less than four spans."

"If two projecting balconies, one opposite the other," etc. Said Rabha: The statement in the Mishna, "one opposite the other," might be construed to signify, that if they were not directly opposite each other, no connection could be made; such is the case, however, only if they are three spans or more distant one from the other. Should they be less apart than three spans, it matters not whether they are directly opposite, diagonally so, or even one above the other, a connection may be made and it is simply considered a crooked balcony, but a balcony nevertheless.

MISHNA: If there be between two courts a straw-rick, ten spans high, the inmates of both courts must prepare separate Erubin, and must not join in one. Cattle may be fed from each side of the rick (and no fear need be entertained, that it will become less than ten spans high). Should the rick become less than ten spans high, the inmates must join in one Erub and not prepare two.

GEMARA: Said R. Huna: " (Cattle may be fed from each side of the rick), providing the straw is not removed by a man and placed in the crib of the cattle (because the straw was designated as a partition since the preceding day, hence it must not be handled)." Did we not learn in a Boraitha: "If a house which was filled with straw stand between two courts, the inmates of each court must make a separate Erub, but must not join in one, and may remove the straw from the house to their

respective courts and place it in the crib for the cattle?" Thus we see, that it is allowed for the inmates of each court to remove the straw to their respective courts and place it in the crib; why does R. Huna prohibit this? I will tell thee: In a house, on account of the roof, it will become noticeable if the heap of straw becomes lower than ten spans, but a straw-rick standing in the open air might be overlooked as to its height.

(The above Boraitha continues as follows:) "If the heap of straw contained in the house became less than ten spans high, neither of the inmates of either court are permitted to carry unless the inmates of one court resign their right to the place in favor of the inmates of the other." Thus, if the heap of straw *was* ten spans high, it still serves the purpose of a partition, even though it does not reach the ceiling. We may adduce therefrom, that any partition if it be only ten spans high, though it should not reach the ceiling, is valid. From the statement in the Boraitha, that neither of the inmates of either court are permitted to carry we can also infer, that any dwellings which may have been added on the Sabbath are included in the prohibition? This is not conclusive evidence! It may be that the Boraitha refers to a case where the heap of straw was diminished to less than ten spans' height before the Sabbath set in.

The Boraitha continues further: "The one wishing to make use of his court should lock up the house and resign his right to the ground." What, do both? Lock the house and resign his right to the ground? Yea; both are necessary, for the man is accustomed to use the house on Sabbath,* and he might perchance, if he leave it unlocked, come and use it.

Continuing, the Boraitha states: "If he did so, he must not carry, but his neighbor may." Is this not self-evident? We might assume that the man's neighbor must also do as he did, hence we are told, that the Tana holds repeated resignation of the ground to be prohibited.

MISHNA: How are alleys (entries) to be combined? A man places a cask of wine (in the alley) and says: "This shall be for all the inmates of the alley," and he may transfer the right of possession (which he has in the cask) to them either through his adult son or daughter, or through his Hebrew man-

* Rashi asserts, that the Tana of this Boraitha maintains, that all those who resign their right to the ground of their houses should also lock them, but Tosphath does not agree with Rashi.

servant or maid-servant, or through his wife; but he cannot transfer his right of possession through his minor son or daughter, or through his Canaanitish bond-man or bond-woman, because their hand is virtually the same as his.

GEMARA: Said R. Jehudah: The person that accepts the transfer of ownership should lift the cask of wine at least one span from the ground at the time of acceptance (saying, I have accepted this for the other inmates). Said Rabha: These two things were said by the old sages of Pumbaditha, namely: This statement of R. Jehudah just quoted and the other one is: When a man pronounces the benediction over a goblet of wine, if he tastes a whole mouthful he has acquitted himself of the duty properly, otherwise he does not.

An objection was raised: We have learned in a Boraita: How are alleys to be combined? A cask of wine, oil, dates, or figs, or any other fruit, is brought, and if belonging to the one who brought it, he should transfer his right of possession to the other inmates; but if the others have a share in it to commence with, he need only inform them (that he has combined the Erub for them). While transferring the right of possession, the cask should be lifted off the ground a trifle? By a trifle the Boraita also means a span.

It was taught: At the combining of alleys, the right of possession need not be transferred. So said Rabh; but Samuel maintains, that this must be done. At the combining of the legal limits, however, Samuel declares that the right of possession must be transferred, while Rabh holds, that it is not necessary.

Samuel may be right in his opinion, because he holds in accordance with our Mishna, which teaches, that at the combining of alleys, the right of ownership must be transferred, and at the combining of legal limits nothing is said about transfer, but upon what does Rabh base his opinion? There is a difference of opinion among Tanaim concerning this ordinance as R. Jehudah said in the name of Rabh: "It happened that the daughter-in-law of R. Oshiya went to the bath-house, and not returning before dusk, her mother-in-law made an Erub for her. When this was told to R. Hyya, he declared it unlawful. Said R. Ishmael bar R. Jose to him: Thou Babylonian! So strict art thou with Erubin. Then said my father: Whatever can be made more lenient with regard to Erubin, should so be made."

Said R. Zera to R. Jacob, the son of the daughter of Jacob:

"When thou goest to Palestine, go out of thy way and pass through Tyre and ask of R. Jacob bar Idi how the case was: Did the mother-in-law make an Erub with her own material, and on account of not transferring her ownership to her daughter-in-law, R. Hyya held it to be unlawful, or did she make it with material belonging to her daughter-in-law and R. Hyya held it to be unlawful because the daughter-in-law was not informed?" R. Jacob bar Idi answered, that it was on account of the ownership not having been transferred.

R. Na'hman said: "We are in possession of a tradition which teaches us, that whether Erubin of legal limits or Erubin of courts or combinations of entries are concerned, a transfer of ownership must be effected. Now the question arises as to Erubin of cooked articles,* whether a transfer of ownership is necessary or not." Said R. Jose: "What question is this? Did R. Na'hman not hear the dictum of R. Na'hman bar R. Ada in the name of Samuel, that in the case of Erubin of cooked articles a transfer of ownership must also be effected?" Replied Abayi: "Assuredly he did not hear this dictum or he would not have asked." Rejoined R. Jose: "Did not Samuel say that in the case of Erubin of courts a transfer of ownership is not necessary and still R. Na'hman maintains that it is?" Abayi then said: "How can this be compared? In the case of Erubin of courts and legal limits there is a difference of opinion between Rabh and Samuel, while R. Na'hman accepts the more rigorous decrees of each, but in this instance how could R. Na'hman override the absolute decree of Samuel alone?"

There was a guard of the arsenal living in the neighborhood of R. Zera. His neighbors asked him to rent them his place for the Sabbath, but he refused. So R. Zera was asked whether the place may be rented from the man's wife, who was willing to do so. He answered them: "Thus said Resh Lakish in the name of a great man, *i.e.*, R. Hanina: A man's wife may effect an Erub without the man's knowledge (or against his will)."

The same case occurred in the neighborhood of R. Jehudah

* Erubin of cooked articles, called in Hebrew "Erubin Thabhshilin." When a Sabbath follows a festival, no food must be cooked on the festival for the Sabbath, but in order to circumvene this ordinance the Rabbis decreed that two different kinds of food be set aside on the eve of the festival to serve for the Sabbath and thus enable the people to cook, in addition to the food set aside, on the festival in order to provide for the Sabbath.

bar Oshiya, and when asked concerning the law in the matter, he did not know. R. Mathna could not solve the problem either. When R. Jehudah, however, asked, he answered in the name of Samuel the dictum attributed above to R. Hanina.

An objection was raised: We have learned in a Boraitha: "If women made an Erub or combined in an alley without the knowledge of their husbands, the Erub and the combination are both unlawful." This presents no difficulty. The Boraitha refers to a case, where the husbands distinctly forbid their wives to do so, whereas Samuel refers to a case, where the husbands did not forbid them. Such seems to be the case, for were it not so Samuel would contradict himself as he said elsewhere: If one of the inmates of the alley who, as a rule, combined with the others, refused to do so at one time, the other inmates may enter his house and take his share against his will. Thus we see, that only if the man, *as a rule*, combined but (out of spite) refused in one instance, then and then *only* the other inmates may take his share by force; but if he was not in the habit of combining, this would not be allowed. Hence this bears it out.

Can we assume that the following Boraitha is in support of the decree of Samuel? (It teaches:) "It is permitted to compel a man to take a share in the erection of a side and cross beam to an entry, if he refuses to do so voluntarily." In the case of an entry it is different, because there were no partitions (hence it was difficult to watch the entry). According to another interpretation, Where an act is committed out of spite, with the intention to injure another, it is different (*i.e.*, a map may be compelled to desist as explained in Chapter IV., page 109).*

* What we have rendered above with "Where an act is committed out of spite, etc., it is different," is expressed in the Hebrew original with but two words, viz.: "Metzad She'ani," literally, "from the side it is different." The marginal notes in the original also state that no explanation for the two words can be found, and in the monographs printed in Venice and Saloniki some two centuries ago, this other version is omitted entirely. In a manuscript of the Talmud, examined by R. N. Rabinowicz, it is also not to be found. According to our method, always to render the other version, because it is invariably more reasonable than the first, we should have omitted the first here also, and more especially so, as it is very abstruse. However, the other version is even more so if read as written. After considerable speculation, however, as to its meaning, we found that it is merely a misprint, and instead of "Metzad' She'ani" should read "Métzar She'ani." The misprint is the more excusable because of the extreme similarity of a Hebrew Daled ד and a Resh ר. Métzar She'ani means "With one who wishes to injure another, it is different," and this was just the case referred to by Samuel, who, according to Rashi, refers to one

It was taught: R. Hyya bar Ashi said: "A side-beam may be made of a grove." R. Simeon ben Lakish said: "A cross-beam may be made of a grove." One who says, that a cross-beam may be made of a grove certainly permits a side-beam also to be made of a grove; but he who says, that a side-beam may be made thus, does not permit a cross-beam. Why so? Because a cross-beam must be sound enough to hold a brick one span thick, and as a grove (being used for idolatry) must be burned, it is considered as if it were already burned, hence not sound enough to hold a brick of the prescribed thickness.

MISHNA: If the quantity of food (required for the combination) become diminished, one may (himself) add thereto and transfer his right of possession without notifying the other inmates (to that effect). If, however, new inhabitants have (since) arrived in the alley, he adds sufficient to make up the required legal quantity, transfers his right of possession to them and notifies them to that effect. How much is this legal quantity (of food required for the combination of alleys)? If those who join therein are numerous, it must be sufficient for two meals for all of them; but if they be few, the size of a dried fig for each is sufficient.

R. Jose said: "To what does this regulation apply? To the original (first) preparation of the Erub; but to extend the Erub (for later use) any quantity, however small, is sufficient. Nor did the sages direct that (where the combinations of an alley had been effected) an Erub should be prepared for the several courts (contained in the alley) except that the children might not forget about the law of Erub.

GEMARA: What food does the Mishna refer to as having become diminished? Shall we assume, that it was but one kind of food, then even had it been totally destroyed, it was not necessary to notify the other inmates; if on the other hand there were two kinds of food, then, even, if it became diminished, the man was in duty bound to notify the other inmates, as we have learned in a Boraitha: "If the food was all of one kind and was totally destroyed, one need not notify the other inmates; but if the food was of two different kinds, one must notify the other inmates." (It was assumed that the same law applied to food

who, out of spite, would not combine, so that the other inmates of the alley would be prevented from carrying on the Sabbath; hence, in this instance no further explanation by Rashi was necessary.

that had merely become diminished, but the Gemara answered:) "The Boraitha refers to food that had been totally destroyed, but with food that had become diminished, it is different."

"*How much is this legal quantity?*" etc. What does the Mishna mean to say by "numerous"? Said R. Jehudah in the name of Samuel: "Eighteen persons." Eighteen and not more? Say, from eighteen on and upwards. Then why state eighteen in the first place? Said R. Itz'hak the son of R. Jehudah: My father explained this to me thus: If the food were divided equally amongst all and the share of each for two meals would not amount to the size of a dried fig, then those who took part were "numerous," and it is sufficient if the share of each did not amount to the size of a dried fig; but if the share of each amounted to more than the size of a dried fig, those who took part are considered few, and even if each received but the size of one dried fig, it is sufficient. (Thus both are the more lenient constructions of the law.) Incidentally we are told by R. Jehudah that eighteen dried figs are sufficient for two meals.

MISHNA: The Erub (of courts) or combination (of alleys) may be effected with all kinds of nutriment except water and salt. Such is the dictum of R. Eliezer. R. Jehoshua, however, said: Only a whole loaf of bread is a lawful Erub. Should even a whole saah of flour be baked into one loaf, and that be broken, it must not be used for an Erub, while a small loaf of the value of an Eesar (a small coin; probably the Roman "as"), if it be whole, may be used for an Erub.

GEMARA: Have we not already learned the first clause of this Mishna (in Chapter III., Mishna 1), that the Erub or combination may be effected with all kinds of nutriment except water and salt? Said Rabba bar bar Hana: This Mishna repeats the ordinance solely on account of R. Jehoshua, who maintains, that only a whole loaf is a lawful Erub, but not a broken loaf. Hence we are taught that with *all kinds* of nutriment it may be effected, including a broken loaf.

What reason has R. Jehoshua for his assertion? Said R. Jose ben Saul in the name of Rabbi: "In order to prevent enmity (lest one say he deposited a whole loaf and another a broken loaf, etc.)." Said R. A'ha the son of Rabba to R. Ashi: "How is it if all deposited broken loaves?" and R. Ashi answered: "There is fear that the next time the Erubin are deposited there will be the same strife. One will deposit a whole loaf and another a broken one, etc."

R. Johanan ben Saul said: "If from a whole loaf of bread the legal first dough (offering) has been removed or from a whole loaf of bread made of Therumah and ordinary flour the legal one-hundredth part had been removed, the loaf is still considered whole, and an Erub may be effected therewith." Did we not learn in a Boraitha, that the loaf remains whole, and may be used for an Erub if the legal one-hundredth part had been removed, but if the quantity of the legal first dough had been removed it does not remain whole and must not be used for an Erub? This presents no difficulty. R. Johanan refers to the loaf of a baker who must remove only a small piece for the first dough, while the Boraitha refers to a loaf of a householder as we have learned in a Mishna (Tract Chalah): "The prescribed quantity for the first dough is one twenty-fourth. One who prepares the dough for his own use or for the wedding (feast) of his son must also give one twenty-fourth; but a baker, or even a woman who prepares the dough for sale in the market, need only give one forty-eighth as the legal first dough."

R. Hisda said: "If a man made a loaf whole again by joining the broken pieces with a stick of wood, so that it appeared like an unbroken loaf, he may use it for an Erub."

Said R. Zera in the name of Samuel: "It is permitted to make an Erub with bread made of rice or millet." Said Mar Uqba: "Samuel the Master explained to me that rice-bread may be used for an Erub but not millet-bread." R. Hyya bar Abhin in the name of Rabh said: It is also permitted to make an Erub with lentil-bread.

MISHNA: A man may give money to the wine-seller or baker in order to acquire the right to join in the Erub. Such is the dictum of R. Eliezer; but the sages hold, that money cannot acquire the right for a person to join in the Erub. They admit, however, that if a man give money to another person (with the commission to effect the Erub for him) it will acquire for him the right to join in the Erub, since no Erub can be effected for a man without his knowledge. Said R. Jehudah: To what do these (preceding) regulations apply? To the Erubin of limits; in the Erubin of courts, however, a man may be included with or without his knowledge; for advantages may be conferred on a person, even though he be not present, whereas, he must not be deprived of his right in his absence.

GEMARA: What reason has R. Eliezer for his dictum? The person giving the money to the wine-seller or the baker

did not draw his purchase toward him, hence no sale or purchase was effected.*

Answered R. Na'hman in the name of Rabba bar Abahu: "R. Eliezer makes this case analogous with the case mentioned in the Mishna (Tract Cholin, Chapter V., Mishna 4) concerning a man who purchases one dinar's worth meat and the butcher is compelled to slaughter for him an ox worth one thousand dinars. The question there is propounded by the Gemara: 'How can the sale be effective? No drawing towards himself was accomplished by the purchaser?' and the answer was that the Meshi'kha (drawing) was dispensed with for the sake of the advantage which was to be conferred on the purchaser on the four days or periods enumerated. In this case of our Mishna the Meshi'kha is also dispensed with and for the same reason, or according to the reason of another sage in the mentioned Tract (Cholin) who said that according to biblical law a sale is effective when the money for the purchase is paid."

"*They admit, however, that if a man give money to another,*" etc. What is meant by "another person"? Said Rabh: "A householder," and Samuel agrees with him, meaning, that this other person must be a householder and not a baker (or a wine-seller). Samuel added, that only if the man gave *money* to the baker he cannot acquire the right to join in the Erub, but if he gave him a vessel he does acquire the right. Also if when giving him the money, he does not say to him: "With this money thou shalt give me bread sufficient to make an Erub," but says: "For this money thou shalt go and effect an Erub for me," then it is as if he merely commissioned him to effect his Erub and he acquires the right to join in the Erub.

"*Said R. Jehudah: To what do these ordinances apply?*" etc. R. Jehudah in the name of Samuel said: "The Halakha prevails according to R. Jehudah, not only in this case, but in all instances where R. Jehudah decrees concerning Erubin, the Halakha prevails in accordance with his dictum." Said R. Hana of Bagdad to him: "Does Samuel hold, that even in the case where R. Jehudah declares an entry, from which the side and cross beams had been removed, valid, the Halakha prevails

* A sale or a purchase was not binding or effective unless the purchaser at the time of the purchase drew the object bought towards him, and this act of drawing towards him is called in the Talmud Meshi'kha, based upon the passage, Exod. xii. 21.

accordingly?" Answered R. Jehudah: "Did I not state particularly concerning Erubin, but not concerning partitions?"

Said R. A'ha the son of Rabha to R. Ashi: "If it is said, that the Halakha prevails according to R. Jehudah, then there must be some who disagree with him?" Did not R. Jehoshua ben Levi say, that whenever we find in a Mishna the statement: "Said R. Jehudah: 'When is this the case?' or 'When do these regulations apply?'" it is not to be accepted as a refutation of previous decrees, but merely as a further explanation of the decree of the sages? [How can it be said, that it is not to be accepted as a refutation? Did we not learn in a previous Mishna, that if additional inhabitants came into the alley, the right of possession must be transferred to them and they must be notified, whereas R. Jehudah states, that no notification is necessary? The previous Mishna refers to a court between two alleys when the inhabitants newly arrived must be notified that the Erub was effected in one of the alleys (and R. Jehudah would agree to this also). Did not R. Shezbi say in the name of R. Hisda, that the previous Mishna distinctly states, that the colleagues of R. Jehudah differ with his dictum in this last Mishna?] Answered R. Ashi (the previous question of R. A'ha): Wouldst thou make a contradiction from one man to another? Samuel may hold one thing and R. Jehoshua ben Levi another.

Referring again to the statement of R. Jehoshua ben Levi, R. Johanan said, that whenever R. Jehudah says: "When is this the case?" he means to explain the previous teachings, but whenever he says, "When do these regulations apply?" he means to differ from the foregoing opinions.

CHAPTER VIII.

REGULATIONS CONCERNING THE ERUBIN OF LIMITS. THE QUANTITY OF FOOD REQUIRED FOR SUCH ERUBIN, AND FURTHER REGULATIONS CONCERNING ERUBIN OF COURTS.

MISHNA: How are the (legal) limits to be combined? A man places a cask (of wine) and says: "This is for all my townsmen or for all who go to the house of mourning, and for all who go to the house of feasting." Whosoever joins in the combination while it is yet day (on the eve of Sabbath) is permitted to do so; after dusk, however, it is prohibited, because an Erub must not be deposited after dark.

GEMARA: Said R. Joseph: "Legal limits should not be combined except for religious duties." Is this not expressed in the Mishna? It says for all who go to the house of mourning or the house of feasting? R. Joseph teaches that the limits should not be combined except for religious duties, lest it might be assumed, that the Mishna merely makes this a general assertion; because people are wont to go to such places on the Sabbath.

The Mishna states "while it is yet day." Shall we adduce therefrom that the Mishna holds, there is no such thing as the theory of premeditated choice? For were it said, that the Mishna accepts the theory, the fact that the man would make use of the legal limits on the Sabbath would demonstrate that he had the intention to do so on the previous day. Said R. Ashi: By "while it is yet day" is meant if the man was notified of the combination while it was yet day, even though he did not agree to it until after dusk; but if he was not notified while it was yet day, he could have no intention to do so previously, and hence he cannot join in the combination.

R. Assi said: "A child that is only six years old may go out in the legal limits which have been combined by its mother." An objection was made based upon a Boraitha stating: "A child still dependent upon its mother may go out in the limits com-

bined by its mother; but if it is no longer dependent upon its mother it must not." Said R. Jehoshua the son of R. Idi: "R. Assi means to say still more, that even if the father had combined him in his Erub towards the north and his mother combined an Erub for herself towards the south, a child even six years old prefers to go with its mother."

Another objection was made: We have learned in another Boraitha: A child which is dependent upon its mother may go out with her in the limits which she has combined until it reaches the age of six years. (Hence when it is six years old it must not?) R. Assi might say that *until* six years includes six years.

We have learned in a Boraitha: A man should not combine an Erub for his adult son or daughter or for his Hebrew man or maid servant, or for his wife, unless he notifies them to that effect. He may however combine an Erub for his Canaanitish bond-man or bond-woman or for his minor son or daughter even without their consent because their hand is virtually the same as his. If, however, all those mentioned in the Boraitha have combined an Erub for themselves in one direction, and the master combined an Erub for them in another, they must all make use of the one which the master combined, excepting only his wife, because she can object.

Why should the wife only be excepted? Cannot the other persons mentioned in the first clause of the Mishna also object? Said Rabba: "The wife and those equal to her (mentioned with her) are meant to be excepted, and by 'all those mentioned in the Boraitha' is meant the persons enumerated in the *latter clause* of the Boraitha."

The master said: "Excepting only his wife, because she can object." Shall we say, that only if she objects she may use her own limits, but if she does not, she may go out in the limits combined by her husband? Does not the Boraitha mean to state that he must notify them and obtain their consent? (Then why must she object if she previously did not give her consent?) Nay; the Boraitha means to state that he must merely notify them, and if they make no answer it is the same as if they agreed to it.

The Boraitha states again, however, that if they made an Erub for themselves and the master made another one for them they must utilize that of the master; this must have been the case where they did not object when notified that the master would combine the Erub for them. "Excepting only the wife,

who can object ?" How is this consistent ? Said Rabha : " Is the fact of their making a separate Erub not sufficient objection ? "

MISHNA : How much is the legal quantity (of food required to effect the combination of limits) ? Sufficient food for two meals for everyone who joins therein ; for work-day meals but not for Sabbath-meals. Such is the dictum of R. Meir ; but R. Jehudah said : For Sabbath-meals, but not for work-day meals. Both (sages), however, intend to render the observance of this regulation more lenient. R. Johanan ben Berokah said : It is sufficient to effect the combination if the loaf used therefor be worth a Pundian, when the price of flour is one selah for four saah. R. Simeon said : Two-thirds of a loaf (is sufficient), such as go three to one kabh of flour. (The time it takes to eat) half (of such a loaf, is the prescribed time for remaining) in the house of a leper,* and the half of a half of such a loaf (which were it it unclean) would make the body unclean.†

GEMARA : How much food constitutes food for two meals ? Said R. Jehudah in the name of Rabh : " Two loaves as used by the peasants in the field." R. Ada bar Ahabha said : " Two loaves as baked by the inhabitants of N'har Pepitha (Papa)."

R. Joseph said to R. Joseph the son of Rabha : " In accordance with whose opinion does thy father hold concerning the two meals. Doubtless with that of R. Meir ? I also hold with R. Meir ; for if the opinion of R. Jehudah were accepted, why do people say, that the stomach always has room for sweet things ? "

" *R. Johanan ben Berokah said,*" etc. We have learned in a Boraitha, that there is not much difference between the quantity prescribed by R. Johanan and that prescribed by R. Simeon. How can this be said ? According to R. Johanan one kabh will provide four meals, and according to R. Simeon one kabh will produce nine meals ? Said R. Hisda : " Deduct one-third as the profit of the dealer." Then according to R. Johanan one kabh will provide six meals and according to R. Simeon nine. Say in accordance with the dictum of R. Hisda at another time, that one half should be deducted as the profit of the dealer. Then

* One who remains in the house of a leper the length of time required to eat half of such a loaf, renders his clothes unclean and must wash them (as explained in Tract Negayim).

† One who eats a fourth of such a loaf which has become unclean, renders himself unclean and cannot partake of any consecrated thing until he has bathed (as will be explained in Tract Oholeth).

according to one a kabh contains sufficient for eight meals and according to the other, nine.* Hence we have already heard that there was *not much* difference between R. Simeon and R. Johanan.

Now there is a contradiction in two of R. Hisda's statements? This presents no difficulty. One of his statements referred to a case where the wood for the baking was furnished while the other refers to a case where the purchaser had to furnish it himself.

The Rabbis taught: It is written [Numbers xv. 20]: "As the fruit of your doughs shall ye set aside a cake for a heave-offering," which signifies, that the first of the doughs that were prepared at that time should be set aside. How much was the dough prepared in the desert? It is written [Exodus xvi. 36]: "But the omer is a tenth of an ephah." They usually prepared an omer for each person (and an ephah is three saahs), whence they adduced that three saahs being equal to seventy-two lugs, an omer is equal to seven and one-fifth lugs, and when dough measures that quantity it is subject to the first dough offering. These seven and one-fifth lugs, according to Babylonian measure, are only six lugs in Jerusalem, and five in Sepphoris. From this it was also adduced that one who eats that much in a day is healthy and blessed. One who eats more than this is a glutton and one who eats less than that has a weak stomach.

MISHNA: If the inhabitants of a court and the inhabitants of a balcony should have forgotten to combine an Erub, whatever is above ten spans from the ground is considered as belonging to the balcony, and whatever is less than ten spans high from the ground is considered as belonging to the court. If the earth dug out of a ditch, or a stone, be ten spans high, they belong to the balcony; but if less than ten spans high they belong to the court. When is this the case? If the earth (heap) or the stone be close to the balcony, but if some distance away from the balcony, even though they be ten spans high, they belong to the court. What is considered close? Whatever is less than four spans distance.

* In order to explain this problem mathematically it must be borne in mind that a Kabh is equal to 2 Saah and a Pundian is equal to $\frac{1}{4}$ Selah. Hence if $\frac{1}{4}$ be allowed the dealer for baking the loaf, according to R. Johanan the loaf will be equal to $\frac{1}{4}$ of a Kabh minus $\frac{1}{4}$ of $\frac{1}{4}$ or in other words $\frac{3}{16}$ of a Kabh, while, according to R. Simeon, a loaf is $\frac{1}{4}$ of $\frac{1}{4}$ of a Kabh or $\frac{1}{16}$. If $\frac{3}{16}$ of a Kabh constitute sufficient for 2 meals, then 1 Kabh provides 9 meals, and according to R. Johanan 6.

GEMARA: If the object standing between the court and the balcony is easily accessible to both the same as a door, it is considered as if it were an aperture between two courts. If it is not easily accessible but both the inmates of the courts and of the balcony can throw things on it with equal facility it is equal to a wall between two courts. If both the inmates of the court and the balcony can with equal ease deposit things upon that object it is considered as a ditch between two courts; but if the object be easily accessible to one but was not as easily reached by the other, it is the same as the ditch mentioned by R. Shezbi in the name of R. Na'hman, which was level with the ground of one court. If the object was easily accessible to one but could only be reached by throwing by the other, it is the same as the wall mentioned by Rabba bar R. Huna in the name of R. Na'hman, which was level with the ground of one court. The question, however, is concerning an object which by the inmates of the court could only be reached by throwing and by the inmates of the balcony could only be reached by letting down an article upon it. Rabh said: "It must not be used by either"; but Samuel said: "It is given to those who can reach it by letting down something upon it because that is the easier way of reaching it; and it is a rule that whoever can reach an object the more easily is entitled to it."

An objection was made: Come and hear: If the inhabitants of a court and the inhabitants of an attic had forgotten to combine in an Erub, the inhabitants of the court may utilize the lower ten spans and the inhabitants of the attic may use the upper ten spans. How so? If a cornice project from the wall at a distance of less than ten spans from the ground it may be used by the inhabitants of the court, but if it project at a distance of less than ten spans below the attic, it may be used by the inmates of the attic. If, however, the cornice was just between the ten spans above the ground and the ten spans below the attic it appears that neither can make use of it, and this would be in accordance with the opinion of Rabh and an objection to Samuel. Said R. Na'hman: "The case treated of by the above Boraitha is where the entire wall was only nineteen spans high and if the cornice was less than ten spans high from the ground it was easily accessible to the court-inhabitants the same as a door would be, but not so easily reached by the inhabitants of the attic (hence the court is entitled to it). If the cornice was above ten spans from the ground it was easily accessible

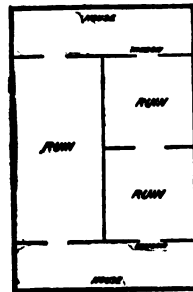
to the inmates of the attic but not so to the court-inhabitants, who would have to throw in order to reach it (hence the attic is entitled to it)."

R. Jehudah in the name of Samuel said: "If between two courts there was a small alley, into which the doors of the courts did not open, but which contained a well four spans distant from the wall of each court, the inhabitants of each court may put up a projecting board no matter how small on top of the wall, and draw water from the well through their windows. (In reality this was unnecessary, because the alley was not used as a thoroughfare, but as the two courts had not joined in an Erub and used the well in common the boards were erected as a sign)." R. Jehudah himself continued: "A projecting board is not necessary, for even any small stick is sufficient."

Said Abayi to R. Joseph: "The statement of R. Jehudah on his own account was also made in conformity with the opinion of Samuel, for according to Rabh, where a place is not used as a thoroughfare it cannot prove an impediment to the adjoining grounds."

Said R. Na'hman in the name of Rabba bar Abahu, quoting Rabh: If there were three ruins between two houses, each house may use the adjoining ruin by throwing therein, but the middle ruin must not be used by either of the two houses.

R. Brona was sitting and proclaiming this Halakha. Said R. Eliezer, one of the schoolmen, to him: "Did Rabh indeed say this?" and he answered: "Yea; he did." So R. Eliezer requested that he be shown where Rabh resided. This was done, and coming before Rabh he inquired: "Did Master indeed say this?" and he answered, "Yea." Said R. Eliezer: "Did Master not say, that if an object is not easily accessible to both, it must not be used by either?" Answered Rabh: "Dost thou then think, that I had reference to three ruins, that stood one after the other between two houses? I was speaking of ruins that stood two on one side and one of the size of both on the other (as shown in accompanying illustration). Now as regards the ruins into which the windows open, from the fact that access is gained by means of windows, or in other words through the atmosphere, they are permitted to be used in accordance with the opinion previously rendered that a place where there is no thor-



oughfare does not prove an impediment to adjoining ground. Even in this case, where the ruins being naturally broken it might be said that the atmosphere of one mingling with the other renders both unlawful for use, I have already decided, that atmosphere cannot produce such a condition. As for the other ruin, which both can reach by means of the small opening at the bottom it is not as if they were reached through the atmosphere but by actual contact. Hence the ruin being directly between the two houses cannot be used unless an Erub had been combined."

MISHNA: If a man deposit his Erub (for the combination of courts) in a vestibule, gallery, or balcony, it is not a lawful Erub. Should a man reside in any such place, who has not joined in the Erub, he cannot prevent the other inmates of the court (from carrying therein). If a man deposit his Erub in a hay-loft, or in a stable, or in a woodshed, or in a granary, it is a legal Erub, and one who dwells there (if he had not joined in the Erub) impedes the other inmates of the court. R. Jehudah said: If the householder has reserved the right of access thereto (to such a loft, stable, shed, or granary), he who dwells there does not impede the other inmates of the court.

GEMARA: Said R. Jehudah the son of R. Samuel bar Silas*: In all cases where the sages decree that if a man reside in a certain place (and had forgotten to join in the Erub) he does not impede the others, an Erub which he might deposit in such a place is not legal, excepting only in the case of a vestibule belonging to an individual, and in all cases where the sages decree that an Erub must not be deposited in a certain place, it is permitted to effect the combination of alleys in such a place, excepting only the atmosphere of an entry (that is, in the air above the ground of the entry).

R. Jehudah again said in the name of Samuel: "If a company was seated at table on the eve of Sabbath and the Sabbath set in, the bread lying on the table may be depended upon to serve as an Erub and according to another version it may serve as the combination of the alley." Said Rabba: "They do not differ. Those who say that the bread serves for an Erub (of the court) refer to a case where the table was situated in the house,

* At times the name Silas is also called Shila in the Talmud, and while the same person is meant, still we render it according to the manner in which it appears in the original.

and those who say that it may serve as a combination of alleys refer to a case where the table was in the court." Said Abayi to him: "I know of a Boraitha, which will bear out thy opinion, viz.: 'Erubin of courts must be made in the courts, combinations of alleys must be effected in the alleys.' After deliberating upon this Boraitha we decided that it could not be so, for we have learned in our Mishna that if a man deposit his Erub (of courts) in a vestibule, gallery, or balcony, it is not a lawful Erub, and the conclusion was that the statement of the Boraitha to the effect that the Erubin must be made in the courts in reality means, that they should be made in the houses contained in the courts, and the combination of alley should be made not in the alleys proper but in the courts opening into the alleys."

"*R. Jehudah said: If the householder has reserved the right of access,*" etc. What is meant by the right of access? The privilege as held by Bunayis ben Bunayis (according to the Aruch Ben Nanas), who was a very wealthy man and would loan his houses for the use of the other inhabitants, but would reserve the right to store his utensils in such houses. At one time he came before Rabbi; said Rabbi: "Make room for a man who has a hundred golden minas." * Later another man came along and (thinking that he was the wealthier) Rabbi said: "Make room for a man who has two hundred golden minas." Said R. Ishmael the son of R. Jose to Rabbi: "Rabbi, the father of this (first) man (Bunayis) hath a thousand ships in the sea and a thousand cities on land." Said Rabbi to him: "When thou shouldst see his father, tell him, not to send his son to Rabbi dressed so poorly, because it is Rabbi's wont to honor rich men."

R. Aqiba would also honor rich men, as Rabha bar Mari preached: "It is written [Psalms lxi. 8]: 'May he abide forever before God: ordain that kindness and truth may guard him,' which signifies: When can he abide forever before God? If rich men guard him with kindness and truth so that he know not want."

Rabba bar bar Hana said: "What is meant by the right of access? If a man have in the house (any utensil) even a plough-share." Said R. Na'hman: "The disciples of Samuel said on the contrary: Only an utensil which may not be handled on the Sabbath gives a man the right of access to a house, but an uten-

* A mina was at one time of the value of 100 Zuz, but later its value was increased to 60 Shekel or Sela, which is equal to 240 Zuz.

sil which may be handled on Sabbath does not, because he might come and remove it." The same was also taught in a Boraitha.

MISHNA: If a man leave his house and goes to take his Sabbath-rest in another town (without previously joining in the Erub), be he a Gentile or an Israelite, he thereby prevents the other inmates of his court from carrying within it. Such is the dictum of R. Meir. R. Jehudah saith: "He does not prevent the others." R. Jose saith: "A Gentile prevents the others, but an Israelite does not, as it is not usual for an Israelite to return on the day of rest." R. Simeon saith: Even if the man left his house and had gone to take his Sabbath-rest with his daughter, in the same town, he does not prevent the other inmates, since he has in thought renounced his abode for the time being.

GEMARA: Said Rabh: The Halakha prevails according to R. Simeon, but only if the man went to take his Sabbath-rest *with his daughter*; if, however, he went to take his Sabbath-rest *with his son* he does not renounce his own abode for the time being; for people say: "If thou hearest a dog bark in a house thou canst enter without fear; but if thou shouldst hear little pups squeal and their mother bark at thee, do not enter" (meaning that a father is not apt to quarrel with his daughter and return to his abode, but he may do so with his daughter-in-law and be compelled to return to his own home).

MISHNA: If there be a well between two courts it is not lawful to draw water therefrom (on Sabbath), unless a partition be made ten hands high either below (within the water) or at the edge of the well. R. Simeon ben Gamaliel said: "Beth Shammai hold, that the partition must be made below; but Beth Hillel maintain that it must be made above." Said R. Jehudah: The partition is not more effective than the wall which is between the two courts.

GEMARA: Said R. Huna: "By saying that the partition must be made below, Beth Shammai mean, that it should be within the well but not so as to touch the water, and Beth Hillel by maintaining that it should be made above, mean, that it should be erected over the well. Both agree, however, that the partition must not be outside of the well proper, but within its enclosures." Beth Hillel's reason for the decree is that wherever water is concerned the ordinances are to be construed in as lenient a manner as possible, as we have learned from R. Tabla's question and Rabh's answer (see page 24).

"Said R. Jehudah: *The partition is no more effective,*" etc. Said Rabba: R. Jehudah and R. Hananiah ben Aqabia said virtually the same thing. R. Jehudah said what we have learned in the Mishna and R. Hananiah ben Aqabia as we have learned in the Boraitha, viz.: "In a balcony four ells square a hole four spans square may be cut out and water may be drawn through that hole (and although there were no partitions surrounding the balcony, it is considered as if it reached the ground by the application of the law of Gud Achith*). So said R. Hananiah ben Aqabia." (This is virtually the same as the opinion of R. Jehudah in our Mishna.) Said Abayi to Rabba: "Perhaps this is not so! R. Jehudah, who says, that no separate partition is necessary, does so because he holds, that the wall between the two courts suffices as a partition for the well also; consequently he considers the wall as reaching down as far as the well; but, in the case of the balcony, where there is no partition at all to commence with, the balcony must first be inclined into a standing position and then be considered as reaching down as far as the well. Now while R. Jehudah may hold that the wall may be considered as if it reached down to the well, it does not follow that he also permits of a previous imaginary inclination of the balcony in addition to the supposition that it reaches down to the well and thus forms a valid partition. On the other hand, R. Hananiah ben Aqabia, who permits of both the imaginary inclination of the balcony and the supposition that it reaches down as far as the water, may have applied this only to a balcony which was erected above the sea of Tiberias, which is surrounded by cities, banks, and woodsheds, but in the case of a balcony erected above any other waters he might not have permitted even as much as R. Jehudah."

Said R. Huna the son of R. Jehoshua: If the well stood in a corner between two courts, the partition to be erected on the other side of the well (which is not between the two walls) should be ten spans high and a span and a trifle wide on each side (and when applying the law of Lavud to the partition on both sides a partition will be effected on every side of the well, providing the well was only four spans square).

MISHNA: If a canal runs through a court, it is not lawful to draw water therefrom (on Sabbath), unless there be a partition ten spans high where the canal flows into the court and

* For explanation of Gud, see note to page 7.

another where it flows out again. R. Jehudah said: "The wall above is to be considered a partition." R. Jehudah further said: "It happened, that water was drawn from the canal around the walls of a town (the moat) on the Sabbath with the sanction of the elders," but the sages replied: "That was done, because the canal was not of the legal size (of four spans width)."

GEMARA: The Rabbis taught: If a partition was made where the canal flowed into the court but not where it flowed out of the court, or if it was made where the canal flowed out but not where it flowed in, it is not lawful to draw water therefrom on the Sabbath unless there was a partition both where the canal flowed into and out of the court. R. Jehudah, however, said: "The wall above the canal may serve as the partition."

Said R. Jehudah: "It happened that water was drawn from the canal flowing into the city of Sepphoris from the walls around it * (the canal flowing from the moat) with the sanction of the elders," but the sages said to him: "Wouldst thou place this in evidence? In that case the canal was not ten spans deep nor four spans wide."

We have learned in another Boraitha: "A canal which flows between two walls which contained apertures, if it was less than three spans wide, a bucket may be let down from the apertures and water drawn from the canal; but if it was over three spans wide this must not be done (on Sabbath). R. Simeon ben Gamaliel, however, says, that if the canal was less than four spans wide, water may be drawn therefrom, but if over four spans, this must not be done." In which class of legal ground can such a canal be placed? Shall we say: in the class of unclaimed ground? Then the statement of R. Dimi in the name of R. Johanan to the effect that there is no unclaimed ground less than four spans will not be in accordance with the opinion of all the sages but merely with that of part of them; for according to the sages of the above Boraitha, even three spans may constitute unclaimed ground? Zera said: "The sages of the Boraitha *do* differ with R. Simeon ben Gamaliel concerning this

* The term in the Mishna which we render with "walls around the city" is "Ebal," and in a translation of the Mishna by De Sola and Raphall, Ebal is called the "town of Ebal." This seems to be inconsistent with the text, however, as further on in the Gemara we find "Me-Ebal le-Sepphoris," and were Ebal a town it is not reasonable that a canal from one city to another should not be ten spans deep and four wide. Aside from this, the Mashbir of Schoenhak and the dictionary of Levy define the term Abuloh (Greek *ἐμβολή*), "walls around a town."

point whether unclaimed ground may be three spans or four, and the statement of R. Dimi is merely in accordance with the opinion of part of the Tanaim."

Why should a canal between two walls containing apertures not be considered as the holes in unclaimed ground; for prior to its entering the space between the two walls it was undoubtedly over four spans wide, and hence unclaimed ground (as holes in public or private ground are considered as part of public or private ground respectively, see Tract Sabbath, p. 11) ? Abayi bar Abhin and R. Hanina bar Abhin both declare, that this theory (of holes being equal to the ground) does not exist where unclaimed ground is concerned.

R. Ashi, however, said: Even if the theory does apply to unclaimed ground it applies only then, if the ground is near to the hole (in a wall of the ground), but if it is a distance off as it must be in the case of this canal, the theory can under no circumstances be applied. Rabhina, however, said: The three, respectively four spans discussed in the Boraitha do not apply to the canal, but to partitions which were erected at the entrance and outlet of the canal at each end of the alley, and both parties to the dispute merely adhere to their respective theories concerning Lavud, one side maintaining that three spans constitute "Lavud," and the other that even four spans accomplish this object.

MISHNA: If there be a balcony above the water, it is not lawful to draw water therein on the Sabbath, unless a partition be made ten hands high, either above or below the balcony. Thus, also, if there be two balconies, one above the other: Should a partition have been made for the upper and not for the lower, it is unlawful to draw water through either, unless they have been combined by an Erub.

GEMARA: Our Mishna is not in accordance with the opinion of Hananiah ben Aqabia, who holds, that in a balcony four ells square, a hole may be cut out four spans square, etc., as related previously (page 207), but R. Johanan in the name of R. Jose ben Zimra said: "Hananiah ben Aqabia permitted this to be done only in the case of a balcony erected above the waters of the sea of Tiberias for the reason as stated previously, but not above other waters."

The Rabbis taught: Three things were allowed by R. Hananiah ben-Aqabia to the inhabitants of Tiberias, viz.: To draw water through a balcony on Sabbath; to deposit fruit in pea-

stalks (although, while in the field, dew had settled on the fruit, it is not considered as being wet, and hence not subject to defilement); and to wipe themselves with a towel when emerging from the bath (as there is no fear of their wringing the towel).

Rabba bar R. Huna said: "Do not say, that the imaginary hanging partition of the balcony makes it lawful, only to draw water through the balcony but not to pour out water through it, for it is also permitted to pour out superfluous water through that balcony." Said R. Shezbi: "Is this not self-evident? For is this not identical with a sewer mentioned in the next Mishna?" From the succeeding Mishna, where the sewer is supposed to absorb the water, it is allowed to pour water into it even if it be full and run over into the street because the intention was to have the sewer absorb the water, but in this case, where the waters are not stationary, we might assume that it is not allowed to pour out more water to commence with; hence we are told by Rabba bar R. Huna that this may be done.

"Thus, also, if there be two balconies, one above the other," etc. Said R. Huna in the name of Rabh: (The Mishna states, that if a partition had been made for the upper and not for the lower, it is unlawful to draw water through either.) When is this the case? If the balconies were not quite four spans apart, but if they were four spans apart it is allowed to draw water through the upper. This is merely in accordance with the mentioned theory of Rabh, that one man cannot impede (the actions of) another through atmosphere.

Rabba said in the name of R. Hyya and R. Joseph made the statement in the name of R. Oshiya, as follows: The law concerning robbery is applicable also on Sabbath. What is meant thereby? If there was a ruin belonging to a man and another man made use of it during the week, it might be assumed that he had acquired the right to it for the Sabbath and may carry therein (for under ordinary circumstances, if a man robbed another of an article and such article is in his possession it is considered as belonging to him until the victim of the robbery reclaims his right to it by law); but we are given to understand that in this case as soon as the Sabbath sets in the property reverts to its rightful owner (without his recovering same by law).

Said Rabba: "This above statement (that the law of robbery is applicable also on Sabbath) would be contradictory to our Mishna, which says that if there were two balconies one above the

other, and a partition was made for the upper, it is prohibited to draw water through either, etc., and for this reason: During the week the upper balcony undoubtedly makes use of the lower and thereby acquires a temporary right to it. If, then, by using the lower balcony during the week the upper balcony does so wrongfully, and on Sabbath the lower balcony reverts to its rightful owners, to the exclusion of the inmates of the upper balcony, how can the upper balcony prove an impediment to the lower, which it cannot use?"* Said R. Shesheth: "The Mishna refers to a case, where the partition made for the upper balcony was joint property of both upper and lower." If the partition was made jointly, of what benefit would a partition made to the lower be to the upper; as long as a share in the partition of the upper balcony is owned by the lower, the upper cannot be used until both combine an Erub? As soon as the lower balcony erects a partition for itself, it exposes its intention to sever all connection with the upper and thus either balcony may draw water through their respective grounds.

MISHNA: If a court be less than four ells square, it is not permitted to pour water therein on Sabbath, unless a sewer is made, which has a capacity of two saahs exclusive of the walls, either outside or within the court. If the sewer has been made outside it must be covered up (with boards), while on the inside it need not be covered up. R. Eliezer ben Jacob said: "Into a gutter, which is covered up to the extent of four ells in public ground, it is permitted to pour water on the Sabbath"; the sages, however, hold, that even though the court or roof be one hundred ells long, it is not permitted to pour water down the gutter (direct); but the water may be poured out on the roof, so as to drop down into the gutter. (In computing the four ells) mentioned in the first clause of this Mishna, the hall may be added. Thus, also, if there be two habitations facing each other (in one court) and the inmates of one have made a sewer, but were not joined in making it by the inmates of the other habitation, those who made the sewer are permitted to throw water into it, but those that did not make it, are not permitted to do so.

GEMARA: What is the reason that water must not be poured into a court less than four ells square? Said Rabba:

* The explanation of this paragraph of the Gemara is according to the commentary of Rabbenan Hananel, as Rashi reverses the case from the lower balcony to the upper and presents an incomprehensible explanation.

"A man generally consumes two saahs of water every day. If his court be four ells square or more he pours out the water in order to lay the dust; but if it be less than four ells square, he merely would throw out the water in order to have it run out into the street (and that is prohibited as a precaution, lest he should pour out the water into the street direct)."

R. Zera said: "A court of four ells square absorbs two saahs of water, hence, even should part of it run out into the street, it was not the intention of the man who poured it out that it should, but if the court is less than four ells square it does not absorb that quantity of water and part of it must needs run out into the street, hence it is prohibited to pour it out." Wherein lies the difference between Rabba and R. Zera? Said Abayi: "If the court was oblong, say eight ells by two. It absorbs the water undoubtedly, but as for laying the dust in a court of that size a man would not trouble himself to pour out water for that purpose." An objection was made based upon our Mishna, which states in computing the four ells square of the court the hall may be added. Would this not prove that the reason is according to R. Zera? "According to Rabba," explained R. Zera, "the Mishna might refer to a hall which, surrounding the court, made it in the form of a square, *e.g.*, if the court was four ells long by two wide, and the hall added two ells to the width."

"*R. Eliezer ben Jacob said: 'Into a gutter,'*" etc. Our Mishna is not in accordance with the opinion of Hananiah, for we have learned in a Boraitha: "Hananiah said: 'Even if the roof be one hundred ells long, it is not permitted to pour water on it, as it is not made for the purpose of absorbing the water, but for the purpose of throwing it off into the street.'"

It was taught in a Boraitha: "All these regulations concerning the pouring of water apply only to summer but during the rainy period one may pour as much water as he chooses into the court." Why is this so? Said Rabha: "Because it is the intention of the man to have the court absorb the water." Said Abayi to him: "Unclean water is certainly intended to be absorbed by the ground, still it is not permitted to pour it down the gutter." Rejoined Rabha: "Why should this not be permitted during the rainy season? Can it be the intention of the man that the water should run out into the street in order that his court should not become muddy? It is *already* muddy. Then the reason might possibly be in the manner of a precau-

tion, lest the man pour the water into the street direct or others seeing water running out of a court, might assume that it is allowed to pour out such water into the court even during the dry season? The precaution is unnecessary. Those who see water running out of the court will naturally conclude that it is rain-water, because of the rainy season of the year, and there is no fear of the man pouring out the water into the street, because his court being already muddy, he will not mind pouring more water into it." Said Abayi: "According to thy explanation, then, during the rainy season the quantity of water is immaterial, even if it be a kur or two it may be poured out nevertheless."

"If there be two habitations facing each other," etc. It was taught: Rabba said: "They must not pour water into the sewer, provided they did not combine an Erub, but if they did combine an Erub, they may pour water into the sewer." And if they did not combine an Erub, why should it not be allowed? They merely throw the water down the sewer! Said R. Ashi: "This is merely a precautionary measure, lest they fill some vessels with water and then carry them to the sewer."

CHAPTER IX.

REGULATIONS CONCERNING THE COMBINING OF ROOFS ON SABBATH.

MISHNA: All the roofs of a town are considered one private ground (although the houses underneath are occupied by several), provided there be not one roof ten hands higher or ten hands lower than the rest. Such is the dictum of R. Meir; the sages, however, hold, that each roof constitutes a separate private ground. R. Simeon said: Roofs, as well as courts and wood-stores, constitute one private ground, for the carrying of all such utensils as were actually situated there when the Sabbath set in, but not for the carrying of such utensils as were still in the house when the Sabbath set in.

GEMARA: Abayi bar Abhin and R. Hanina bar Abhin were sitting alongside of Abayi, and were conversing between themselves: "It is right according to the sages, who hold, that in the same manner as the houses are separated below, so are also the roofs above; thus, unless an Erub is made between the houses, it is not permitted to carry from one roof to the other; but what is the opinion of R. Meir? Does he hold, that as the houses are separated so are also the roofs, why does he state, that all the roofs constitute *one* private ground; or if he holds that above ten spans there is nothing but private ground, what difference does it make to him, whether a roof be ten spans higher or lower than the rest?" Said Abayi to the two brothers: "Have ye not heard the dictum of R. Itz'hak bar Abhdimi to the effect, that R. Meir said thus: 'Where there are two distinct premises both of which, however, are legally private ground, *e.g.*, a pillar, ten spans high and four spans wide standing in private ground, and which must not be used to shoulder burdens thereon on the Sabbath, lest a heap of the same size standing in public ground be used for the same purpose,' so it is also in this case, where a roof is ten spans lower or higher than the rest the same precautionary measure applies."

The two brothers hearing this from Abayi thought, that according to R. Meir the same case applied to a mortar or kettle,

ten spans high; said Abayi to them: "My master told me, that R. Meir said, this precaution applied only to a pillar and a millstone because for these two objects special places are designated, but as for other utensils, even if they be ten spans high, the precaution is unnecessary."

"*The sages, however, hold, that each roof constitutes a separate private ground.*" It was taught: Rabh said: "On every roof things must not be handled except within a limit of four ells," but Samuel said: "They may be handled in the whole extent of the roof." If the roofs are separated and the separation is apparent, all agree, that carrying things on those roofs is permissible (because in this case the walls underneath are considered as if they reached up to the tops of the roofs) but they differ concerning roofs that are separated, where the separation is not apparent. Rabh holds that things must not be carried on those roofs (where the separation is not apparent) except for a distance of four ells, because he does not admit, in this case, the theory of Gud Assik (possibility of the walls reaching up to the tops of the roofs), while Samuel, who does admit the theory, holds, that carrying is permitted in the entire extent of the roofs (because he admits of the possibility of the walls reaching the tops of the roofs).

An objection was made based upon our Mishna: The sages hold, that each roof constitutes a separate private ground. This is in accordance with Samuel's opinion but is contradictory to the opinion of Rabh. The disciples of Rabh said in his name, that the statement, "things must not be handled except within a limit of four ells," meant to signify, "two ells in each adjoining roof" (but in the one roof things may be handled throughout its entire extent).

Abayi said: "If a man erected an attic on top of his house and provided it with a small door four spans wide, he may carry things in all the roofs." (The reason for this statement is, that the fact of the man having made an attic and provided it with a door is proof, that the other inmates had resigned their right to the use of the roof in his favor.) Said Rabha: "It may happen, that the small door with which the attic was provided may prevent the man from using the other roofs" (even according to R. Meir). How so? If the door in the attic faced a garden below and the partition made by the attic separated his roof from the others, it might be said, that he made that door merely so as to be able to watch his garden and renounced his right to the use of the roofs.

(It was taught :) Roofs, level one to the other in which, according to R. Meir, it is permitted to carry things, and a single roof which may be used according to the sages, may according to Rabh be used throughout their whole extent, while according to Samuel, it is only allowed to use them for an extent of four ells. Would not this be a contradiction by Rabh to his previous statement and by Samuel to *his* own former dictum ? This can be explained thus: Rabh's previous statement referred to a case, where the separation between the roofs was not apparent while in this case the separation is apparent and Samuel's former dictum referred to a roof that had less than two saahs' capacity, while in this case it refers to a roof that has a capacity of more than two saah. Why should a roof of that size not be allowed to be used ? The possibility of the walls reaching the tops of the roofs is not admitted, for the reason that partitions which enclose dwellings are made downwards and are not supposed to extend upwards, and of a space which is not enclosed by partitions of dwellings and has a capacity of over two saah, only four ells may be used.

It was taught: Concerning a ship, Rabh said, one may carry things throughout the whole extent of the ship, because the space of a ship is enclosed with partitions, and Samuel said, one may carry only to the extent of four ells. Why so ? Because the partitions were not made for the purpose of making the space inhabitable but merely to keep out the water. Said R. Hyya bar Joseph to Samuel: "According to whose opinion does the Halakha prevail ? According to thy opinion or according to Rabh's," and Samuel answered, "The Halakha prevails according to Rabh."

R. Giddel in the name of R. Hyya bar Joseph said: "Rabh agrees with Samuel's opinion, concerning a ship that was in dry dock and turned over, that it was only permitted to carry things for a distance of four ells." For what purpose was the ship turned over ? If people lived within it, why should it not be allowed to carry things throughout its whole extent ? Is the bottom of the ship not equal to a roof, when the ship was turned over ? Nay; the ship was turned over for a coating of tar.

R. Jehudah said: When we shall arrive at the final conclusions of R. Meir we shall find that all roofs are considered as one private ground in their own right, *i.e.*, that carrying from one roof to the other is permissible; also that all courts are considered as one private ground and likewise all woodsheds, but

from the final conclusions of the sages we shall learn, that roofs and courts constitute one private ground, *i.e.*, that it is permitted to carry things from the roof to the court and *vice versa*, which, according to R. Meir is not allowed. The woodsheds, however, are considered according to the sages a separate private ground, *i.e.*, things may be carried from one woodshed to another but not from a woodshed into a court. The final conclusions of R. Simeon denote, that all roofs, courts, and woodsheds are considered as one private ground.

We have learned one Boraitha in support of Rabh and another in support of R. Jehudah. The one supporting Rabh reads as follows: "All roofs of the town are considered as one private ground; but it is prohibited to carry things from the roofs to the courts, and *vice versa*." Vessels which were situated in the court before the Sabbath set in, may be carried in all the courts, and those situated in the roofs before the Sabbath set in may be handled in all the roofs, provided there is not a roof ten spans higher or lower than the rest. Such is the dictum of R. Meir; but the sages said: Every roof constitutes a separate ground and things must not be carried in it for a distance of over four ells. This bears out the statement of Rabh in which he says that when the separation between the roofs is not apparent one must not carry except in a limit of four ells.

In support of R. Jehudah we have learned the following Boraitha: Rabbi said: "When we learned the Law at R. Simeon's in the city of Thequa, we would carry towels and oil from one roof to another, from that to the court, and from that to another, and from the other court to a woodshed, and from that to another, until we would come to the springs where we would bathe."

Said R. Jehudah: "It happened in a time of danger, that we brought up the sacred scrolls from a court to a roof, from the roof to another court, and from that to a woodshed in order to read therein." The sages answered: "Acts committed during a time of danger do not serve as evidence."

"*R. Simeon said: 'Roofs as well as courts and woodsheds,'*" etc. Said Rabh: "The Halakha prevails according to R. Simeon, providing no Erub was made, but if an Erub was effected, it is not so, because there is fear, lest the utensils from the houses be carried out on the Sabbath and are then carried about in all the courts." (R. Simeon himself admits, that they form one private ground for the carrying of such utensils as were actually

within the courts or roofs when the Sabbath set in but nor for such utensils as were within the house.) Samuel, however, as well as R. Johanan, said: "There is no difference whether an Erub was made or not."

R. Hisda opposed this: According to Samuel and R. Johanan there will be two kinds of vessels in the court, one kind, which had already been situated in the court when the Sabbath set in, and the other, which was brought out from the house during Sabbath. Is then not the precautionary measure decreed by Rabh really necessary? Simeon holds to his theory that precautionary measures are not necessary.

Come and hear: "Five courts which opened into each other and also opened into one alley, the inmates of which had all forgotten and not combined an Erub, (the inmates) are prohibited to carry in or carry out from the court into the alley, or from the alley into the court. The utensils which were situated in the courts when the Sabbath set in may be carried in the courts, but the utensils which were situated in the alley must not be carried even in the alley. R. Simeon, however, permits this to be done (even to carry the utensils of the court into the alley) because he used to say: as long as many people lived there and had forgotten to combine an Erub, the roof, the court, the balcony, the gallery, the woodshed, and the alley are all considered the same legal premises." Thus we see that R. Simeon makes this decree only if no Erub was made, but if an Erub was made he would not do so; hence he contradicts Samuel and R. Johanan? Nay; R. Simeon states this merely to supplement the statement of the sages and says to them: "As far as I am concerned it makes no difference whether an Erub was made or not, but according to your opinion, grant me, that when no Erub was made the courts, the roofs, etc. all constitute the same legal premises." The sages, however, answered: "Nay; according to our opinion, each constitutes separate premises."

Said Rabhina to R. Ashi: "Is it possible that R. Johanan said this? Did not R. Johanan say, that the Halakha prevails according to an anonymous Mishna, and we have learned previously (Chapter VII., Mishna 2) concerning a wall between two courts, if there was fruit on the wall, the inmates of both courts may partake of the fruit providing they do not carry any of it down with them? Hence we see that it is not permitted, according to that Mishna, to carry things from one court into another even if an Erub was made by each court!" (R. Ashi answered:)

By carrying it down is meant carrying it down into the houses, but carrying it down into the courts is permitted.

Asked Rabbina again: "Did not R. Hyya teach (in addition to the quoted Mishna), 'providing the inmates of each court do not take it down into their respective courts and eat it'?" Said R. Ashi: "If Rabbi did not teach this in the Mishna, whence does R. Hyya adduce that explanation (I think that my interpretation of the Mishna is correct)?"

It was taught: "If there were two courts, which had a ruin between them and the inmates of one court combined an Erub, while the inmates of the other did not, R. Huna said that the court that had not the Erub is entitled to the ruin (*i.e.*, the vessels situated in their court may be transferred to the ruin) but the court that had combined the Erub is not entitled to the ruin for fear that they might carry out vessels, which were situated in their houses on the Sabbath, into the court, and thence into the ruin."

Hyya, the son of Rabh, however, said: (I heard from my father) that even the court that had an Erub combined may be entitled to the ruin and I explain my father's dictum to signify, that the utensils contained in either court may be transferred to the ruin. If thou shouldst explain my father's dictum to signify, that neither of the courts may make use of the ruin, because he understood R. Simeon's decree to mean "if they had made an Erub they became separate premises," hence, in this case, one of the courts having combined an Erub interferes with others also, I will answer it by saying, that such would be the case if there were an occupied court between them, in which event there might be vessels which were situated in the court when the Sabbath set in and also vessels which had been carried out of the houses, so that it would be impossible to distinguish which could and which could not be carried throughout all the courts. When, however, as is the case here, a ruin is between the two courts where there are no vessels which are actually situated there, the danger of confusion is removed and hence my explanation is, that it is permitted for both courts to transfer their vessels to the ruin.

MISHNA: If a large roof adjoin a small one, the owners of the large roof are permitted to carry things thither from the house, but the owners of the small roof are prohibited to do this. If a large court opens into a small one, through a breach in the wall, the inmates of the large court are permitted to carry things through the breach, but the inmates of the small court

are prohibited to do so, because the smaller court is considered as an entry to the larger.

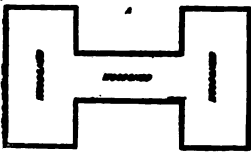
GEMARA: Why does the Mishna teach both cases, concerning a roof and a court? According to Rabh, the object is to demonstrate that in the same manner as courts are divided by partitions so should the partitions between roofs be apparent. According to Samuel, the object is to show, that a roof is on a par with a court, *i.e.*, as the latter is used by many, so also is the former.

Rabba, R. Zera, and Rabba bar R. Hanan were sitting together and Abayi sate close by. They said: "From this Mishna we may adduce, that the inmates of the larger court control the actions of the smaller, whereas the inmates of the smaller court exert no influence over those of the larger. How so? (For instance:) If vines were planted in the larger, other seed must not be planted in the smaller; but if the vines were planted in the smaller, any other seed may be planted in the larger. If a woman who was to be divorced stood in the smaller court and the bill of divorce was thrown to her from the larger court, she is thereby legally divorced, but if she stood in the larger and the bill was thrown to her from the smaller court, she is not legally divorced. If the congregation assembled for prayer stood in the larger and the reader who was to recite the prayer for them was in the smaller, they have acquitted themselves of their duty; if they were in the smaller court, however, and the reader was in the larger, they have not. If there were nine men in the larger court and one man in the smaller, that one man is counted in with the nine and it constitutes a legal assembly for prayer or for the commission of religious acts, but if there were nine men in the smaller and one in the larger that one man cannot be counted in. If there was a filthy thing in the smaller court (on account of which the Shema prayer could not be recited) the larger court may nevertheless recite the prayer; but if the filthy thing was in the larger court the inmates of the smaller are not allowed to do so."

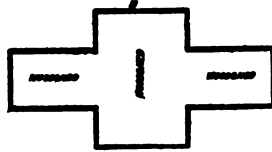
Said Abayi to them: "According to this then, a partition, which under ordinary circumstances should facilitate the observance of laws, would prove a detriment; for were there no partition between the larger and smaller court and vines were planted anywhere within the two courts, a man would simply be obliged to measure off four ells whence the vines grew and could then plant whatever he chose."

Rabha, through R. Shmaiah ben Zera, sent the following query to Abayi: "Do we not find as a matter of fact that a partition at times proves a detriment? Did we not learn in a Boraitha, that concerning the partitions of a vineyard there are instances where they make the observance of laws more lenient and on the other hand there are instances where they make it more rigorous." How so? If the vines are planted hard by the partition, one may on the other side of the partition plant whatever he chooses. If there were no partition, however, he would have to measure off four ells whence the vines grew and then plant whatever he chose. This is an instance of leniency caused by the partition. When does it make the law more rigorous? If the vines were planted to within eleven ells of the partition, it is not allowed to plant other seed anywhere within those eleven ells; but if there were no partition, four ells would suffice between the vineyard and the place where other seed was to be planted. Rejoined Abayi: "Why base thy query upon a Boraitha, if in thy opinion the partition is the main issue? Why not cite the following Mishna? (Kilaim, Chapter IV., Mishna 2:) 'If the space between the vineyard and the fence which surrounds it be less than twelve square ells, no other seed may be sown therein; but if it measure that superficies, a vacant space must be allowed for the cultivation of the vines growing near it, and the rest of the ground may be used for saving (other seed).'" We must say, that because in the Mishna the partition is not the issue, but it is a question of the space between the four ells allowed for the cultivation of the vineyard and the four ells allowed to the hedge or fence, and if such space is four ells wide (*i.e.*, if the whole is twelve) other seed may be sown therein, but if less than four, it is abandoned. Hence we might say, that the same issue is treated of in the Boraitha?

R. Jehudah said: "If there are three woodsheds opening into each other, of which the two outer are enclosed while the



middle one is not (see illustration *A*), and there is a man in each of the woodsheds, the men are



considered as a caravan and are entitled to as much room as they desire. If the middle one, however, was enclosed, but the two outer ones were not (see illustration *B*), and there was a man in each of the three woodsheds, they are entitled to a space of six

saahs' capacity, *i.e.*, two saahs to each man. (For the reason, that in the first instance the middle woodshed is smaller than either of the two outer ones and is virtually absorbed by them, while in the latter case, the middle woodshed is the larger, but cannot absorb the two outer ones, hence the men cannot be considered as a caravan.)"

The schoolmen propounded a question: "How is it if (in the latter instance of the woodsheds, illustration *B*) there were two men in the middle woodshed and one each in the outer sheds? Shall we assume that the two men of the middle shed, having a right to either shed, are considered as being in either one of the two outer sheds, and three persons being in one place, thereby form a caravan, or shall we say, that as there are two men in the middle woodshed, each one of them can occupy either court, in which event there would be two people each in the outer courts and no caravan is formed—consequently they are entitled only to a space of two saahs' capacity for each man? If the latter instance should apply, how would it be if there were two men in each of the outer sheds and one man in the middle shed? Whichever court he might occupy, there would be three men, and thus a caravan would be formed, or, because there is doubt which he would occupy, having a right to either, it would not be considered as a caravan?" The answer was: "All ordinances pertaining to Erubin should be construed in their most lenient form."

Said R. Hisda: "If a court was five spans higher at the edges than in the centre and a partition of five spans height was added to the edges, it does not constitute a valid partition; for either the edges must be ten spans high to commence with or the partition must be made ten spans high." Mareimar, however, maintained, that the two may be counted together and constitute a legal partition.

Rabhina met R. A'ha the son of Rabha and asked him: "Does the master teach anything pertaining to partitions?" and he answered: "Nay." The Halakha prevails, that the edges of the court and the partitions are counted together and constitute a legal partition.

R. Oshiya propounded a question: "How is it if new habitations are added to a court on the Sabbath (*i.e.*, if a wall between two courts had become broken and thus new dwellings were added); do they impede the inmates of that court or not?" Said R. Hisda: Come and hear: (We have learned this in our

Mishna:) "If a large court opens into a small one, through a breach in the wall, the inmates of the large court are permitted to carry things through the breach, but the inmates of the small court are prohibited to do so." Rejoined Rabba: "Perhaps the Mishna refers to a breach that was made before the Sabbath set in." Said Abayi: "The Master should not say 'perhaps'; it is certain, that the breach was caused on the eve of Sabbath; because didst not thou, Master, say thyself at one time, that thou didst ask of R. Huna and of R. Jehudah concerning an Erub which was made through an aperture or a door which had accidentally become closed up on the Sabbath and they told thee, that if that happened after the Sabbath set in, the Erub is valid for the whole Sabbath, having been valid at the beginning (and they certainly would not contradict a Mishna)!"

It was taught: If a wall between two courts was destroyed on the Sabbath, Rabh said, that it is not permitted to carry things in either of the courts for a distance of over four ells, but Samuel maintains, that the inmates of each court may carry as far as the ruins of the wall. The statement herein attributed to Rabh was not made by him outright, but was inferred from the occurrence as follows: Rabh and Samuel were both sitting in one court on Sabbath and suddenly the wall of the court caved in. Said Samuel to the other inmates of the court: "Take a garment and hang it up in place of the wall." Rabh turned away his face from Samuel. Said Samuel: "If Abba (Rabh) is angry let him take his girdle and fasten the garment with it to the wall." If according to Samuel it is allowed to carry as far as the ruins of the wall, why did he order that a garment should be fastened as a partition? Samuel did not order this to be done in order to make a partition but merely to prevent outsiders from peering into the court. And Rabh! if he holds that it is not allowed to carry he should have said so? It was Samuel's domain, and he could not contradict him at that time. Why then did he turn away his face? (Surely he is not responsible for Samuel's actions.) In order to show that he did not agree with Samuel's opinion but still adhered to his own.

MISHNA: If a court (through an incavation of its walls) is laid open to public ground, whosoever brings anything from private ground into such a court, or from the court into private ground, is culpable. Such is the dictum of R. Eliezer. The sages hold, however: Whoever brings anything from the court into public ground, or from public ground into the court, is

absolved; since the court (through the incavation of its walls and consequent opening) has become like unclaimed ground.

GEMARA: Does R. Eliezer hold, that if a court by reason of the incavation of its walls is laid open to public ground, it becomes public ground? Yea! He holds to his theory as expressed elsewhere (Baba Bathra), that if the public had taken a certain path through a meadow (although there was no path) and used it constantly, it remains a path (and the same is the case with this court; if it was laid open into public ground it becomes the same as public ground). This is not so! Did not R. Giddel say in the name of Rabh, that R. Eliezer (in the passage quoted) referred to a case where the original path had been lost and could not be found, and if we would assume that in the case of the court he holds, that only the space which had been lost to the public, *i.e.*, where it is not apparent that the wall had been standing, becomes as public ground, but the whole court is certainly not to be considered such; did not R. Hanina say, that the sages and R. Eliezer differ as to the entire space up to where the wall was standing? Hence we must say, that R. Eliezer holds the entire court to have become as public ground! The statement of R. Hanina should be modified to the effect, that they differ only as to the space that had been occupied by the wall and not up to the wall; thus R. Eliezer does not consider the entire court as public ground. If you wish, I may say, that (the place where the wall stood is still apparent, and) the sages differ with R. Eliezer merely as to the adjoining places to public ground. R. Eliezer holds them to be the same as public ground, while the sages say that, as there had at one time been a court there, it is now not public ground.

MISHNA: In a court (the corner walls of which had fallen in on Sabbath so) that (it) has been laid open to public ground on two sides; also in a house (which by a similar accident) was laid open on two sides; or in an entry the cross and side beam of which had been removed, it is permitted to carry things on that *same* Sabbath; but it is not permitted to do so on the *succeeding* Sabbaths. Such is the dictum of R. Jehudah; but R. Jose said: If it were permitted for that particular Sabbath, it would also be permitted for the future; but since it is prohibited for the future, it is also prohibited on that same Sabbath.

GEMARA: How is the case with the walls treated of in the Mishna? If the breach caused by the incavation does not exceed ten ells, (it is regarded as a door) so what difference does

it make upon how many sides the court has been laid open? If the breach, however, exceeded ten ells, then it would be the same even if one side only were laid open. Said Rabh: The breach does not exceed ten ells but in a corner it is not customary to make a door.

"A house which was laid open on both sides," etc. How would it be if the house were laid open only on one side? We would say, that the edge of the roof is supposed to reach down to the bottom and thus serve as a substitute for the wall by application of the law of "Gud Achith." Cannot the same rule apply to two sides of a house? Let the edge of the roof on both sides be supposed to reach down to the bottom? Said the disciples of Rabh in the name of their master: "The Mishna refers to a house where the corner walls had fallen in and where the roof was not flat but slanting, so that with the walls it also fell."

Samuel said: "In the case of a court the Mishna does refer to an instance where the breach exceeded ten ells, but it also states that the walls had caved in on both sides because further, when treating of a house, it must specify two sides, hence it does so also when courts are in question." Why must two sides be mentioned in the instance of a house? Cannot the edge of the roof be supposed to reach down to the bottom of both walls? Then again does Samuel hold to the supposition, that the edge of the roof reaches to the bottom of the wall? Was it not taught that concerning a gallery in a valley, Rabh said, it is permitted to carry throughout the whole extent of the valley, because the edges of the gallery are supposed to reach down to the ground and thus form a partition for the entire valley, whereas Samuel maintained that this supposition cannot be considered and hence it is only permitted to carry for a distance of four ells? This would not present a difficulty, for in *that* case Samuel maintains, that the edges of the gallery must not be supposed to reach down to the ground because there must be four distinct partitions, but where only three are necessary he would admit the feasibility of such a supposition. The difficulty concerning the two sides of the house where the breach measured over ten ells still remains! In the same manner as the disciples of Rabh referred to a house where the corner walls had fallen in together with their slanting roof, Samuel may refer to a house, the corner walls of which had sustained a breach four ells in width on each corner, or eight ells in all, and five ells in length

on one side, and five ells and a trifle on the other side, or slightly over ten ells in all. Hence it would be necessary to suppose that the edges of the roof reach down on four sides of the breach two in width and two in length and that would be contrary to the theory of Samuel!

Why does Samuel not hold with Rabh? Because the Mishna does not mention a slanting roof and Rabh does not hold with Samuel because he (Rabh, as we have seen in the instance of the gallery in the valley) permits of the supposition, that the edges of a gallery or a roof can reach down on four sides.

"*R. Jose said: If it were permitted for that particular Sabbath,*" etc. The schoolmen propounded a question: "How is R. Jose's dictum to be construed? Does he mean to permit it entirely or to prohibit it entirely?" R. Shesheth as well as R. Johanan said: "He means to prohibit it entirely." We also learned to this effect in a Boraitha, viz.: R. Jose said: As they are not permitted to carry on subsequent Sabbaths, so are they also prohibited to do so on that particular Sabbath.

It was taught: R. Hyya bar Joseph said, the Halakha prevails according to R. Jose, and Samuel said: "The Halakha prevails according to R. Jehudah. Did Samuel indeed say so?" Did not R. Jehudah reply to R. Hana of Bagdad that Samuel decreed: "The Halakha prevails according to R. Jehudah in all cases pertaining to Erubin, but not where partitions are concerned?" Said R. Anan: "Samuel himself explained to me that if the courts were laid open towards unclaimed ground the Halakha prevails according to R. Jehudah but if they were laid open towards public ground the Halakha prevails according to R. Jose."

MISHNA: If an attic be built over two houses, also if bridges are open at both ends, it is lawful to carry things underneath on the Sabbath. Such is the dictum of R. Jehudah; but the sages prohibit it. Moreover, R. Jehudah further said: It is lawful to combine, by means of an Erub, an alley that is open at both ends, but the sages prohibit it.

GEMARA: Said Rabba: Do not say that the reason of R. Jehudah is because a private ground requires according to biblical law only two partitions, but because he holds (Gud Achith) that the ends of the roofs (in this case of the attic or the bridge) are supposed to reach down to the bottom.

CHAPTER X.

SUNDRY REGULATIONS CONCERNING THE SABBATH.

MISHNA: If a man (on Sabbath) find tephilin (on the road), he should match them and bring them (into the nearest town or village) in single pairs (*i.e.*, one for the head and one for the arm). Rabbon Gamaliel said: "He may bring in two pair at a time." To what does this rule apply? To old tephilin (phylacteries), but if they be new, he need not bring them in (at all). If he find them tied up in pairs, or all tied together, he should remain with them till dark and then bring them in. In times of danger (religious persecutions), however, he covers them up and passes on. R. Simeon said: He should hand them to his companion (*i.e.*, the man standing next to him), who in turn hands them to his companion, and so on from hand to hand until the outmost court is reached. So, likewise, his child, he should hand it to his companion, who in turn hands it to his companion and so on from hand to hand, even (if it have passed through the hands of) an hundred (men). R. Jehudah said: "In like manner, a man may pass a cask of wine (which he has found on the road on the Sabbath) to his companion, and he in turn to his companion (and so on from hand to hand) even beyond the legal limits; the sages, however, objected: "The cask cannot be conveyed further than its owners have the right to walk."

GEMARA: He may only carry them in *single* pairs? Shall we assume that this anonymous Mishna is not in accordance with R. Meir, who decrees (Tract Sabbath, page 257) that a man may clothe himself in as many garments as he chooses? Said Rabba: In both instances the decree of R. Meir is based upon the custom of the week-days (when a man may also put on as many clothes as he chooses), and as the above-mentioned Mishna treats of "saving from fire" the Rabbis permit a man to wear as much clothing as he chooses. In this instance, however, where there is no danger, (and as a man only wears one pair of tephilin on a week-day, hence he may wear only one pair

on a Sabbath). Thus this Mishna can also be in accordance with the decree of R. Meir.

"Rabbon Gamaliel said: He may bring in two pair." What is the reason of R. Gamaliel's dictum? Does he hold, that on Sabbath also tephilin should be worn? Then he should only have permitted one pair to be brought in? If, however, he holds that on Sabbath tephilin should not be worn and it is merely to save the tephilin that it was permitted for a man to wear them on his head and arm, why does he only permit two pair at a time; he could have permitted more? Said R. Samuel bar R. Itz'hak: "On the head there is only room for two." On the hand, however, there is room for but one? As there is room for two on the head, according to R. Samuel, there is room for two also on the arm.

Shall we say that the first Tana of the Mishna differs with Rabbon Gamaliel upon the point advanced by R. Samuel bar R. Itz'hak maintaining that there is only room for one on the head or arm while R. Gamaliel holds there is room for two? Nay; all agree that there is room for two, but they differ as to the legality of wearing tephilin on the Sabbath. The first Tana holds that they should be worn on Sabbath, while Rabbon Gamaliel holds that they must not.

Who of the Tanaim ever held, that on Sabbath tephilin must be worn (in order that it might be said the first Tana of the Mishna is in accordance with his opinion)? That was R. Aqiba; as we have learned: It is written [Exod. xiii. 10]: "And thou shalt keep this ordinance in its season from year to year." And elsewhere [Tract Menachoth] where there is a dispute between R. Jose the Galilean and R. Aqiba, it concludes with the statement that R. Aqiba holds the wearing of tephilin on Sabbath to be legal. Does R. Aqiba indeed hold that Sabbath is (also) a proper time for the wearing of tephilin? Have we not learned in another Boraitha as follows: R. Aqiba said: "Lest we should assume that it is required to wear tephilin on Sabbath or on festivals, it is written [ibid. 9]: 'And it shall be unto thee for a *sign* upon thy hand,' which means, that tephilin should be worn, when a sign is required, but Sabbath and festivals being signs in themselves, it is not necessary to have another." Therefore we must say, that the first Tana of our Mishna does not hold according to R. Aqiba but in accordance with the Tana of the following Boraitha: "He who stays awake at night may either wear tephilin or not, so said R. Nathan; Jonathan Qitoni,

however, said: 'It is not allowed to wear tephilin at night.''' If R. Nathan, then, holds that tephilin may be worn at night, he also holds, that they may be worn on Sabbath. This is no evidence! It may be that he holds that they *may* be worn at night, but not on Sabbath; for have we not learned that R. Aqiba held the night to be a proper time for wearing tephilin, but not so the Sabbath?

We must say, therefore, that the first Tana of our Mishna is in accord with the opinion of the Tana of the following Boraitha: "Michal the daughter of Qushai used to wear tephilin, and the sages did not object to it; the wife of Jonah would go to Jerusalem for the festivals and the sages did not object to that" [whence we see that the duty of wearing tephilin is a (positive) commandment which is not dependent upon the time, *i.e.*, if it said, that they must not be worn at night or on Sabbath, the law would be dependent upon the time, and that duty which is dependent upon time need not be performed by women. If such were the case then the sages would have prevented Michal from wearing tephilin because of the commandment: "Thou shalt not add to the law"]. Hence we see that tephilin may be worn on Sabbath, according to the sages.

It may be, however, that the sages hold to the opinion of R. Jose, who said, that while the laying of hands upon sacrificial offerings is only obligatory for men, still, women, when bringing their offerings, may, if they choose, perform that duty, and the proof that the sages hold thus is that when the wife of Jonah would go to Jerusalem for the festivals, a duty which no one disputes is entirely dependent upon the time, the sages had no objection. Therefore we must say that the first Tana of our Mishna is in accord with the opinion of another Tana, *viz.*: the Tana of the following Tosephta: "One who finds tephilin on the Sabbath should bring them in single pairs, whether the finder be a man or a woman, whether the tephilin be old or new. Such is the dictum of R. Meir. R. Jehudah, however, prohibits new tephilin to be brought in but permits old." Now we see that they differ only as regards new and old tephilin, but not as to whether a man or woman may bring them in, whence we see that the duty of tephilin is not dependent upon the time. Then the question again arises, "does not this Tana hold in accordance with the opinion of R. Jose?" This would not be consistent; for neither R. Meir nor R. Jehudah are in accord with R. Jose. R. Meir is not in accordance with R. Jose as we have

learned in a Mishna (Tract Rosh Hashana): "One must not prevent children from blowing the cornet." From this we see that only children are not to be prevented, but women are, and as the above Mishna is anonymous and it is traditional that all anonymous Mishnaoth are in accordance with R. Meir, we see that he (R. Meir) is not in accordance with R. Jose, and that R. Jehudah is not in accordance with R. Jose is to be seen in the following Boraitha in Siphra: It is written [Levit. i. 4]: "And he shall lay his hand upon the head of the burnt-offering," this is a law which applies to a man but not to a woman. For the reason that this dictum is by anonymous teachers we, in accordance with what we have learned elsewhere, ascribe it to R. Jehudah.

R. Elazar said: If a man found whole strands of wool dyed purple-blue, the same as is used for show-threads (*vide* Numbers xv. 38) in the market and it is not known whether they were intended for the preparation of show-threads, they are not suitable for such purpose, but if he found *threads* of that kind of wool they are suitable for that purpose. Why should the strands not be suitable, because it is possible that they were intended for other purposes, *e.g.*, for garments? Why not assume the same to be the case with threads? The threads are referred to as being already twisted into the form required for show-threads. Even so, it might be that they were intended for fringes on a garment? Nay; the threads mentioned were already cut to a size suitable for show-threads and a man would not go to the trouble of preparing them so carefully if they were to be used for any other purpose.

Said Rabha: And what about tephilin? The Mishna distinctly states, that only old tephilin may be brought in, because of the certainty that they are actually tephilin, but as for new ones, even though they be made exactly like tephilin, they must not be brought in for fear that they be only ordinary amulets. Hence we see that they apprehended lest a man take the trouble to prepare amulets exactly like tephilin (why should he not do so with the blue thread for show-threads)? Said R. Zera to his son Ahabha: "Go and tell them, that I have found another Boraitha which explicitly teaches that if the threads were found cut off to the required size of the show-threads, they are suitable for that purpose, for a man will not go to the trouble of cutting off the threads for any other purpose." Rejoined Rabha: "And if Ahabha taught that Boraitha, did he then encircle it with jewels? Our Mishna states explicitly, that only old teph-

ilin, but not new, may be brought, which is proof that there is fear, lest a man go to the trouble of making amulets exactly like tephilin." "Therefore," he continued, "whether a man would take the trouble (to cut off the threads) or not is merely a difference of opinion between Tanaim as we have already learned in the Boraitha above: 'R. Meir permitted the bringing in of both new and old tephilin, while R. Jehudah permitted only old tephilin to be brought,' for the latter held that a man would take the trouble to make amulets exactly like tephilin while the former held that he would not."

Now, if the father of Samuel and the son of R. Itz'hak explained the terms in the Mishna "old tephilin" to signify that the straps of the tephilin had already been attached and the legal knot made therein, and "new tephilin" to signify that the straps had already been attached but the legal knot had not yet been made, the question whether a man would take the trouble to imitate the genuine tephilin falls to the ground, and the issue is merely: One holds, that if the tephilin were already fit to be worn they may be brought in, while the other holds, that even if they were not quite prepared they may also be brought in.

R. Hisda said in the name of Rabh: "If one buys tephilin of a man who is not an expert, he must examine two tephilin used for the arm and one used for the head or two of the head and one of the arm (and if he finds them suitable, he may purchase more)." Now, then, let us see! If he purchases the tephilin of one man, what reason is there in examining two used for the arm and one used for the head; why not examine three for the arm or three for the head? And if he purchases the tephilin of several men, he should examine three of each man!

R. Hisda refers to a man who buys tephilin from *one* expert, but he must examine the tephilin for both head and arm in order to see that both kinds are properly inscribed and it matters not whether he examine two for the head and one for the arm or one for the head and two for the arm.

Did R. Kahana, however, not teach, that he should examine only one each for the head and arm? This is in accordance with the opinion of Rabbi, who holds, that in order to firmly establish (the fact) that the man is an expert or where any other proof must be brought, two only are necessary. If this is according to Rabbi, how shall we explain the final clause of the Boraitha stating, that so shall the second bunch of tephilin

be examined and likewise the third? According to Rabbi why is a third required? When bunches of tephilin are concerned, Rabbi also admits that they should all be examined, because the expert probably receives the bunches from different makers and for that reason two of each bunch, one for the head and one for the arm, should be examined. Then why only three? Four or five should be examined? Such is really the case, any amount should be examined but three only are mentioned as a rule, that in this instance the theory of *Hazakah** does not apply.

"*He should remain with them till dark and then bring them in.*" Why not bring them in in single pairs? Said R. Itz'hak the son of R. Jehudah: "My father explained the Mishna thus: If the man can bring them all in, pair by pair, before darkness sets in, he may do so, but if he cannot, *i.e.*, if some would still remain, by the time it gets dark, he should rather remain with them until it *becomes* dark and then bring them all in at once."

"*In times of danger, however, he covers them up,*" etc. Have we not learned that in times of danger he should carry them less than four ells at a time? Said Rabb: "This presents no difficulty. Our Mishna treats of times of danger arising from religious persecutions by the Gentiles while in the Boraitha the danger is supposed to be that arising from robbers." Said Abayi† to him: "Thou sayest that our Mishna treats of danger arising from religious persecutions, how then will the latter clause of the Mishna correspond with this? R. Simeon said: 'He should hand them to his companion,' etc. Would this not involve still greater danger?" Answered Rabb: "The Mishna is not complete and should read thus: 'In times of danger, however, he covers them up and passes on.' When is this the case? When the danger arises from religious persecutions, but if it be dangerous on account of robbers he should carry them for a distance of four ells at a time." R. Simeon, however, said: "(In the latter case), he should hand them to his companion," etc.

Upon what point do R. Simeon and the first Tana differ? The first Tana holds that the method adopted by R. Simeon would be too ostentatious and would seem like a violation of the

* The explanation of the *Hazakah* will be found in section Jurisprudence.

† This Abayi is presumably Abayi the elder, as the Abayi generally quoted lived at a later period than Rabb and could not have seen him.

Sabbath, whereas carrying for a distance of less than four ells is by no means objectionable. R. Simeon, however, holds, that when a man is obliged to carry things for a distance of less than four ells at a time, he might forget and carry for a distance of four ells or more, whereas handing the things from one man to another is perfectly safe.

"*So, likewise, his child,*" etc. How came his child on the field or on the road? The disciples of Menasseh taught: "This refers to a child that was born on the road (or in the field)." What does R. Simeon mean to say by "even if it pass through (the hand of) an hundred?" He means to tell us, that although passing it through many hands is not good for the child, still it is preferable to carrying it for less than four ells at a time.

"*R. Jehudah said: In like manner a man may pass a cask,*" etc. Does not R. Jehudah hold in accordance with the Mishna elsewhere [Tract Beitza] that an animal may be led or vessels may be carried only as far as the owner thereof is entitled to walk? Said Rabha: R. Jehudah in the Mishna refers to a cask which had acquired the right to its Sabbath-rest at the place where it was situated, but the contents of which had not acquired such right, and the cask becomes of no consequence to the contents.

R. Joseph objected: We have learned in a Boraitha: R. Jehudah said: "When a caravan was encamped a man may hand a cask to his companion, he in turn to his companion, and so on." Thus we see, that this is said only of a caravan but not under ordinary circumstances? Hence R. Joseph explained, that the dictum of R. Jehudah in the Mishna also applies to a *caravan* only.

MISHNA: If a man reads in a scroll (of sacred scriptures) on the threshold of the house, and the scroll slips out of his hand, he may draw it back again. If a man reads in a scroll of the scriptures on the roof of his house and the scroll slips out of his hand, he may, if it has not rolled down for a distance of ten spans (from public ground), draw it up again;* but if it reached down to a distance of ten spans (from public ground) he should turn the written side over (downwards to the wall), and leave it there till nightfall. R. Jehudah said: "If the scroll be but the breadth of a needle from the ground, the man may roll

* It must be borne in mind that the scrolls were rolled on two separate rollers, and were unwound from one and wound on the other as the reading progressed.

it back again to himself." R. Simeon said: Even though it be completely on the ground, the man may roll it back to himself, for no ordinance regarding the Sabbath-rest supersedes the veneration due to sacred scriptures.

GEMARA: What was the threshold? Shall we say that the threshold was private ground and the space before it public ground, and no precautionary measure is ordained which would forestall his picking up the entire scroll if it fell into that public ground? Hence we must assume, that this is in accordance with the opinion of R. Simeon, who holds that no ordinance regarding the Sabbath-rest supersedes the veneration due to sacred scriptures. If, then, the first clause of the Mishna is according to R. Simeon, then comes the dictum of R. Jehudah, then again the dictum of R. Simeon, it is obvious, that the first and last clauses of the Mishna are in accordance with the opinion of R. Simeon, while the intervening clauses are R. Jehudah's? Said R. Jehudah: "Yea, so it is." Abayi, however, said: "The threshold referred to, was not private ground but unclaimed ground, and the space before it was public ground. If the scroll had rolled out into that public ground entirely but for a distance of four ells only, the man would not be culpable even if he picked it up and brought it back to the threshold, hence in this case it was allowed him to bring it back to commence with; but if it fell for a distance of more than four ells, he would, should he bring it back, be culpable, because he would have carried more than four ells in public ground; hence it was not allowed under those circumstances to bring it back in the first place."

"*If a man reads, etc., on the roof.*" The Mishna teaches, that he should turn the written side of the scriptures over! Is this then allowed? Have we not learned in a Boraitha, that the scribes who write scriptures, tephilin, or Mezuzoth were not permitted to turn over the vellum in order to prevent it from becoming dirty, but must cover it up with a cloth? Where this can be done it *should* be done, but where it is impossible, rather than desecrate the sacred scriptures, they should be turned over.

If it fell from the roof and remained hanging alongside of the wall, it did not rest in any place because the wall is perpendicular, and it is necessary that it should actually rest on some object? The Mishna is in accordance with the opinion of R. Jehudah and is not complete but should read thus: He should turn the written side over. When is this to be done? If the wall was a slanting wall; but if it was straight, he may draw it back even if it be

less than three spans from the ground, because R. Jehudah said: "If the scroll be but the breadth of a needle from the ground, the man may roll it back again to himself." Why so? Because it is necessary, that it should rest on some object.

MISHNA: On a ledge outside a window it is permitted to place vessels and to remove them therefrom on the Sabbath.

GEMARA: Where does the ledge project? Shall we assume, that it projects into public ground? Then there is fear, lest they fall to the ground and the man might bring them back into the house. Or shall we say that it projects into public ground, then it is self-evident, that it is permitted. Said Abayi: The ledge is supposed to project into public ground, but the vessels which may be placed are brittle, and hence, should they fall, they will be broken and there is no fear that they will be brought back into the house.

We have also learned to this effect in a Boraitha: On a ledge outside a window, which projects into public ground, may be placed bowls, goblets, jugs, and glasses, and the whole wall down to within ten spans from the ground may be used, and if there be another ledge underneath (but over ten spans from the ground) the wall underneath the lower ledge may be used entirely, but the upper ledge must only be used to the extent that it faces the window.

MISHNA: A man may stand in private ground and move things that are in public ground; or he may stand in public ground and move things that are in private ground, provided, that he does not move them beyond four ells. A man must not, standing in private ground, make water in public ground on (Sabbath), nor may he standing in public ground make water in private ground. In like manner he must not, standing in one (kind of) ground spit into another. R. Jehudah said: He who (when coughing) has brought up phlegm into his mouth, must not go four ells before expectorating.

GEMARA: Said R. Joseph: If he did so (meaning if he expectorated, etc.) he is culpable and liable for a sin-offering. But is it not necessary in the first place, that there be a transfer from a certain fixed place and that the article transferred rest in another fixed place of four ells square? Yea, the intention of the man, however, brings about that condition. For if this were not so, how could Rabha have said elsewhere, that if a man threw a thing and it fell into the mouth of a dog or into a furnace, he is culpable? Is it not necessary that it rest in a space

of four ells? Therefore we must say, that the intention of the man is equal to the deed and such is also the case in this instance.

"*R. Jehudah said: He who has brought up phlegm,*" etc. Said Resh Lakish: If a man expectorated in the presence of his master, he deserves to be killed, for it is written [Proverbs viii. 36]: "All those that hate me, love death." Do not read "All those that hate me" but "All those who make me hateful" (see Sabbath, page 236).

MISHNA: A man must not, standing in private ground drink in public ground, nor may he, standing in public ground, drink in private ground, unless he places his head and the greater part of his body, within the place in which he drinks. Such is also the law regarding a wine-press.

GEMARA: Is the first part of the Mishna preceding our Mishna in accordance with the opinion of the sages, and our Mishna in accordance with R. Meir? Said R. Joseph: The preceding Mishna refers to objects which are not of absolute importance while this Mishna refers to objects which are a necessity to the man; hence the precautionary measure forestalling the probability of the man's carrying them into the other ground is instituted.

The schoolmen propounded a question: "What is the law regarding unclaimed ground, *i.e.*, if the man stood in private or public ground and drinks out of unclaimed ground and *vice versa*?" Said Abayi: "The same law applies to unclaimed ground." Rejoined Rabha: This ordinance is merely a precautionary measure! Shall we then institute one precautionary measure as a safeguard to another?" Answered Abayi: "I deduce this from the further teaching of the Mishna stating, 'Such is also the law regarding a wine-press'; for the wine-press must needs be considered unclaimed ground, as in the event of its being private ground, why should the repetition be made?" and Rabha replied: "The law regarding a wine-press is not for the sake of the observance of the Sabbath; but it means to imply, that a man may drink the wine made at the press without waiting for the tithes to be acquitted thereof." Thus also said R. Shesheth, as we have learned in a Mishna: A man may drink from a wine-press, whether he mix the must with warm or cold water, and need not first acquit the tithes thereof. Such is the dictum of R. Meir; but R. Elazar ben Zadok prohibits this, if the man mixes the must with water,

because by that act he turns it into a beverage. The sages, however, hold that if he mix it with warm water he turns it into a beverage and is culpable, but if he mix it with cold water he is not culpable as it is not considered a beverage, for he can, after quenching his thirst, pour it back into the press.

MISHNA: A man may catch water dropping from a spout on the roof, within ten hands from the ground; but from a projecting spout he may drink in any manner (he chooses).

GEMARA: He may catch it with his hands but with the mouth it is not allowed! Why so? Said R. Na'hman: This is the case if the spout was less than three spans from the roof, in which it is considered as the roof itself, and consequently it is private ground. If he should catch the water with his mouth it is like carrying things from private into public ground.

We have also learned to this effect in a Boraitha: A man may stand in private ground, raise his hand upwards of ten spans to the spout which is less than three spans from the roof and drink the water out of his hand; but he must not place a cask or his mouth underneath the spout.

"But from a projecting spout, he may drink in any manner." We have learned in a Boraitha, that if such spout was four spans square he must not do this; for it is regarded as carrying from one (kind of) ground into another.

MISHNA: Should a well standing in public ground have an enclosure ten spans high, it is lawful to draw water therefrom (on the Sabbath) through an aperture (window) that is above it. On a dunghill, ten spans high, standing in public ground, it is lawful to pour water through any aperture above it.

GEMARA: Where is the well supposed to be situated? Is it near the wall, why are ten-span-high enclosures necessary? Said R. Huna: "A well is referred to that is more than four spans distant from the wall, in which case a ten-span-high enclosure is necessary, otherwise the water would be carried from private into private ground by way of public ground." R. Johanan, however, said: The well might have been even near the wall, but the Mishna intends to teach us, that the well with its enclosures together are accounted to be ten spans (and hence a partition which legalizes the private ground).

"On a dunghill, ten spans high," etc. Is there no apprehension that the dunghill will be decreased (by removing part of it, in which case it will be less than ten spans and still they will continue to pour water on it)? Did not Rabbin bar R. Ada

say in the name of R. Itz'hak: "It happened that concerning an entry which opened into the sea and into a dunghill Rabbi would neither declare the entry lawful nor unlawful. He would not declare it lawful, because it might occur, that the sea should recede and leave the land dry and also that the dunghill might be removed; yet he would not declare it unlawful because the sea and the dunghill were still partitions for the time being"? This presents no difficulty. In the case quoted by Rabbin the dunghill was the property of an individual and he could have removed it, but in the case treated of in the Mishna the dunghill is public property and there is no fear of its being removed. Mareimar erected partitions for all the entries in Sura facing the sea out of fish-nets, saying: There is danger lest the sea recede and leave the land in front of the entries dry.*

MISHNA: Beneath a tree, the branches of which droop and cover the ground so that the tips of its twigs be within three spans from the ground, it is lawful to carry things (on the Sabbath). Should the roots of the tree project three spans high out of the ground it is not permitted to sit upon them.

GEMARA: R. Huna the son of R. Jehoshua said: "If the space occupied by the tree is of more than two saahs' capacity, it is not permitted to carry things therein." Why so? Because an abode beneath a tree is not considered an actual abode but is merely used by such as wish to avail themselves of the fresh air, and wherever such is the case it is not permitted to carry within a space of more than two saahs' capacity.

"*Should its roots project three spans,*" etc. It was taught: "If the roots of a tree projected more than three spans and sloped to a lesser height, Rabba permits their being used because the ends of the roots are less than three spans from the ground and hence equal to the ground itself, whereas R. Shesheth prohibits their use because he claims, that the beginning of the roots being over three spans from the ground cannot be used and the ends being part and parcel of the beginning are still subject to the same prohibition."

If the roots, however, grew in the shape of a rolling sea, those protruding highest are according to the opinion of all prohibited to be used. Those growing lowest are in everybody's opinion allowed to be used; but concerning the roots that grew

* This passage is transferred to this place from page 8a in the original, as it is more pertinent to this discussion.

between the two there is a difference of opinion between Rabba and R. Shesheth. The same note applies to a tree growing out of a water-ditch and to a tree growing in a corner between the two walls of a court.

The Rabbis taught: Roots of a tree projecting out of the ground three spans or between which there was a space of three spans must not be used, though one side of them be level with the ground, because it is not allowed to climb, hang on to, or lean upon a tree (on Sabbath). One must not climb a tree on the eve of Sabbath and remain there during the entire Sabbath. The same rule applies to animals, *i.e.*, one must not climb upon the back of an animal on the eve of Sabbath and remain there the following day. One may, however, ascend to (respectively) descend into a pit, well, cavern, or fence by scaling or holding to the walls thereof even though they be an hundred ells long. (The reason for the prohibition regarding a tree is because there is fear, lest a man might tear off a twig on Sabbath, while in the case of a pit, well, etc., there is no possibility of such a thing.)

We have learned in one Boraitha, that if a man climbed up a tree (inadvertently) on Sabbath he must not descend, while in another, we have learned, that he may! This presents no difficulty. One Boraitha holds, that it should not be allowed to descend for the sake of a precaution, lest the climbing had been done with intention, while the other Boraitha maintains, that as long as it had been done unintentionally the man is permitted to descend.

In one Boraitha we were taught, that be the tree green or dried, it is not permitted to be used, while in another it is said, that only if it is green it is prohibited, if it be dry, however, it may be used. This presents no difficulty. The Boraitha that permits the tree to be used refers to one which during the summer had lost all its fruit and leaves, while it prohibits a tree to be used in the rainy season when it is full of fruit and leaves.

Rami bar Abba said in the name of R. Assi: A man must not walk on the grass on the Sabbath, for it is written [Proverbs xix. 2]: "He that hasteneth with his feet is a sinner."

One Boraitha teaches, that a man is not allowed to walk on grass on the Sabbath and another teaches that he may! This presents no difficulty. One Boraitha refers to wet grass which is easily torn, while the other refers to dry grass. At this time, however, when we hold in accordance with the opinion of Sim-

eon, that an act which one has no intention of performing does not make one culpable, it is permitted to walk on any kind of grass.

MISHNA: The shutters of a bleaching ground or thorn bushes (as are used) to fill up breaches in a wall or reed mats must not be used to close up avenues unless they be placed a trifle above the ground.

GEMARA: The following presents a contradiction to the Mishna: We have learned: Portable shutters, reed mats, and plough-handles, if already hanging in their places, may be used to close up (avenues) on Sabbath and so much more on festivals? Said Abayi: "Providing they have hinges," and Rabha said: "Even if they have no hinges at the time but at one time did have, they may be used."

An objection was made: "We have learned: Portable shutters, reed-mats, and plough-handles if already hanging in their places and but one hair's breadth removed from the ground, may be used to close up avenues?" Abayi explains this, in accordance with his former dictum, as follows: "Providing they either have hinges or are removed from the ground even one hair's breadth," while Rabha explains this, according to *his* former statement, namely: "Providing they at one time had hinges or were one hair's breadth distant from the ground."

The Rabbis taught: Thorn bushes, or bundles of thorns, which were prepared for filling up a breach in a wall, may, if they were tied together and already hung up, be used to close up avenues on the Sabbath and so much more on a festival.

R. Hyya taught: "A movable widow-door may not be used to close up avenues on the Sabbath." What is meant by a widow-door? Some say if it had only one board (which appears to be as a part of the wall) while others say that it may be even a two-board door but had no joints.

R. Jehudah said: Bonfires may be made on a festival provided they are ignited from the top, but they must not be ignited from the bottom, (because the flames would envelop the fuel and make it appear like a tent of fire). The same rule applies to eggs, pots, folding-beds used in the field, and casks (*i.e.*, they must not be piled up in the form of tents and in the case of eggs they must not be cooked over a fire which has the appearance of a tent).

A Sadducee said to R. Jehoshua ben Hananiah: "Ye (all Israelites) are compared to thorns, because it is written concern-

ing you [Micah vii. 4]: 'The best of them is like a brier.' " Replied R. Jehoshua: "Look further into the verse, thou fool, where it is written [ibid.]: 'The most upright is sharper than a thorn hedge,' which signifies, that as a thorn-hedge is used to fill up a breach in a wall, so do the upright among us shield us from all evil."

MISHNA: A man must not, standing in private ground, unlock with a key something in public ground, nor may he, standing in the public ground, unlock with a key something in private ground, unless he had previously made a partition ten hands high (round the spot on which he stands). Such is the dictum of R. Meir; but the sages said to him: "It was the custom in the poultry-dealers' * market, at Jerusalem, to lock up the shops, and place the key in the window (aperture) above the door." R. Jose said: "This was done in the wool-market."

GEMARA: The sages object to the dictum of R. Meir, who speaks of public ground, by citing an instance in Jerusalem which is unclaimed ground. Did not R'abba bar bar Hana say in the name of R. Johanan that Jerusalem, if the gates were not closed at night, would be considered public ground as far as Sabbath is concerned?

Said R. Papa: Our Mishna treats of Jerusalem after its fortifications had been razed to the ground when it became public ground, but Rabha said: The sages did not object to the dictum of R. Meir as quoted in the Mishna, but to another statement of his referring to gates of gardens, and the Mishna should read thus: "Nor may he, standing in private ground, open with a key something in unclaimed ground, or *vice versa*, unless he had made a partition ten spans high." Such is the dictum of R. Meir; but the sages objected: "It was the custom in the poultry-dealers' market, etc., etc."

The Rabbis taught: The doors of the gates of gardens if leading into a porter's lodge on the inside may be locked from the inside. If the porter's lodge was outside of the door, the doors may be locked on the outside, and if there were lodges on both sides of the doors they may be locked on either side, but if there were no lodges at all, the doors must not be locked at all, because they are situated in private ground and the key must

* The Hebrew term which we render "poultry-dealers" is Patmim. Rashi translates it "butchers." The Aruch and the Alphasi, however, interpret the term "poultry-dealers." In Tract Beitza, 296, Rashi explains the word Patam "one who feeds poultry."

necessarily be brought from public ground. The same rule applies to shops that opened into public ground. If the lock of the door was less than ten spans from the ground, the key should be brought on the eve of Sabbath and deposited on top of the door, and on Sabbath he may take it down, lock the door, and put the key back in its place. If there was an aperture above the door, he can place the key in that aperture providing the aperture was not four spans square, for if it be four spans square it constitutes a separate ground in itself, and the man would carry from one (kind of) ground into another.

MISHNA: A loose bolt with a knob to it, is prohibited to use on Sabbath. Such is the dictum of R. Eliezer; but R. Jose permits its use. R. Eliezer said: In the synagogue of Tiberias it was customary to use such a bolt, until Rabbon Gamaliel and the elders came and prohibited it. But R. Jose replied: On the contrary, they refrained from using it as unlawful, until Rabbon Gamaliel and the elders came and permitted it.

GEMARA: If the bolt was fastened to a cord (rope) and when holding the cord the bolt was also held, all agree, that it may be used, but they differ as to a bolt that was not fastened to a cord. One master holds that if it had a knob on top it is regarded as a vessel and may be used, while the other master said: "As it cannot be held with the cord it cannot be considered a vessel and must not be used."

MISHNA: A loose bolt, that is fastened to a rope (and hangs down towards the ground) may be used to fasten with in the Temple only, but not in the country; but a bolt that is fixed to the building itself must not be used in either place. R. Jehudah said: A fixed bolt may be used in the Temple and a loose bolt in the country.

GEMARA: The Rabbis taught: What is called a loose bolt, which may be used to fasten with in the Temple and not in the country? If it be fastened to a rope, hangs down, and one end reaches the ground. R. Jehudah, however, says, that a bolt of that kind may even be used in the country, but a bolt which must not be used except in the Temple, is one that is not fastened to a rope and hangs down, but which is fixed to the building itself and when taken out is placed in a corner.

R. Jehudah in the name of Samuel said: "The Halakha prevails according to R. Jehudah concerning a loose bolt in the country but as for a fixed bolt which is not the outcome of a rabbinical law but against an actual biblical law, namely: that

prohibiting building, it is not allowed to be used even in the Temple." Said Rabha: "A loose bolt is prohibited even in the country unless it be fastened by a rope to the door." This is not so! Do we not know, that it happened when R. Tabhla came to Mehuzza and saw a bolt fastened by a rope but not attached to the door, he did not object to its use? In that case it was a rope that was amply firm to hold the bolt without being attached to the door.

R. Ivia came to Neherdai and saw a man fastening a bolt with papyrus, whereupon he said, that a bolt fastened in that manner must not be used.

R. Nahumi bar Zachariah asked Abayi: "How is it if a man made a handle to the bolt?" and he answered: "Thou askest then concerning a pestle and it was taught in the name of R. Nahumi bar Ada that if he made a handle to a bolt and it looked like a pestle, it may be used."

Rami bar Ezekiel sent a request to R. Amram: "Let master tell us some of the good sayings, which he at one time related in the name of R. Assi concerning the canopies of boats." And R. Amram replied: "R. Assi said thus: If the poles upon which the canopies were put up be one span thick, or if they be less than one span thick, but are less than three spans apart, one may, on the Sabbath, bring a mat and form a tent out of such poles, because they were already at one time tents, and for the time being were also temporary tents, and it is permitted to add to a temporary tent in order to make it useful."

R. Huna had some rams which at night required fresh air and in daytime required a shady place, so he came to Rabh and asked him what to do on the Sabbath. Rabh answered: On the eve of Sabbath, when thou removest the covering of the stalls which the rams occupied during the day, do not quite remove all the covering, but leave about a span closed. Thus on Sabbath thou wilt have a temporary tent, and thou mayest then cover up the stalls entirely; for it is permitted to add to a temporary tent on the Sabbath.

Rabh in the name of R. Hyya said: One may unfold and fold up a curtain on the Sabbath.

R. Shesha the son of R. Idi said: "It is permitted to wear a black, broad-brimmed hat on Sabbath." Did we not learn in a Boraitha that it is not permitted to wear such a hat on Sabbath? This presents no difficulty. The Boraitha refers to a hat, the brim of which was one span in width. If that be the

case, then it would not be allowed to let down *any* garment more than a span? Therefore we must say, that the Boraitha prohibits the wearing of such a hat only if it is not tied to the head and not because of its similarity to a tent, but for fear that the wind might blow it off and one would be forced to carry it more than four ells in public ground, while R. Shesheth refers to a hat that is tied to the head and there is no fear of its being blown off.

MISHNA: In the Temple the lower hinge of a cupboard-door may be refitted into its place (on the Sabbath), but this must not be done in the country. The upper hinge must not be refitted either in the Temple or in the country. R. Jehudah said: The upper hinge may be refitted in the Temple and the lower one in the country.

GEMARA: The Rabbis taught: The lower hinges of a door of a cupboard or a chest or a tower may be refitted into their places in the Temple, but in the country they may only be temporarily replaced, but not refitted. If the upper hinges had become unfastened it is not allowed to even temporarily replace them as a precaution lest they be refitted with tools, for should this be done the act involves liability to bring a sin-offering. The doors of cellars, vaults, or gables must not be refitted, and if this was done, the man is liable for a sin-offering.

MISHNA: They (priests who minister) may replace a plaster on a wound (which plaster had been taken off to perform the service) in the Temple; but this must not be done in the country. To put the first plaster on a wound on Sabbath is prohibited in either place.

GEMARA: The Rabbis taught: "If a plaster became removed from a wound it may be replaced on Sabbath." R. Jehudah said: "If it was moved up it may be moved down and if it was moved down it may be moved up, and it is permitted to remove part of the plaster and cleanse the exposed portion of the wound, then replace the plaster, remove another part, cleanse the exposed wound and again replace the plaster, but it is not permitted to cleanse the plaster because by so doing one would rub the plaster and if this was done it involves liability for a sin-offering."

Said R. Jehudah in the name of Samuel: "The Halakha prevails according to R. Jehudah."

R. Hisda said: The statement of the first Tana to the effect that a plaster may be replaced applies only to a plaster

that had fallen on a vessel but a plaster that had fallen to the ground must not be replaced.

Mar the son of R. Assi said: "It happened once that I was standing before my father and a plaster which he had on a wound fell on a cushion and he replaced the plaster. Said I to him: 'Does master not hold in accordance with the opinion of R. Hisda, who said that the first Tana and R. Jehudah differ only as to a plaster that had fallen on a vessel, and Samuel said that the Halakha prevails according to R. Jehudah. How then could master have replaced it?' and my father answered that he did not agree with R. Hisda."

MISHNA: They (the Levites performing on musical instruments) may tie a string (of an instrument which had burst, on Sabbath) in the Temple; but this must not be done in the country. To put a new string on the instrument (on Sabbath) is in either place prohibited.

GEMARA: There is a contradiction! Have we not learned that if a string of an instrument had burst, they only made a loop but did not tie it into a knot? This presents no difficulty. This latter is the opinion of R. Simeon, while the Mishna is in accordance with the opinion of the Rabbis, as we have learned in the following Boraitha: If a Levite had burst the string of an instrument he may tie it; R. Simeon, however, said: He may only make a loop in the string. Said R. Simeon ben Elazar: If he merely makes a loop, the sound will be affected; hence he should loosen the string at the top and draw it down to the bottom or loosen it at the bottom and draw it taut to the top.

MISHNA: They (the priests who minister) may remove a wart from an animal on Sabbath in the Temple, but this must not be done in the country; by means of an instrument it is prohibited to do so in either place.

GEMARA: There is a contradiction. We have learned: Concerning the paschal lamb, which must be carried on the shoulders or brought from without the legal limits and the blemish of which must be removed, these acts must not supersede the due observance of the Sabbath.

R. Elazar and R. Jose bar Hinana differ: One holds, that the Mishna and the Boraitha both treat of a case where the wart is removed merely by hand and not with an instrument, but the Mishna, which permits such removal, refers to a wart which had dried and is easily crumbled, while the Boraitha treats of a suppurating wart which involves a deal of trouble to remove. The

other, however, maintains, that the Boraitha refers to the removal of the wart with an instrument.

R. Joseph said: Both the Mishna and the Boraitha treat of a case where the wart was capable of being removed by hand, and they do not differ. The Mishna maintains, that any rabbinical prohibition which applies to the service of the Temple may be disregarded *in* the Temple, while the Boraitha holds, that any act pertaining to the service of the Temple which is generally prohibited must not be performed in the country (outside of the Temple).

Abayi was sitting and repeating the Halakha decreed by his master R. Joseph, and R. Saphra objected, saying: "Have we not learned in a Mishna [Tract Sabbath, p. 30]: that the Passover sacrifice may be turned around in the oven (on Friday) when it is getting dark, and the Passover sacrifice was not roasted in the Temple itself; hence we see, that the rabbinical prohibition was disregarded even outside of the Temple?" Abayi was silent. Subsequently he came to R. Joseph and told him R. Saphra's objection. Said R. Joseph to him: "Why didst thou not answer, that in that case the Passover sacrifice was prepared by an aggregation of men and an aggregation of men is generally very cautious?" [Why did Abayi not answer R. Saphra to that effect? Because he heard only, that the priests were very cautious, but never heard anything about an aggregation of men.]

Rabha, however, said: Our Mishna is in accordance with the opinion of R. Eliezer, who holds, that any preparation for the fulfilment of a commandment supersedes the observance of the Sabbath (but the reason that the Mishna prohibits the use of an instrument for removing the wart, is because even R. Eliezer admits, that whatever it is possible to do on Sabbath in a manner different from a week-day, should so be done). Whence do we adduce that R. Eliezer admits this? From the following Boraitha: "If a priest should suddenly discover a wart on his person on the Sabbath, his companion should remove it by means of his teeth." Hence we see that the wart must be removed by means of the teeth and not by instruments, and again that the priest himself must not do it but it must be done by his companion. According to whose opinion is this? Shall we say, that it is according to the opinion of the sages and it occurred in the Temple, why should his companion be obliged to do it? He could, according to the opinion of the sages, do it himself,

because a rabbinical prohibition may be disregarded in the Temple; therefore we must say, that it is in accordance with the opinion of R. Eliezer, who holds, that if an ordinary Israelite did this, he would be liable for a sin-offering, but because this is an act pertaining to the fulfilment of a commandment it may be done, but if it is possible to accomplish it in a manner different from that on a week day it should so be done.

MISHNA: A priest (ministering) who hurts his finger, may bind it up with reeds in the Temple (on the Sabbath), but this must not be done in the country. Squeezing out the blood is, in either place, prohibited. It is permitted to strew salt on the stairs of the altar (on Sabbath), in order to prevent the ministering priests from slipping. It is also permitted to draw water from the well Gola and from the large well by means of the rolling wheel on the Sabbath and from the cold well (on festivals).

GEMARA: R. Ika of Pashrunia propounded a contradictory question to Rabha: In our Mishna it is stated, that it is allowed to strew salt on the stairs, whence we see, that this may be done in the Temple only but not in the country; but have we not learned that if a court had become deluged by rain it is permitted to strew straw on the ground (so as to make it passable)? Answered Rabha: "With straw it is different! For he can eventually remove the straw and use it for another purpose."

Rabha related: "If a court had become deluged by rain, one may bring straw and spread it out on the ground (of the court)." Said R. Papa to him: "Have we not learned, however, that he should not spread the straw in the same manner as he does on a week day, *i.e.*, through a basket, or crate, but through the sides of a *broken* basket." Whereupon Rabha procured an interpreter (crier) and proclaimed: What I told you previously was a mistake! Thus was it taught in the name of R. Eliezer: When he comes to spread out the straw on the ground he should not do it by means of a basket or a crate but through the sides of a broken basket.

"*It is also permitted to draw water from the well Gola,*" etc. Ula was a guest in the home of R. Menasseh. A man happened to come along and knocked at the door. So Ula asked: "Who is it that is violating the Sabbath?" Said Rabba to him: "It was prohibited only to produce a sound by means of an instrument, but not to knock on the door." Abayi objected: "We

have learned that it is permitted to draw wine by means of a siphon or drip it through a colander for a sick person on the Sabbath (and it is known that both produce a sound)." So we see, that this is only permitted for a sick person but not for a healthy person. What purpose would it serve in the case of a sick person? To arouse him from slumber? Hence it is not permitted to produce a sound for a healthy person? Nay; dripping wine through a colander is supposed to produce a sound similar to that of a cymbal and it is done in order to induce sleep in the case of a sick person who had dozed off in slumber.

Is not, however, the prohibition to draw water from the well Gola or from the large well instituted on account of the sound produced by the rolling wheel? Nay; it is prohibited as a precaution, lest a man take water from such a well and sprinkle his garden or his ruins (to lay the dust).

Ameimar permitted water to be drawn from the wells in Mehuzza by means of a rolling wheel, saying: "The sages prohibited it as a precaution, lest a man sprinkle his garden or his ruin with that water, but here in this city there are no gardens and no ruins." Afterwards he observed that the people used that water for the purpose of soaking flax during the week, so he prohibited the drawing of that water on Sabbath.

"*And from the cold well (on festivals).*" What is meant by the cold well? Said R. Na'hman bar Itz'hak: "That well was filled with spring-water." Whence does R. Na'hman adduce this? From the passage [Jeremiah vi. 7]: "As a well sendeth forth its waters." *

We have learned in a Boraitha: It was not permitted to draw water from all cold wells but only from the one mentioned; because when the Israelites returned from exile they together with their prophets who lived in that day drank therefrom and made it lawful to draw water from that well on Sabbath forever. The prophets would not have done this either, if it were not for the fact that they knew it to be an ancient custom of their ancestors.

MISHNA: Should (the carcass of) a dead reptile be found in the Temple on the Sabbath, the priest shall move it out with his belt, as an unclean thing must not remain within the Temple.

* The Hebrew term for "sendeth forth" is "hokir," and the term for "cold well" is "Bor hak'ar," whence R. Na'hman adduces that as a well which sendeth forth waters must necessarily be a spring, so this well called Bor Hakar was also a spring: a deduction by analogy.

Such is the dictum of R. Johanan ben Berokah; but R. Jehudah said: It should be removed with wooden pincers, in order that the uncleanness spread not further. From which (parts of the Temple) should it be removed? From the inner Temple, from the hall, and from the interspace between the hall and the altar. Such is the dictum of R. Simeon ben Nanos; but R. Aqiba said: It should be removed from every place (in the Temple) which, if entered by an unclean person intentionally, lays him liable to the punishment of Kareth (being cut off), and if entered inadvertently, makes him liable for a sin-offering. In all other parts of the Temple, the carcass of the reptile should be covered with a (copper) cooling-vessel (*ψυχτήρ*) till the Sabbath is over and then be removed. R. Simeon said: Whatsoever the sages permit thee to do is (not an infraction of biblical law, but) a right which is thine own; inasmuch as whatever they permit could at all events become unlawful only on account of their own enactments for the sake of the Sabbath-rest.

GEMARA: R. Tabhi bar Kisna said in the name of Samuel: "One who brings a thing, which had become unclean through a reptile into the Temple (if he does it intentionally), he becomes amenable to the punishment of Kareth (being cut off)* and (if he does it inadvertently) is liable for a sin-offering; but one who brings in the carcass of a reptile itself, is not culpable." Why so? Because it is written [Numbers v. 3]: "Both male and female shall ye send out," and this refers to such as have become unclean, but by taking a legal bath (Mikvah) can become clean. The reptile itself can never be clean, however, hence one is not culpable, if he brings it into the Temple.

Shall we assume that the point of variance between R. Johanan ben Berokah and R. Jehudah in our Mishna is based upon the above Halakha of Samuel, *i.e.*, R. Johanan, when stating, that an unclean thing must not remain in the Temple means to say, that if a man brought in a reptile, he is culpable, while R. Jehudah, who states that the reptile should be removed on account of the possibility of its spreading uncleanness, means to signify that a man who brings in a reptile is not culpable, and the reptile itself is merely a means of spreading uncleanness? Nay; both agree that a man is culpable, but R. Johanan means to assert, that the remaining of an unclean thing in the Temple is a far more grievous condition than the possibility of its

* See Numbers xix. 13.

spreading uncleanness, while R. Jehudah claims, that the spreading is of more consequence, hence he advises that wooden pincers be used but not the belt of the priest.

Thus we see, that whether a man is culpable or not is not the point of variance between the two teachers of the first clause in the Mishna but between the Tanaim of the second clause commencing: "From which parts (of the Temple) should it be removed?" He who says, that it should be removed only from the inner Temple, from the hall, etc., holds, that if a man brought in a reptile into the Temple, he is not culpable, but R. Aqiba, who says that it should be removed from every place, etc., holds that the man who brings in the reptile is culpable.

R. Johanan said: Both Tanaim, R. Simeon ben Nanos and R. Aqiba, adduced their teaching from one and the same passage, viz., II Chronicles xxix. 16: "And the priests went into the inner part of the house of the Lord to cleanse it; and they brought out everything unclean which they found in the temple of the Lord into the court of the house of the Lord; and the Levites received it, to carry it out abroad unto the brook Kidron." R. Simeon ben Nanos means to say, that because the Levites received the unclean things from the priests for further conveyance, it is evident, that only as far as the place where the transfer was made to the Levites, it is important that no uncleanness be found, and a rabbinical ordinance may be violated in order to remove such uncleanness, but from that place and further it is not of sufficient consequence to permit of the infraction of an ordinance instituted for the sake of the Sabbath-rest. R. Aqiba, however, means to say, that the finding of uncleanness in any part of the Temple is of sufficient importance to permit of the infraction of a rabbinical ordinance, and the reason that the priest transferred the unclean things to the Levites was because where Levites could carry it, the priests are exempt, but up to the place of transfer, although the priests were not permitted under ordinary circumstances to traverse the space except for ministerial duties, in that case the matter was of such importance that they were allowed to disregard that regulation.

The Rabbis taught: It is permitted for anyone to enter the Temple for the purpose of building, repairing, and also for the purpose of removing an unclean thing. It is a better fulfilment of that religious duty if a priest does so, and in lieu of a priest a Levite; but if there is no Levite on hand, an ordinary

Israelite may go. All of them, however, must be (ritually) clean (notwithstanding the fact that they are about to become unclean).

"*R. Simeon said: Whatsoever the sages permit,*" etc. What does R. Simeon refer to with this dictum? He has reference to, or in fact supplements his dictum in the fourth chapter of this tract (last Mishna) to the effect that "if a man was even fifteen ells beyond the legal limits he may nevertheless go back," and referring to this he states, that this is merely the man's own right, as the land surveyors are liable to err in the measurement.

"*As whatever they permit could at all events become unlawful,*" etc. What would R. Simeon refer to with this part of his statement? This latter part of his dictum refers to his statement in the Boraitha concerning a new string for an instrument (previously mentioned) when he decrees, that if the string is broken the Levite may tie it into a loop, and here he supplements it by saying, that whatever the sages permitted was only such an act as could not involve liability for a sin-offering; but any act which could involve liability for a sin-offering was not permitted by the sages to be performed.

END OF THIRD VOLUME.

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Translated into English**

BY
MICHAEL L. RODKINSON

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HEBREW AND ENGLISH

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EXPLANATORY REMARKS.

In our translation we adopted these principles :

1. *Tenan* of the original—We have learned in a Mishna ; *Tania*—We have learned in a Boraitha ; *Itemar*—It was taught.
2. Questions are indicated by the interrogation point, and are immediately followed by the answers, without being so marked.
3. When in the original there occur two statements separated by the phrase, *Lishna achrena* or *Waibayith Aema* (literally, "otherwise interpreted"), we translate only the second.
4. As the pages of the original are indicated in our new Hebrew edition, it is not deemed necessary to mark them in the English edition, this being only a translation from the latter.

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EDITOR

TRACT SHEKALIM.

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PREFACE TO TRACT SHEKALIM.

AMONG the treatises contained in the Section Moed of the Babylonian Talmud is to be found that of Shekalim, which consists, however, only of Mishnas, the Babylonian Talmud having no Gemara. The Palestinian Talmud contains a Gemara for this tract also, and there is an additional commentary by Maimonides. While we are translating only the Babylonian Talmud, we would not care to omit Shekalim, which is of peculiar historical value and may prove quite interesting to the reader. But the Mishna, without any explanation whatever, would naturally seem obscure, and in some instances would be absolutely incomprehensible; and, the Gemara of the Palestinian Talmud, as well as the commentary of Maimonides, consisting of very complicated and intricate series of arguments, inferences, and explanations, which would be not only difficult of translation but also immaterial to the subject, the insertion of which would be a deviation from our method, and unnecessary, as would explanations of Barthanora, Tosphath-yomtabh, etc., we were forced to provide the text with a commentary of our own, drawn from the most authentic sources. This, we trust, will serve to elucidate any obscure passages not quite comprehensible to the general reader. Accordingly, every sentence or word in the Mishna requiring an explanation is distinguished by a number or an asterisk, and has a corresponding reference in the commentary printed below the text. We may add that, for our personal satisfaction and to guard against any possible errors, we have given this tract for revision to some noted Russian scholars who are competent to judge upon it, and they find it very intelligible.

As stated above, we have taken our commentary from the most authentic sources we could find. We do not, therefore, solicit leniency on the part of worthy critics, but ask them to restrain their criticisms until they shall have carefully studied the commentaries mentioned, as well as *our* commentary, with proper consideration; for ours is derived from the Palestinian Talmud, Maimonides, etc. Conscientious critics will do so without our

solicitation; and as for others, who are ready to criticise everything impromptu as soon as it leaves our pen, such a request would be of no avail. We nevertheless will be grateful to any one who will call our attention to things which are not comprehensible in the commentary, this being our first venture of the kind, more especially as we think we shall be compelled to do the same with other Mishnayoths to which the Babylonian Talmud has no Gemara. A separate introduction to Tract Shekalim we think unnecessary, as the contents of this speaks for itself. We nevertheless will return to this when we come to Tract Midoth (Measures).

In compliance with our promise in our prospectus, we add to this volume the Hebrew text of the Tracts Shekalim and Rosh Hashana of our new edition, for the benefit of students and scholars who may desire to compare the translation with it.

M. L. RODKINSON.

NEW YORK, May, 1897.

SYNOPSIS OF SUBJECTS
OF
VOLUME IV.—TRACT SHEKALIM.*

CHAPTER I.

MISHNA *a* treats of: What were the duties of the Beth Din in the month of Adar in the time of the second Temple. When the Megillah (Book of Esther) was to be read in the fortified cities. For what purpose messengers were sent out, and what were the things to be heralded.

MISHNA *b* treats of: What was the punishment for not obeying the commandments of Kelayim in the former times and later.

MISHNA *c* deals with: When the money-changers, with their tables, began their work in the countries of Judea and in Jerusalem. The time for pledges which were taken for not paying the Shekalim. From what persons the pledges were to be taken. If a father might pay the Shekalim for his children.

MISHNA *d* treats of: What ordinance Ben Buchri proclaimed in Jamnia in behalf of the priests, and what R. Johanan b. Zakkai rejoined. The defence of the priests, with their interpretation of biblical passages, which was accepted only for the sake of peace.

MISHNA *e* treats of: The voluntary payment of Shekalim from women, slaves, and minors being accepted, but not from the heathens or Samaritans. Bird-offerings not accepted from persons affected with venereal diseases or from women after confinement. Sin and vow offerings, however, were accepted from the Samaritans. The vow-offerings were also accepted from heathens. The general rule concerning this.

MISHNA *f* deals with: The premium one had to pay in addition to the half-shekel. Who was obliged to do so? The different opinions of the sages and R. Meir. How much one had to pay if given one Selah and taking a shekel in exchange.

* See introduction to synopsis in Tract Sabbath, Vol. I., p. xxix. This tract has no Gemara. The synopsis contains the Mishnas, with their commentaries.

MISHNA *g* treats of: The law concerning one who pays for a poor man, for a neighbor, and for a countryman. Law concerning brothers and partners paying together; also, law regarding cattle-tithe. How much was the premium.

CHAPTER II.

MISHNA *a*. One may put together the Shekalim and exchange them for a gold coin called Darkon. Concerning the chests which were given to the collectors in the country and at Jerusalem. What is the law if money were stolen or lost by the messengers of a city, when a portion of the Shekalim was already expended; what is the law if not expended.

MISHNA *b*. Concerning the law when one gives his shekels to another to pay his head-taxes for him; if he pays his shekels from the money of the second tithes or from the money of the fruit of the Sabbatical year. Concerning how he shall replace it and use it for the same purpose.

MISHNA *c*. The law concerning one who gathered single coins little by little and said: "With this money I shall pay my shekels." The different opinions of the schools of Hillel and Shammai in this matter. Concerning the same case when one gathers money for sin-offerings. What shall be done with the eventual remains of such money.

MISHNA *d*. Concerning the explanation of R. Simeon of the teachings of the school of Hillel. The discussion of the former with R. Jehudah. The claims of the latter that the coins of the Shekalim were also changed in times and places. The rejoinder of R. Simeon to this.

MISHNA *e*. The law concerning the remainder of money intended for Shekalim when considered to be ordinary. Regarding the remainder of the tenth part of an ephah, bird-offerings, and guilt-offerings: what shall be done with it. A rule concerning this matter. Also, regulations concerning the remainder of Passover sacrifices, Nazarite offerings, the remainder of moneys for the poor in general and individuals, of money for prisoners, for burial of the dead, and R. Meir and R. Nathan's opinions regarding this matter.

CHAPTER III.

MISHNA *a*. Regarding the appointed periods of the year when the money was drawn from the treasury. The different opinions, concerning this matter, of R. Aqiba b. Asai, R. Eliezer, and R. Simeon. The same time appointed for cattle-tithes.

MISHNA *b*. Concerning the ceremony of drawing the money at all periods of the year. The law regarding measures of the boxes in which the coins of the Shekalim were filled, and the numbers of the chests in which the money was drawn from the boxes for the expenses of the Temple. Which box must be opened first, and which last. What garments the person drawing the money must wear. How a man must stand unblemished before his fellow-man and before his God.

MISHNA *c*. Concerning the custom of the house of Rabban Gamaliel, when the members of the house had paid their Shekalim. The law regarding

one who drew money did not commence until he had said to the bystanders, "I will now draw," and they answered, "Draw, draw, draw," three times.

MISHNA *d*. Concerning the covering of the boxes after drawing the money. For which countries the drawings were performed in the first period, the second, and the third.

CHAPTER IV.

MISHNA *a*. What was done with the money drawn? Concerning the watchmen that were sent out to guard the after-growth of the Sabbatical year, of which the Omer and two loaves were taken for sacrifice. The opinion of R. Jose in this matter, and what the rabbis answered.

MISHNA *b*. Concerning the red heifer, the goat that was to be sent away, the strip of scarlet, the bridge for the cow, the bridge for the goat, the canal, the city wall, the towers, and other necessities of the city: all were paid for out of the Shekalim money. What Abba Saul said.

MISHNA *c*. What was done with the balance of the money left over in the treasury. The discussion of R. Ishmael and R. Aqiba in this matter. Some of the many things which are enumerated in the Palestinian Talmud and which were done with this money. Among them was the hiring of teachers for priests to teach them the laws of the sacrifices.

MISHNA *d*. What was done with the remainder of the moneys of the chest. The different opinions of R. Ishmael, R. Aqiba, and R. Hanina, the assistant chief of the priests, concerning profit: if it might be raised from the remaining money or not, and of what money the gold plates for the decorations of the Holy of Holies were made. Also, concerning the benefit of the altar.

MISHNA *e*. What was done with the remainder of the incense (as the incense of the New Year must be bought with the new Shekalim money). The sanctification of the incense on hand then transferred to that money, and then redeemed with the money of the new revenue.

MISHNA *f*. Concerning the law when one devoted his entire possessions in honor of the Lord: what should be done with them. The discussions of R. Aqiba and Ben Asai regarding this matter.

MISHNA *g*. Concerning the law when one devoted his possessions, and among them were cattle, male and female, fit for the altar. The discussions of this matter between R. Eliezer and R. Jehoshua. R. Aqiba is inclined to the opinion of R. Eliezer, which seems to him to be more proper, but adds that he had heard that both opinions were right according to circumstances.

MISHNA *h*. If one devote his possessions, and among them are things fit for the altar, such as wines, oils, and birds, what should be done with them. R. Eliezer decreed it, and no one opposed him.

MISHNA *i*. Contractors, for the delivery of all things for the altar and the improvements of the Temple, were appointed every month; but if the

prices changed during the thirty days, the Sanctuary must not suffer any injury. Such was the agreement made between them. The illustration of this.

CHAPTER V.

MISHNA *a*. Concerning some names of the offices and the heads of them in the Sanctuary during the entire period when the second Temple was in existence. What were the officers' duties, and how they officiated.

MISHNA *b*. Concerning the order of the head officers ; namely, the king, the high priest, his assistant, two catholicoses, and seven chamberlains, not less than two officers being put in charge of public moneys.

MISHNA *c*. Regarding the seals that were in the Sanctuary, serving for the beverages and meat-offerings which must be brought, according to the Bible, with every sacrifice. Concerning the inscription on the seals and their usage. Ben Azai added one seal for the poor sinner. The names of the officers, of the seal-keeper and the officer who sells the above offerings.

MISHNA *d*. The date must be put on every seal. The law regarding surplus money being found in the treasury of the seal-keeper : to whom it belongs ; and if a deficit, who must supply it.

MISHNA *e*. The law concerning one who lost his seal ; what must be done.

MISHNA *f*. Concerning the two chambers in the Sanctuary, of which one was called "Chamber of Silence" and the other "Chamber of Utensils." What was done there, during what time they were investigated, and what was done with the presented utensils which were useless for the Temple.

CHAPTER VI.

MISHNA *a*. Concerning the thirteen covered chests and thirteen tables which were in the Sanctuary. How many prostrations took place in the Sanctuary. How R. Gamaliel and R. Hanina, assistant chief of the high priest, added one in the place where the ark was hidden.

MISHNA *b*. Relates how a blemished priest who was engaged in selecting and peeling wood had noticed the place where the ark was hidden, but before he had time to tell it to the others he expired.

MISHNA *c*. Concerning the directions where the prostrations were made. How many gates were in the Temple : their names, and why they were so named ; also, different opinions of the sages concerning this. There were two gates which were nameless.

MISHNA *d*. Of what material the thirteen tables were made, where they stood, for what purpose they were used. Concerning the golden table in the Temple itself, upon which the showbreads were constantly lying.

MISHNA *e*. Concerning the inscriptions on the thirteen covered chests in the Sanctuary, and what was done with them. The different opinions of R. Jehudah and the sages as to using certain money put in some chests.

MISHNA *f*. Concerning the amount of articles to be furnished in payment of a vow one made, who did not explain how much he intended to give; for instance, wood, incense, gold coins, etc. A rule that was made concerning this. The hides of all sacrifices belong to the priest.

CHAPTER VII.

MISHNA *a*. If money was found in between the differently marked chests, to which chest the money belonged. Concerning this the rule was: One must be guided by the proximity, even in the case of the less important, etc.

MISHNA *b*. Concerning money found in Jerusalem, in the court of the Temple, in the times of the Festivals and in the ordinary times.

MISHNA *c*. Concerning meat found in the court of the Temple, in the city, and any place where Israelites resided and where Gentiles and Israelites together resided.

MISHNA *d*. Concerning cattle found between Jerusalem and Migdal Eder, and in the vicinity of the city in all directions: what the law prescribes. The different opinions of some sages.

MISHNA *e*. Relates how, in former days, the finder of such cattle was pledged to bring drink-offerings, and how afterwards the high court decreed to furnish them from the public moneys.

MISHNAS *f* and *g*. R. Simeon named seven decrees which were promulgated by the high court, and the above decree was one of them. R. Jehudah, however, does not agree on some points with him. R. Jose has also something to say about this.

CHAPTER VIII.

MISHNA *a*. Concerning streets in which people must walk during the time of the Festival in Jerusalem, for the sake of cleanness. The different opinions, in this matter, of R. Meir and the sages.

MISHNA *b*. Regarding utensils found on the way towards the plunge-baths: if they are clean or not, and the different opinions of R. Meir and R. Jose.

MISHNA *c*. Regarding the butcher-knife, if it was found in the street on the 14th of Nissan; and what is the case if the 14th falls on a Sabbath.

MISHNA *d*. Concerning where the curtain of the Sanctuary must be submerged if it become defiled. The first time it was submerged it was spread out for the people to admire the beauty of the work.

MISHNA *e*. What Rabban Simeon b. Gamaliel had to tell in the name of Simeon, the son of the assistant high priest. How the curtain was made: the great amount of the cost and how many hundred priests were required to submerge it.

MISHNA *f*. If meat of the Holy of Holies became defiled, where it must be burned. The different opinions of the schools of Shamaï and Hillel on this point.

MISHNA *g*. The different opinions of R. Eliezer and R. Aqiba concerning anything that had become defiled through a principal uncleanness.

MISHNA *h*. The joints of the daily sacrifices, where they were laid down ; the sacrifices of the new moon, where they were placed. The payment of Shekalim, if it was obligatory after the destruction of the Temple. The same law regarding cattle-tithe, tithes of grain, and deliverance of the firstlings. The law if one sanctified Shekalim or firstlings after the destruction of the Temple.

TRACT SHEKALIM.

UNDER this heading the payment of a head-tax is treated of, which amounted to one-half of a shekel (in the Mishna always referred to as a *shekel*) and which had to be paid by every Israelite (see Exodus xxx. 12) upon the completion of his twentieth year. In the times of the existence of the Temple, the proceeds of this tax were applied for communal sacrifices and for the needs of the capital. The manner of collection, investment, and application of this money forms the subject of this treatise. It contains, in addition, many other historical regulations, most of which, however, only held good during the existence of the second Temple.

CHAPTER I.

MISHNA: (a) On the first day of the month of Adar, warnings are heralded (from Jerusalem) concerning Shekalim¹ and Kelayim² (the prohibition concerning the use, for ploughing to

EDITOR'S COMMENTARY.

CHAPTER I.

MISHNA a. ¹Warnings were heralded from Jerusalem concerning Shekalim on and after the first of Adar, in order to prepare for the first of Nissan, before which day the final settlement of Shekalim had to be made. This was inferred by the Palestinian Talmud from the following passage [Exodus xl. 17]: "And it came to pass in the first month in the second year, on the first of the month, that the tabernacle was reared up." This was commented upon by a Boraitha, which stated, that on the day on which the tabernacle was reared up, the entire sum of the Shekalim collected was ready for disbursement.

²Warnings were also heralded concerning Kelayim, because that month was the time when ploughing and sowing commenced in Palestine.

gether, of an ox with an ass, and the sowing together of different kinds of seeds). On the fifteenth day of that month the Megillah³ is read in the fortified cities; and the same day the improvement of country roads,⁴ market-places, and legal plunge-baths is proceeded with. Public affairs are again taken up⁵; at the same time, graves are marked with lime,⁶ and messengers are sent out on account of possible Kelayim.⁷

³ The Megillah (Book of Esther) was read on the fifteenth day of this month only in such cities as were fortified since the time of Joshua the son of Nun; but in such as were fortified after his day, and in the open cities, it was read on the fourteenth of the month. No mention is made in the Mishna concerning the reading on the fourteenth, because, the majority of the cities being open, or fortified since the time of Joshua ben Nun, it was generally known, and there was no fear of it being forgotten. In the few fortified cities, however, it was necessary to remind the inhabitants that the day on which *they* were to read the Megillah was the fifteenth. The Palestinian Talmud (Chapter I., Halakha 2) states, that we are taught by this Mishna that all commandments which are to be fulfilled on a leap year in the second Adar should not be fulfilled in the first Adar; but we cannot see how that can be inferred from this Mishna, although some commentators have tried to explain it.

⁴ The rainy season ended by the first of Adar, and in consequence of the heavy rains the country roads and market-places were in bad condition. In the month of Nissan, travel towards Jerusalem was very heavy; hence the warning to improve the roads, etc., was heralded. The public plunge-baths were also injured by the rains and had to be repaired, for the sake of the public, to whom the law prescribes the taking of a legal bath on or before the holidays.

⁵ The Palestinian Talmud states, that at that time the courts of law (Beth-din) would meet in session for the trial of civil suits, criminal cases, and crimes involving the punishment of stripes; for the redemption of such as had devoted all their possessions in honor of the Lord, and such as had given the estimated value of their person, etc.; also for the performance of the rite of the bitter water (see Numbers v. 12-31), and for the performance of the rite of breaking the calf's neck (see Deut. xxi.), and for the rite of the red heifer (see Numbers xix.), and for the ceremony of piercing a serf's ear (see Exodus xxi.). For all this, and any other matters that came up before them, the courts of law assembled in that month.

⁶ Such graves as had been injured during the rainy season, and

(b) R. Jehudah says: At one time the messengers used to pull out the Kelayim (illegally mixed seeds) and throw them at the feet of the owners! The number of the transgressors, however, being constantly on the increase, the Kelayim were pulled out and thrown into the roads. Finally, it was determined that the entire fields of such law-breakers were to be confiscated.*

(c) On the fifteenth of this month (Adar) the money-changers outside of Jerusalem seated themselves at their tables.¹ In the city of Jerusalem, however, they did not do this until the twenty-fifth of the month.² As soon as the money-changers seated themselves also in the city, the taking of pledges from

were not marked, had to be restored and marked, in order that a man be saved the annoyance of becoming unclean by stepping on a grave. The Palestinian Talmud infers this from the passage [Leviticus xiii. 46]: "Unclean, unclean, shall he call out," and interprets it to signify that the uncleanness itself should call out "unclean" and keep men away from its vicinity. For this reason it was heralded, that the graves were to be marked in order to be a warning to passers-by that such places were unclean.

¹ On account of the severity of the law concerning Kelayim and the frequency with which that law was infringed, it was deemed insufficient merely to herald the prohibition, and messengers were sent out to see the law enforced (Maimonides).

MISHNA b. * R. Jehudah's dictum does not intend to dispute the foregoing, but merely supplements it with the statement that the messengers sent out were for the purpose of punishing the infractors of the law of Kelayim. The Palestinian Talmud adduces the right of the Beth-din to confiscate property from the passage [Ezra x. 8]: "And that whosoever should not come within three days, etc., all his substance should be devoted." Whence it may be seen, that a Beth-din has such power.

MISHNA c. ¹ It was the custom for money-changers in those days to carry their tables with them, and hence they were called "the men of the tables." The Mishna relates, that on the fifteenth of the month the money-changers were ordered to go out into the rural districts with their tables, in order to provide the people with the necessary half-shekels; for the tax had to be paid in half-shekels only.

² On the twenty-fifth, when it was high time for payment and the people commenced flocking into the city of Jerusalem, the money-changers returned and sat in the court of the Temple.

the tardy ones commenced.³ But from whom were pledges taken? From Levites, Israelites, proselytes, and freedmen; but not from women, slaves, and minors. If a father, however, commenced to give a pledge for a minor, he was not allowed to stop. From priests no pledges were taken, for the sake of peace (and the dignity of the priests themselves).⁴

(d) Said R. Jehudah: Ben Buchri proclaimed the following ordinance in Yavne (Jamnia): "Any priest paying his shekel commits no wrong." R. Johanan ben Zakai, however, rejoined: "Not so! (The ordinance should read:) 'Any priest not paying his shekel, commits a sin.'"¹ But the priests used to interpret the following passage to their advantage: It is written [Leviticus vi. 16]: "And every meat-offering of a priest shall be wholly burnt, it shall not be eaten." (They said therefore:) Were we obliged to contribute (our shekels) how could we eat our² Omer

³ The taking of pledges commenced immediately upon the departure of the money-changers from the rural districts, because, if a man had not paid his half-shekel while the money-changers were still within his reach, it was obvious that he either would not or could not pay it, and in consequence a pledge was taken.

⁴ According to law, the priests were also in duty bound to pay the half-shekels, the collection of which was mainly intended for the purchase of communal sacrifices, and the priests were naturally included in the community. They, however, found a defect in the law, and held themselves exempt. In consequence of their being in authority during the existence of the second Temple, they were not forced to pay or give pledges, for the sake of harmony.

MISHNA d. ¹ The difference of opinion between Ben Buchri (who was a priest himself) and R. Johan ben Zakai is, as can be plainly seen, that Ben Buchri holds, that according to law the priests are not in duty bound to pay the half-shekel; but if they do it, they may nevertheless partake of their Omer, two loaves, and showbread, while R. Johan ben Zakai says, that they are in duty bound to pay the half-shekel.

² The priests claim, that if they were to pay the half-shekel with which the Omer, etc., is bought, they would naturally have a share in it, and they would eat their share, which, as a priest's offering, must not be eaten by any one. This is, however, an unjust claim; for the majority is considered, and the priests were by far in the minority. As the priests, however, were in charge of the affairs of state, they interpreted the law to suit themselves, and for the sake of peace they were not disturbed.

(first sheaves harvested) and the two loaves and the showbread (which were procured with the shekels of the head-tax) ?

(e) Although it was ordained that no pledges were to be taken from women, slaves, and minors, if they offered to contribute, their money was accepted. From heathens and Samaritans it was not accepted. Nor were bird-offerings, for men or women afflicted with venereal disease and for women who had recently been confined, accepted; nor sin and guilt offerings.¹ Vowed and voluntary offerings, however, were accepted.² The following is the rule: Everything which was vowed as an offering and all voluntary offerings were accepted. Anything not vowed for offering or given voluntarily was not accepted from them (heathens and Samaritans). So it is explicitly declared in Ezra, for it is written [Ezra iv. 3]: "It is not for *you* and us (both) to build a house unto our God."

(f) The following are obliged to pay a premium¹ (in addi-

MISHNA e. ¹This clause of the Mishna refers, according to the Palestinian Talmud and Maimonides, to Samaritans only and not to heathens, while the sin and guilt offerings were accepted from Samaritans but not from heathens, because the latter had not the same laws as the Israelites as regards sin-offerings. The Samaritans, however, claiming to be Israelites, were allowed to bring their sin and guilt offerings. The reason, however, that bird-offerings were not accepted from the Samaritans was because, in the first place, an offering for a person afflicted with venereal disease had to be brought in the form of a sheep; but if the person could not afford a sheep, birds answered the purpose. The Samaritans, however, were not considered trustworthy, and it was feared that they might bring a wrong offering (*i.e.*, an offering of less value than they could afford).

² These were accepted from heathens also, because such offerings were for forgiveness of sins in general, and in that respect all men are equal.

MISHNA f. ¹ The shekel mentioned in the Bible is equivalent to the Sela mentioned in the Mishna, and is worth two shekels of the Mishna. The half-shekel of the Bible was worth (according to Maimonides) the weight of 192 grains of barley in silver, and, for fear that the shekel of the Mishna of that time was perhaps a trifle less than the above weight, a small coin was prescribed to be paid in addition to the above shekel, and which was named from the Greek Colobbus (κόλλυβος). He who gave the half-shekel voluntarily, and not because he was obliged to pay it, was exempt from paying the above "Colobbus." Those of the priests who, regardless of the

tion to the half-shekel): Levites, Israelites, proselytes, and freedmen; but not (priests,) women, slaves, and minors. If one pay (the half-shekel) for a priest, woman, slave, or a minor, he is exempt (from paying the premium); if he pay for himself and another, however, he must pay a premium for one. R. Meir says: "(He must pay) two premiums. One who pays a Sela (whole Bible shekel) and receives in return a half (Bible) shekel must pay two premiums."²

(g) If one pay for a poor man, for a neighbor, or for a countryman, he is exempt from a premium (because it is charity); if he only advances them the money, he is not exempt. Brothers who (after dividing their inheritance) have their business in common, or partners, when they become obliged to pay a premium, are exempt from cattle-tithe.* As long, however, as they must pay cattle-tithe, they are exempt from a premium. How much does the premium amount to? According to R. Meir, to one silver Meah (one twenty-fourth of a shekel); but the sages say, to one-half of a Meah.

claim that they were not obliged to pay the half-shekel, paid it nevertheless, were exempt from the above premium for the sake of peace.

² One in addition to the half-shekel and one for the exchange.

MISHNA g. * Cattle-tithe must be paid by a man only from such young as his own cattle calve, but not from the calves which he purchases elsewhere. If two brothers inherit cattle or calves from their father, they must pay cattle-tithe, because the cattle are regarded as still their father's. If they have divided their inheritance, even though they shared alike, they are both exempt from payment, because it is regarded as if one brother had bought the cattle from the other. (The same refers to partners. As long as they are in partnership they are liable for cattle-tithe from such young as is calved by their own cattle, but if the partners dissolve even after the cattle had calved, they are exempt, because it is regarded as if one partner had purchased his share from the other.) Now, it is obvious that when the two brothers are still partners and liable for cattle-tithe they are regarded as one, and by paying one Sela for both are exempt from premiums, because the money is still considered as their father's. (This explanation is taken from Rashi in Tract Chulin.) As soon, however, as they are exempt from cattle-tithe, they have nothing more in common, hence must pay a half-shekel each, and thus must also pay the premium.

CHAPTER II.

MISHNA: (*a*) One may put together the Shekalim and exchange them for Darkons¹ (Greek coins of permanent value), in order to be able to carry them more readily. Just as the money-chests were on the order of horns in the city of Jerusalem, so were they also in the country.² If the inhabitants of a town sent their Shekalim (to the city of Jerusalem) by messengers, and the money was stolen from them or was lost by accident, if the treasurers had already drawn their share (from the communal Shekalim), the messengers of the city must swear to the fact before the treasurers. If the share had not yet been drawn, they (the messengers) must swear to the facts before the inhabitants of the town, and the latter must make the amount good.³ If the money was recovered or returned by the

CHAPTER II.

MISHNA *a*. ¹ The Darkon (Greek *Δαρεινός*; or *drachm*, biblical term, Ezra viii. 27) was a Persian gold coin worth two Selas, or four half-shekels.

² The money-chests were narrow on one side and broad at the bottom, and had a slot through which a Darkon on edge only could be passed, and were given to the messenger locked.

³ If a portion of the amount of Shekalim collected had already been spent for sacrifices or for the improvement of the Temple, all the Israelites who were bound to pay their Shekalim had a share in such disbursement, and the amount sent by the town, although lost or stolen, was counted as if it had been included in the amount spent, because it was the express understanding that in every shekel spent for sacrifices, etc., all Israelites had a share, in order that they might have a share in the sacrifices. Therefore, the messengers of the city had simply to swear that they had taken the money, and it was considered received by the treasurers. If, however, no portion of the Shekalim had yet been expended, the share of the inhabitants of the town, whose money had been stolen or lost, was not included in the amount on hand, and hence the representatives of the city were obliged to make it good (Maimonides).

thieves, both amounts are considered as Shekalim, and nothing is credited to next year's account.

(b) If one give his shekel to another to pay (his head-tax) for him, and the man appropriates it to pay his own tax, he (the latter) commits embezzlement if the share had already been drawn; the same is the case with one who pays his shekel with sanctified money, after his share had been drawn and an animal was sacrificed for it.¹ If he took the money from the second tithes or from the Sabbatical year fruit, he must eat the full value of same in the city of Jerusalem.²

(c) If one gather together single coins and say: "These shall serve for my Shekalim," the eventual remainder is, according to the school of Shammai, a voluntary gift; according to the school of Hillel, it is not sanctified. If the man say, however: "Out of these I shall pay my Shekalim," the eventual remainder is, according to both schools, not sanctified. If he say: "These shall serve me for a sin-offering," the eventual remainder is, according to both schools, a voluntary offering. If he say: "Out of these will I bring a sin-offering," the eventual remainder is, according to both schools, not sanctified.*

MISHNA b. ¹The same reason as stated in note 3 of the preceding Mishna applies also to this clause; and, besides, everybody had a share in the sacrifice of the animal, even if the sacrifice were made on the strength of future receipts, for pledges were on hand insuring the payment by the delinquents.

²If the money was taken from the second tithes, the value of which had to be consumed in the city of Jerusalem, he must replace it by an equal amount and proclaim that this money is in exchange for the money taken from the second tithe, and then consume it accordingly. If the money was taken from the Sabbatical year fruit, he must replace it and proclaim the same as above and make it public property, as is the law of Sabbatical years.

MISHNA c. * The meaning of this Mishna is as follows: If a man gathered money little by little, with the express intention of paying his shekalim tax out of such money, and separated it from other moneys, any remainder which he may have left over after such payment is, according to the school of Shammai, to be devoted for a voluntary offering, because it was separated; and according to the school of Hillel, it is ordinary money, that may be used at will, because it was gathered only for the purpose of paying the amount due, which was already paid. If a man, however, had a sum of

(d) R. Simeon says: "What difference is there here between the Shekalim and the sin-offerings? Shekalim have their fixed value, but sin-offerings have not."¹ R. Jehudah says: "Even Shekalim have no fixed value; for when Israel returned from captivity, (half-) Darkons were paid; later (half-) Selas were paid; again, Tabas (half-shekels) were current (but not accepted), and finally people would only pay with Dinars."² Rejoined R. Simeon: "Nevertheless, the Shekalim were all of like value at one and the same time, while as for sin-offerings, one brings one Sela's worth, another two, and a third three Selas' worth."³

(e) The remainder of moneys intended for Shekalim is not

money, and declared that he would use *this* sum for the payment of his shekalim tax, the remainder which he may have after such payment is, even according to the school of Hillel, to be devoted for a voluntary offering. With money devoted for a voluntary offering, whole-offerings only were to be bought.

MISHNA *d.* ¹ By his teaching in this Mishna, R. Simeon wishes to explain the reason of the decree of the school of Hillel concerning the remainder of money which had been gathered little by little for the purpose of paying the Shekalim, or for the bringing of a sin-offering, and says: "Because it is written [Exodus xxx. 15], 'The rich shall not give more, and the poor shall not give less, than the half of a shekel,' a man when gathering money for the payment of Shekalim knows exactly how much he will need; hence, although he separated the amount gathered, the remainder is ordinary money; but if he gathered money for a sin-offering, which has no fixed value, and for which he did not know exactly how much he would have to pay, his intention in separating the money was evidently to use the entire amount for such purpose, and hence the eventual remainder, which cannot be used for a sin-offering, as it is already sacrificed, should be used for a voluntary offering."

² R. Jehudah differs with R. Simeon, and states, that the reason given by the latter for the decree of the school of Hillel cannot be correct, for even Shekalim had not always a fixed value, and when a man commenced to gather money for the payment of his Shekalim he also may not have known how much he would have to pay when the time came, because the value of the coin might be changed in the meantime.

³ R. Simeon answered R. Jehudah very properly: "Even if the value of the coin was changed, the man knew well that he would pay a certain sum equal to that paid by all others, and the entire amount

sanctified.¹ The remainder of moneys intended for the offering of the tenth part of an ephah [Lev. v. xi.] (sin-offering of the poor), for bird-offerings of men or women afflicted with venereal disease and of women that had been recently confined, and for sin and guilt offerings, are considered voluntary offerings. Following is the rule: The remainder of everything designated for sin and guilt offerings is considered as a voluntary offering.² The remainder of whole-offerings is applied to whole-offerings,³ of food-offerings to food-offerings, of peace-offerings to peace-offerings; that of the Passover-offerings to peace-offerings, and that of Nazarite-offerings to Nazarite-offerings. The remainder of such (offering) as is designated for a certain Nazarite is a voluntary offering. The remainder of moneys for the poor in general, belongs to the poor; of money collected for a certain poor man belongs to that same poor man. The remainder of ransom moneys for prisoners is applied to (the ransom of) other prisoners; of moneys collected for a certain prisoner belongs to that prisoner. The remainder of burial moneys is applied to (the burial of) other dead; of money collected for a particular dead (man) belongs to

that he had gathered would not be consumed; as for a sin-offering, however, he never knew exactly just what amount he would need for its purchase, because it had no fixed value; therefore, when he separated the money from other moneys his intention was to use the entire amount."

MISHNA c. ' After explaining the opinions of both schools (Shamai and Hillel) in the preceding Mishna, and the Halakha, as usual, prevailing according to the school of Hillel, this Mishna states the final Halakha anonymously, and then cites the subsequent ordinances, concerning which there is no difference of opinion.

' The reason for this rule is: A sin or guilt offering must be brought for each sin separately. If money was designated for one sin-offering, the remainder cannot be applied to another offering for the same sin, nor for another sin which one might commit in the future, hence the remainder must be a voluntary offering.

' The remainder of whole-offerings may be used for more whole-offerings, because the quantity of whole-offerings, which are voluntary, is not limited. The same applies to food and peace offerings. The remainder of Passover-offerings, however, which cannot be used for the same purpose again, and should, however, be used for an eatable sacrifice, cannot be used for a voluntary offering, which is a whole-offering, but for a peace-offering, which is eatable.

the legal heirs. R. Meir says: "The remainder remains intact until Elijah comes again" (as the herald of the resurrection).⁴ R. Nathan says: "It should be applied to the building of a gravestone for the departed."

⁴ The reason for R. Meir's dictum is: He holds, that if money is collected for a certain dead man, the remainder belongs virtually to him, *i.e.*, should be applied only for the use of the corpse; hence the heirs have no share in it. R. Nathan, however, says, that the setting up of a gravestone is for the use of the corpse, it being in his honor and not of any benefit to the heirs.

CHAPTER III.

MISHNA: (a) At three periods of the year money is drawn from the treasury (of the Shekalim); viz.: Half a month before Passover, half a month before Pentecost, and half a month before the Feast of Booths. The same dates are also the terms for the obligation of cattle-tithing, so says R. Aqiba. Ben Azai says: "The dates for the latter terms are the twenty-ninth of Adar, the first of Sivan, and the twenty-ninth of Abh." R. Eliezer and R. Simeon both say: "The first of Nissan, the first of Sivan, and the twenty-ninth of Elul." But why do they say the twenty-ninth of Elul, why not the first of Tishri? Because that is a feast-day, and it is not allowed to tithe on a feast-day; therefore they ordained it for the preceding day, the twenty-ninth of Elul.*

(b) The money drawn from the treasury was brought in three chests, each of three Saahs' capacity. On these chests was written: Aleph, Beth, Gimmel. R. Ishmael says: "They were marked in Greek: Alpha, Beta, Gamma."—The one that drew the money was not allowed to enter (the treasury) with a turned-up garment, nor with shoes nor sandals, nor with Tephillin, nor with an amulet, in order that, in the event of his becoming impoverished, it should not be said that he was thus punished on account of transgression against the treasury; or if he became rich, that he enriched himself by means of money drawn from the treasury. For a man must stand as unblemished before his fellowman as before his God, as it is written [Numbers

CHAPTER III.

MISHNA a. * The dates of the time for cattle-tithing have nothing to do with the time for drawing the money; for as to that time, all agree upon the dates stated in the Mishna, and the difference of opinion concerning the time of cattle-tithing is explained in the Palestinian Talmud and in Tract Rosh Hashana of the Babylonian Talmud.

xxxii. 22]: "And ye be thus guiltless before the Lord and before Israel"; and [Proverbs iii. 4]: "So shalt thou find grace and good favor in the eyes of God and man." *

(c) The members of the family of R. Gamaliel used to enter, each one with his shekel between his fingers, and throw it before the one who drew the money from the treasury, and the latter immediately placed it into the chest (which he took out).—The one who came in to draw the money did not proceed before he had said to the bystanders: "I will now proceed to draw," and they had answered: "Draw, draw, draw," three times. *

MISHNA *b*. * In this Mishna the manner of drawing the money from the treasury is described: how it was accomplished, that the Shekalim for which communal sacrifices were bought should be taken from the treasury in such a manner that all the contributors should have a share in them. The mode of procedure was as follows: About the middle of the month of Nissan, when the money from all Israel had been collected, the treasurers, amid great ceremony, would open the rooms where the boxes in which the money had been deposited by the collectors were situated, and bring out all the boxes contained in the rooms. These boxes were in turn opened, and their contents thrown into three cases, each of which had nine Saahs' capacity, and were covered with a cover. The remainder, after filling the three cases, was called the remainder of the room (and what was done with this will be told later). After the performance of this ceremony one man was selected, while the others withdrew, and he was to transfer the money to be expended, from the cases into three small chests, each having three Saahs' capacity and marked with three letters: Aleph, Beth, Gimmel; or, Alpha, Beta, Gamma.

MISHNA *c*. * After this ceremony, the man, being almost nude—for he had no garments on in which he could conceal a coin, no shoes, no sandals, no hat, no hose; in fact, nothing that would afford a hiding-place for money—would take the chest marked Aleph and bring it up to the first case, and fill it up, after which he would cover the case. Then he would take the chest marked Beth, fill it from the second case, cover the case, and proceed in the same manner with the chest marked Gimmel, from the third box, which contained nine Saahs' capacity; but in the last instance he would leave the case uncovered, as a sign whence to commence filling the chests at the second drawing of money in the same order as before, using the third case first, then the second, and lastly the first. This was done in order that the money should be thoroughly intermingled

(d) After the man had completed the first drawing, he covered the balance with a cover (of fur); the same was done after the second drawing; after the third drawing the balance remained uncovered; for (the covering in the first two instances) was done only in order not to draw by mistake again what had already been drawn from. The first drawing was performed in the name of the whole land of Israel, the second in the name of the cities near the boundaries, and the third in the name of the inhabitants of Babylon, Media, and all distant lands in general.

and everybody have a share in the sacrifices bought with it. The first drawing took place on the fifteenth of Nissan, and sacrifices were purchased for the Passover. The next drawing was held fifteen days before Pentecost; and Pentecost only lasting one day, not so many sacrifices were needed, and the money lasted until fifteen days before the Feast of Booths, when the last lot of money was withdrawn from the cases and placed in the chests. The expenditure of the money was also made in the order of chests, chest Aleph being emptied first, etc.; and the intention was to place Jerusalem first, the surrounding territory next, and all the other places where Israelites dwelt last.

CHAPTER IV.

MISHNA: (a) What was done with this money drawn? The daily sacrifices, the additional sacrifices, and the drink-offerings belonging to them were bought therewith; also the Omers¹ (sheaves), the two loaves, the showbreads, and communal sacrifices in general. The watchmen who had to guard the after-growth on the Sabbatical year were paid out of this money. R. Jose says: "One who so desired could undertake the guarding (of the after-growth on Sabbatical years) without pay."² The sages answered him: "Thou wilt admit thyself, that the sacrifices (from the after-growth on Sabbatical years) must be brought only from communal property."³

CHAPTER IV.

MISHNA a. ¹ The Omers and the two loaves, which had to be made of Palestinian grain and of the new crop only, were bought out of the Shekalim during the six ordinary years, but in the Sabbatical year, where neither sowing nor reaping was done, where were they obtained? Men were sent out to discover where grain was growing as an after-growth, that had not been sown, and then watchmen were placed there to see that no one disturbed the crop; for it being public property, the possessor of the soil where the grain grew could not prevent its being taken. The men who discovered the grain and the watchmen were paid for their services out of the Shekalim, and such payment was regarded as the price of the grain, so that the grain again became communal property.

² R. Jose, in making this statement, holds, that one may present the community with a thing intended for a voluntary offering, and thus the man who guards the after-growth gratuitously, thereby acquiring a right to it, may donate it to the community for a communal sacrifice.

³ The sages mean to say that the Omer, the two loaves, the showbreads, and the communal sacrifices must be taken from articles that were communal property from the beginning, while other sacrifices may be offered from things donated by a man who does so with a good will. (See Rosh Hashana.)

(b) The red heifer, the goat that was to be sent away (on the Day of Atonement), the strip of scarlet, were paid for out of this money. The bridge for the cow, the bridge for the goat that was to be sent away, and the scarlet strip tied between the latter's horns, the canal (at the Temple), the city wall, the towers and other necessities of the city, are paid for out of the remainder of the treasury-money.* Abba Saul says: "The costs of the building of the bridge for the red heifer were defrayed by the high priests themselves."

(c) What was done with the balance left over in the treasury (after all the things in the preceding Mishna had been procured)? Wines, oils, and fine meal were bought with it to the profit of the sanctuary (for the purpose of selling it again to those who brought sacrifices).* So said R. Ishmael. R. Aqiba, however, says: "Sanctified moneys or contributions for the poor are not dealt with for profit."

(d) What was done with the remainder of the money (taken from the chests)? It is used for gold plate for the decoration of the Holy of Holies. R. Ishmael says: "The mentioned fruit (profit of the wines, oils, and fine meal sold in the Temple) was for the benefit of the altar, and the remainder of the money drawn was for service-utensils." R. Aqiba says: "The remainder of the money drawn was for the benefit of the altar and that of the drink-offerings was for service-utensils." R. Hanina, the assistant chief of priests, says: "The remainder of the drink-

MISHNA *b*. * The remainder of the Shekalim, left over after the three cases had been filled, which was called "remainder of the room," was stored in a high place, access to which was very difficult, no ladder being permitted to be used. Out of this money all the accessories for the sacrifices, as enumerated in the Mishna, were procured. The details of these accessories are explained in Tracts Para and Yuma.

MISHNA *c*. * It is known that all those who brought sacrifices were obliged to purchase wine, oil, and fine meal for meal-offerings, and all this was purchased in the court of the Temple. In the Palestinian Talmud many things are enumerated, for which purposes the balance of the money was used; for instance, the hiring of teachers to instruct the priests in the art of slaughtering, in the halakhas pertaining to such matters, etc., also for the payment of those who investigated blemishes in the sacrifices, and a great many other things to be found in that chapter (Halakha 4).

offerings was for the benefit of the altar and that of the money drawn was for service-utensils." The two latter would not admit of the alleged gain from fruit * (profit).

(e) What was done with the remainder of the incense ?¹ At first the remuneration of the preparers of the incense was set aside from the treasury; the sanctification of the incense on hand was then transferred to that money, and the former was then given to the preparers in lieu of compensation²; it is then bought back from them with the money of the new revenue: providing the new revenue was on hand in time, it was bought back with such money; otherwise, the old revenue was used for that purpose.

(f) If one devote his entire possessions in honor of the Lord, and among them are things which are fit for communal sacrifices (*e.g.*, incense), the preparers of the incense should be paid therewith. So teaches R. Aqiba. Ben Azai answered him *: "Such is not the right mode of procedure." The compen-

MISHNA *d.* * In the preceding Mishna, R. Ishmael declares, that the balance of the money in the treasury is used to purchase wines, oils, and fine meal, to be resold to those bringing sacrifices, and in this Mishna he relates what is done with the profits accruing from such sales. R. Aqiba, however, who would not permit of selling the things mentioned for profit, declares that the money for the altar is taken directly from the balance left over in the treasury; and R. Hanina holds, that the balance of the money drawn is used for the service-utensils.

MISHNA *e.* 'The remainder of the incense refers to the amount of incense left over at the end of the year. A quantity of incense was prepared for the whole year, and every priest would use a handful at a time; but, as handfuls are not all alike, no fixed amount could be prepared: hence the remainder.

¹ Compensation for labor must not be made with sacrificed articles, for the sanctification cannot be transferred to labor that had already been performed; it can be transferred, however, to actual money, and in consequence the subterfuge for the payment of the preparers of the incense was resorted to as stated in the Mishna.

MISHNA *f.* * R. Aqiba and Ben Azai differ in this Mishna as to whether sanctification can be transferred to labor or not. R. Aqiba holds, that labor can be compensated with sanctified articles; but Ben Azai holds, that it cannot. According to Maimonides the Halakha prevails according to Ben Azai, because in the previous Mishna there is a concurrent opinion.

sation of the preparers must first be separated from such possessions, then the sanctification of those possessions transferred to money; then give the separated things to the preparers for compensation; and, finally, buy them back from them with money of the new revenue."

(g) If one devote his possessions, and there are among them cattle fit for the altar, male or female, the male, according to R. Eliezer, shall be sold for whole-offerings and the female for peace-offerings to such as are in need of them; and the proceeds of such sale, together with the other possessions, shall be devoted to the treasury for the maintenance of the Temple. R. Jehoshua says: "The male are sacrificed as whole-offerings, the female are sold to such as are in need of peace-offerings, and the proceeds used for the sacrifice of whole-offerings. The balance of the possessions is devoted to the maintenance of the Temple."¹ Said R. Aqiba: "The opinion of R. Eliezer seems to me to be more proper than that of R. Jehoshua; for R. Eliezer has an even procedure, whereas R. Jehoshua divides it."² R. Papeos says: "I have heard that it is done according to both teachers; viz.: According to R. Eliezer if the owner who devotes his possessions explicitly mentions his cattle, and according to R. Jehoshua if he silently includes his cattle in his possessions."³

MISHNA g. ¹The point of difference between R. Eliezer and R. Jehoshua is this: The former holds, that if a man devoted all his possessions, his intention was to devote them for the maintenance of the Temple only; while the latter holds, that the intention was to devote the possessions according to their adaptability. Hence if, among the possessions, there were objects adapted for the altar, they should be devoted to the altar; if, however, these were female cattle, which could not be brought as a whole-offering, nor, by reason of the absence of the owner, even as a peace-offering, such cattle should be sold and the proceeds applied to the purchase of whole-offerings.

²R. Aqiba holds with R. Eliezer, because, in his opinion, a man who devotes all his possessions does so with but a single intention; and this is what he terms an even procedure.

³R. Papeos said, that if the man devoted all his possessions to the honor of the Lord, R. Jehoshua would be correct, for his possessions can be used in honor of the Lord in various ways; but if he explicitly stated that he devoted his possessions for the maintenance of the Temple, R. Eliezer's opinion is proper.

(*h*) If one devote his possessions, and there are among them things fit for the altar, such as wines, oils, and birds, says R. Eliezer, the latter things should be sold to such as need offerings of these kinds, and the proceeds used for the sacrificing of whole-offerings; the balance of the possessions goes toward the maintenance of the Temple.*

(*i*) Every thirty days the prices paid by the treasury are determined. If one contract to furnish flour at the rate of four Saah (for one Sela), and the price is raised to three, he must nevertheless furnish the same at four Saah (for one Sela).¹ If he contract at the rate of three and the price fall to four, he must in that case furnish four, for the Sanctuary always has that prerogative. If the flour become wormy, it is the loss of the contractor; and if the wine become sour it is also his loss, and he does not receive the money for his wares until the purchased wares have been favorably accepted as sacrifices at the altar.²

MISHNA *h*. *The reason that R. Eliezer decrees that wines, oils, and birds should be sold, and whole-offerings brought in their stead, is because the articles mentioned cannot be redeemed with money.

MISHNA *i*. ¹Every month, bids were received from contractors for the furnishing of the necessities for the Temple and altar for one month. The lowest bidder received the contract, and it was distinctly understood that, even if prices were raised during the month, his prices were to remain as originally contracted for.

²The Palestinian Talmud states, that the money due the contractors was paid them by the priests immediately upon the latter receiving the wares, for the priests were very careful, and never allowed flour to become wormy or wine to spoil.

CHAPTER V.

MISHNA: (a) The following were the heads of offices¹ in the Sanctuary: Johanan, son of Pinchas, keeper of the seals²; A'hia, (superintendent) of drink-offerings; Mathia, son of Samuel, (superintendent) of the casting of lots³; Petha'hia, (superintendent) of bird-offerings.⁴ Petha'hia is Mordecai, but why do they call him Petha'hia? Because he used to expound and interpret scriptures, and was master of seventy languages. Ben A'hia was (superintendent) of the cures of priests suffering with abdominal diseases.⁵ Ne'huniah was master of the well.⁶

CHAPTER V.

MISHNA *a*. ¹The list of officers enumerated by the Mishna were not all officers at the same time, but served at different periods, and the Mishna merely names the most important and pious among them.

²See Mishna *d*, same chapter.

³Lots were cast for the determination of the turn of the priests for each particular service. The superintendent would keep a record of such as were eligible for duty, and then cast lots for the priest who was to serve.

⁴Petha'hia was superintendent-in-chief of all those who had charge of the bird-offerings; these bird-offerings were brought by women who had recently been confined; and there were so many of them that a record had to be kept, who came first, whose time was nearly expired, and how much was to be charged for the offerings. Besides this, it often happened that the birds became mixed and required great wisdom to separate them and recognize to whom every bird belonged, as the changing of the birds would make the offering invalid. (See commentary of Israel Lipshuetz.)

⁵Such diseases among priests were of very frequent occurrence and inevitable; for they were dressed during services very lightly, being allowed to wear only four articles of apparel; viz., a linen shirt, linen pantaloons, a linen cap, and a girdle. Besides, they had to walk barefoot on the marble floor, and were constantly eating meat of the sacrifices, which had to be eaten during a specified time. Hence

Gebini was herald.⁷ Ben Gabhar was turnkey of the gates.⁸ Ben Bebai was master of the temple-guard.⁹ Ben Arzah was master of the kettledrums (which were beaten as a signal for the Levites to commence their chant). Higros, son of Levi, was (leader) of the singing. The family of Garmo (superintended) the making of the showbreads.¹⁰ The family of Abtinos (superintended) the preparing of the incense.¹¹ Elazar (superintended) the making of the curtains.¹² Pinchas superintended the vestments.¹³

they needed many attendants, in order that, as soon as one priest took sick, a substitute was brought in his place and he was removed to the sick ward. Ben A'hia was the superintendent-in-chief of these matters.

⁷On account of the immense influx of people into Jerusalem three times a year, the wells for the supply of water, both on the roads and in the city, had to be looked after, and Ne'huniah had charge of this.

⁸The commencement of all services had to be heralded, and many heralds were employed. Gebini was herald-in-chief, and his duty was mainly to call out in the morning: "Priests, to your duties! Levites, to your chants! Israelites, to your places!" He had so powerful a voice that it could be heard eight miles.

⁹He had charge of the keys of the gates and of the men who stood at the gates.

¹⁰The gates of the Temple had to be guarded day and night, even in times of peace. To properly care for the guard and to punish all negligence in guarding the gates was the duty of Ben Babai.

¹¹For showbreads, twelve loaves had to be made every week, and had to be made so that they would keep fresh the entire week. For further details, see Tract Tamid. The family of Garmo had charge of this work for generations.

¹²The incense, which was used twice a day, had to be prepared with especial skill from many different spices, and in proper proportions. Further details are also to be found in Tract Tamid. The family Abtinos had charge of this branch for many generations.

¹³The curtains, which were frequently changed, had to be inspected as to workmanship, cleanliness, etc., and this duty devolved upon Elazar.

¹⁴The vestments of the priests had to be carefully examined as to cleanliness, and had to be sent out to be laundered regularly. Many rooms in the Temple were devoted to those vestments, and Pinchas had charge of them all.

Much has been said as to the character of the men enumerated in

(b) No less than three treasurers and seven chamberlains must be appointed,* and no less than two officers were put in charge of public moneys. Exceptions were made in the cases of Ben A'hia, superintendent of the cures of the sick, and Elazar, superintendent of the preparation of curtains, because they were unanimously elected by the community.

(c) There were four seals in the Sanctuary, inscribed with the words Egel (calf), Sachar (ram), Gdi (kid), and 'Houte (sinner, meaning here one covered with sores). Ben Azai says, that there were five (seals), and the inscriptions were in Aramaic, meaning: calf, ram, kid, poor sinner (one afflicted with sores), and rich sinner (one afflicted with sores). The one inscribed with "calf" was used for drink-offerings brought with offerings of the herds, large or small, male or female; the one inscribed with "kid" was used for drink-offerings brought with offerings of the flocks, large or small, male or female, with the exception of rams; the one inscribed with "ram" served for drink-offerings brought only with rams; the seal inscribed with "sinner" served for drink-offerings brought with the three cattle-offerings of those afflicted with sores.*

the Mishna, whether they were priests themselves, Levites, or ordinary Israelites. For particularized information regarding this subject, we would refer to "Die Priester und der Cultus," by Dr. Adolf Büchler, Vienna, 1895. It is estimated that the priests in Jerusalem approached the enormous number of twenty thousand. Besides, there were numbers of Levites.

MISHNA b. * The officers of the Temple ranked as follows: The king, the high priest, the assistant high priest (Sagan), two catholicoses,† seven chamberlains (Amarkolins), three treasurers (Gisbars), and, finally, many smaller officials; e.g., inspectors, officers of the guard, etc. (See "Die Priester und der Cultus," pp. 90-117.) The duties of each officer are described in Tamid and Yuma.

MISHNA c. * With every sacrifice that was offered, wine and meal

† "Catholicos" is here used in the sense of patriarch or head, which term still retains a similar meaning in the "Ecclesiastical History of the Armenian Church," deriving its original meaning from the Greek καθολικός—general or universal. In the latter sense it was adopted at a very early period by the Christian church. In the exclusive sense of denoting the church as the "depository of universally received doctrine in contrast with heretical sects" it is still improperly retained by the Roman Catholic Church. I am surprised to find no mention of the officers of this name and function under the appropriate title anywhere in the "Encyc. Brit."

(*d*) One who desired to bring drink-offerings, for instance, went to Johanan, who was keeper of the seals, paid his money, and received a seal; he then went to A'hia, who had charge of the drink-offerings, gave him the seal, and received the drink-offering. In the evening the two officers came together, when A'hia turned over the seal and received instead the money. If there was too much money, it belonged to the Sanctuary; if too little, Johanan had to supply the deficit: for the sanctuary had that prerogative.

(*e*) One who lost his seal had to wait until evening. If there was a surplus sufficient to cover the seal,* he was given the drink-offering for that amount; otherwise, he did not receive it. The date of the day was on the seal to prevent fraud.

(*f*) There were two chambers in the sanctuary. One was

were brought in accordance with the biblical commandment to that effect, and in quantities prescribed by the ordinances. As the drink and meal offerings were bought in the Temple, the person bringing the sacrifice would receive a seal from the priest which he would exchange for the necessary quantity of wine and meal. The drink-offerings with goats and sheep were the same, hence the seal inscribed "kid" served for both. One who brought a ram, however, which required a larger quantity of wine and meal, would receive a separate seal, inscribed "ram." As for offerings of the herds, they were all equal, small or large, male or female; hence the seal inscribed "calf" sufficed for all. Those who were afflicted with sores, and had to bring two rams and one sheep, received a seal inscribed "sin" (which had the hidden purpose of signifying that sores were the consequence of sin). The poor sinners, who had only to bring one sheep, two doves, and one-tenth of an ephah of meal and one lug of oil, without any wine, were, according to the opinion of the sages, not in need of a seal, because the seal inscribed "kid," which they received when bringing the sheep, was sufficient for the other purpose. Ben Azai, however, says, that another seal was necessary, and that an extra seal marked "poor sinner" was given, which was intended as a sign that no wine was necessary. The tradition of Ben Azai, that the seals were inscribed in Aramaic characters, is also true, because, prior to the introduction of the Greek language, all the writing in the Temple was done in Aramaic. (See the mentioned work of Büchler.)

MISHNA *e*. *Providing only the surplus amounted to exactly the amount paid for the seal.

called chamber of the silent, the other chamber of utensils. In the former, devout men secretly gave charitable gifts, and the poor of good family received there secretly their sustenance. In the other chamber, every one who desired to offer a utensil voluntarily, laid it down. Every thirty days the treasurers opened the chamber, and every utensil found to be fit for the maintenance of the Temple was preserved, while the others were sold and the proceeds went to the treasury for the maintenance of the Temple.*

MISHNA *f.* * In the Palestinian Talmud in this chapter (*Halakha* 15), many legends are related illustrating this Mishna.

CHAPTER VI.

MISHNA: (*a*) There were thirteen curved chests¹ and thirteen tables in the Sanctuary, and thirteen prostrations took place in the Sanctuary. The family of R. Gamaliel and of R. Hananiah, chief of the priests, made fourteen prostrations; this extra prostration was made towards the wood-chamber,² because, according to an ancestral tradition, the ark was hidden there.

(*b*) Once a priest¹ was engaged there, and he noticed that one of the paving-stones on one place appeared different from the others. He went out to tell others of it; but he had not yet finished speaking, when he gave up the ghost; thereby it was known to a certainty that the ark of the covenant² was hidden there.

(*c*) In what direction were the prostrations made? Four towards the north, four towards the south, three towards the east,

CHAPTER VI.

MISHNA *a*. ¹The thirteen chests were used as explained in Mishna *c*, and they were shaped like horns, so that a hand could not be inserted from the top. This Mishna places the number of everything at thirteen (on account of the thirteen kinds of mercy attributed to God). R. Ishmael composed the thirteen rules with which the Law is expounded.

²The location of the wood-chamber can be determined in Tract Middoth.

MISHNA *b*. ¹The priest was a man of blemish (deformed), and could not take part in the sacrifices, but was allowed to select and peel the wood used at the altar.

²The ark was hidden during the existence of the first Temple in order to save it from the Babylonians, after all hope had been abandoned, and its hiding-place was underground. The priests who subsequently took charge probably noticed some sign made by the former generation when the ark was hidden, and this particular priest died as a consequence of his attempt to reveal the secret.

and two towards the occident; *i.e.*, towards the thirteen gates.¹ The southern gates were near a corner of the western. These were: The upper gate, the fire gate, the firstling gate, and the water gate. Why is it called water gate? Because a glass of water was carried through it for the sprinkling of the altar on the Feast of Booths. R. Eliezer son of Jacob says: At that gate the waters (flowing from the Holy of Holies) commence to flow rapidly downwards, until they again flow out under the threshold of the Temple. Opposite there were the northern gates, near the other corner of the western. These were: The door of Jekhaniah, the gate of sacrifice, the women's gate, and the music-gate; and why is the first one called the gate of Jekhaniah? Because Jekhaniah went through it, when he went into exile. In the east was the gate Nikanur, which also had two small doors,² one to the right and the other to the left; lastly, there were two in the west, which were nameless.

(*d*) Thirteen tables were in the Sanctuary: Eight marble ones in the slaughter-house, on which the entrails were washed. Two to the west of the altar-sheep, one marble and one silver: on the marble one the sacrificial pieces were placed, and on the silver table the utensils were placed. Two in the corridor on the inside of the Temple entrance, a marble table and a golden one: on the marble one the showbreads were placed at the time they were brought in, and on the golden one when they were taken out; because the principle is, that the veneration of the

MISHNA *c.* 'That there were thirteen gates in the Temple is vouched for by Abba Jose ben Johanan; but the sages declare, that there were only seven gates and that the thirteen prostrations were made in the direction of the twelve breaches made by the Greeks in the walls of the Temple at the time of the Maccabees, and towards the altar; the twelve breaches had been repaired, and each prostration was a mark of gratitude for the good fortune. From the fact, however, that the Mishna cites nine of the gates by their names and describes their location, it seems that Abba Jose ben Johanan was correct, and had his knowledge of the matter from tradition.

¹ Concerning the gate Nikanur, it is said that the two doors were made in the gate proper, because the gates were very heavy and it required a number of priests and Levites to open them (as explained in Tract Tamid). Hence, in order to facilitate entrance and egress, the two doors were added.

sacred must be heightened and not lessened.* Lastly, there was one golden table in the Temple itself, upon which the show-breads were constantly lying.

(e) Thirteen curved chests were in the Sanctuary.¹ On them was written: *Old* shekalim, *new* shekalim, bird-offerings, doves for whole-offerings, wood, incense, gold for the cover of the Holy of Holies. Six were for donations in general.² The term *new* shekalim is used for those paid annually. *Old* shekalim were those which were paid by men who had failed to pay them in the year when they were due, and paid them in the following year. "In those marked 'bird-offerings,' the money for turtle-doves was deposited; in those marked 'doves,' money for young doves was deposited: but they were all whole-offerings." So says R. Jehudah. The sages say: "In the former, money for both sin-offerings and whole-offerings was placed, and in the latter only for whole-offerings."³

MISHNA d. * Because the showbreads were lying on a golden table in the Temple, they were not to be placed on marble tables when taken out.

MISHNA e. ¹ When a man paid his half-shekel in Jerusalem, he would go to the Temple and throw his half-shekel into the chest marked *new* shekalim. Into the chest marked *old* shekalim, such as had not given pledges for the payment of the Shekalim, and came voluntarily to pay same, would throw their half-shekel. One who wished to donate money for specific purposes, *e.g.*, for bird-offerings, etc., would deposit the money in the respectively marked chests.

² Only one of these chests was for donations in general. The other five were marked as follows: One, "For the remainder of a sin-offering," *i.e.*, money left over from a sum originally intended for the purchase of a sin-offering, was thrown into this chest and was used only for sin-offerings; the second, "for the remainder of guilt-offerings"; the third, "for the remainder of bird-offerings of women who had been confined and of persons suffering from venereal diseases"; the fourth, "for the remainder of Nazarite-offerings"; and the fifth, "for the remainder of offerings of those afflicted with sores." If any one had money left over from such offerings, he deposited it in the respectively marked cases. The contents of the chest marked "for donations in general" were used for the maintenance of the Temple. (Maimonides.)

³ R. Jehudah means to say, that a man who throws money into the chest marked "for bird-offerings" intends that his offerings

(f) If one vow, "I will furnish wood for the altar," he must not furnish less than two cords. If one vow (to furnish) incense, he must not furnish less than a handful. If one vow (to furnish) gold coin, he must not furnish less than a Dinar.¹ Six (chests) were for voluntary offerings. What was done with these? Whole-offerings were bought for these, the meat of which was sacrificed to God, but the hides belonged to the priests.² The following explanation was made by Jehoiada the high priest, of the expression [Lev. v. 19]: "It is a trespass-offering; he hath, in trespassing, trespassed against the Lord": The rule is: With everything coming in under the name of sin or guilt offering, whole-offerings are bought, the meat of which is offered up to God and the hides of which belong to the priests; hence the two expressions: A guilt-offering for God and a guilt-offering for the priests, as it is written [II Kings xii. 16]: "The money for trespass-offerings and the money for sin-offerings was not brought into the house of the Lord: it belonged to the priests."

should be for the altar only, and not for the benefit of those who eat sacrifices, while the sages differ with him, as stated in the Mishna.

MISHNA *f.* ¹ In the preceding Mishna the remainder of offerings is treated of, and it made no difference how little the remainder was, it could be thrown into the chest. In this Mishna, the case of a man who vows to bring an offering is spoken of, and a minimum value is placed.

² Incidentally we are told that the meat of the sacrifices belonged to the Divinity, while the hides belonged to the priests; and what immense sums were realized from the sale of such hides may be gleaned from the mentioned "Priester und Cultus," by Büchler.

CHAPTER VII.

MISHNA: (a) If money is found between the chest marked "Shekalim" and that marked "voluntary offerings," it belongs to the chest marked "Shekalim" if it lies nearer to the same, and to the one marked "voluntary offerings" if it be nearer *that*. So also does it belong to the voluntary offerings if it be found midway between the two chests. Money found lying between the chests marked "wood" and "incense" belongs, if it be nearer the former, to the former; if nearer the latter to the latter, and also to the latter if found midway between the two. Money found lying between the chest marked "bird-offerings" and the one marked "doves" for whole-offerings belongs to the former if it be nearer the former; and if nearer the latter to the latter, and also to the latter if midway between the two. Money found between ordinary moneys and the moneys of the second tithes belongs, if nearer the former to the former; if nearer the latter to the latter, and also to the latter if found midway between the two.* The rule is: One must be guided by the proximity, even in the case of the less important; but in the event of equidistance, (one must be guided) by the greater importance (of the moneys).

(b) Money found (in Jerusalem) on the place of the cattle-dealers is regarded as second tithe.¹ Money found on the Tem-

CHAPTER VII.

MISHNA a. * There are different degrees of sanctification attached to the several kinds of offerings, some greater and some lesser. In order not to appropriate money belonging to an offering of a greater degree of sanctification to one of a lesser degree, it was decided that proximity of the stray coins should govern the disposition of such money. Where, however, the money was equidistant, it was appropriated to the offerings of a greater degree of sanctification, and the degree may be determined from the Mishna itself.

MISHNA b. ¹ Because it was rare for priests to visit the cattle-market, but the Israelites who at any time came to buy cattle for

ple-mount is ordinary.² Other money found in Jerusalem generally, during the festivals, is regarded as second tithe; at other times of the year as ordinary.³

(c) Meat found in the outer court (of the Temple) is considered whole-offering if in complete joints; if cut in pieces it is sin-offering.¹ Meat found in the city is considered peace-offering.² All such meat must be laid aside for putrefaction, and then be burned in the crematory. Meat found anywhere else in the land is prohibited (to be used) as carrion, if found in whole joints; if found cut in pieces, it may be eaten; and during the festivals, when a great deal of meat is on hand, even whole joints may be eaten.³

(d) Cattle found all the way from Jerusalem to Migdal Eder, and in the same vicinity in all directions, are considered, if male, as whole-offerings, and if female as peace-offerings. R. Jehudah

sacrifices generally bought the same with the money exchanged for their second tithes.

¹ Money found on the Temple-mount was presumably dropped there by priests. It never occurred that a priest should carry money belonging to the treasury about with him; for even if he drew some money for the purpose of purchasing necessities, he immediately turned it over to the vender. Hence, any money which a priest may have lost was his own, and ordinary.

² During the festivals, when all the Israelites congregated in Jerusalem, they brought money only to expend for their second tithes, hence money found in any place is considered as second tithes.

MISHNA c. ¹ Because whole-offerings were sacrificed in complete joints, but sin-offerings, which were eaten by the priests, were usually cut in pieces. Neither must be eaten, because it might be that the latter had been left over from the preceding day and should be burned; but the distinction is made simply in case one had eaten of the meat that was cut up. If he had eaten of the complete joint, he was certainly guilty, but if he had eaten of the cut meat, it could not be said positively that he was guilty.

² This must also not be eaten, because it may have lain more than two days and a night; but if it is eaten, no one is guilty.

³ Incidentally the rule is laid down as to meat found anywhere in Palestine. If the meat is found in whole joints, it is presumed to be carrion left for dogs, and must not be eaten. During the festivals, when meat is plentiful, it is presumed to be slaughtered meat, and may be eaten.

says: "If they are fit for Passover-offerings they may be used for such purpose, providing Passover is not more than thirty days off." *

(e) In former days, the finder of such cattle was pledged until he brought the drink-offerings belonging to such sacrifices; every finder, however, letting such cattle stand and going on his way, the high court decreed, that the costs of the drink-offerings belonging thereto be defrayed out of the public money.

(f) R. Simeon says: Seven decrees were promulgated by that court, and the latter was one of them. Further: If a non-Israelite send whole-offerings with the necessary drink-offerings from over the sea, they are offered up; but if sent without the necessary drink-offerings, the costs of the latter are defrayed from public money. If, again, a proselyte died and left offerings, the drink-offerings, if also left by him, are offered up with the others; if not left, the costs of same are defrayed out of public money. It was also a decree of the court, that in the event of a high priest dying, the necessary meat-offering [Leviticus vi. 13] should be paid for out of the public treasury. R. Jehudah, however, declared, that this should be done at the expense of the heirs. In both cases a tenth of an ephah should be offered.

(g) Further, that the priests may (at the sacrificial meals) make use of the salt and the wood (from the sanctuary); that the priests do not commit a breach of trust when misusing the ashes of the red heifer¹; lastly, that the public treasury reimburse

MISHNA d. * R. Jehudah states, that if the animal found was a yearling and a male, it is considered a Passover-offering, but may be sacrificed only as a peace-offering, because a Passover-offering must be intended for a stipulated number of persons. (See Exod. xii. 4.) The sages, however, say, that on account of the number of whole-offerings which were brought at the time, the animal found must not be eaten, for fear lest it be intended for a whole-offering and a grave offence be committed. Hence it should be sacrificed as a whole-offering only.

MISHNA g. ¹ It was not allowed to appropriate any part of a sacrifice designated for some special use for any other purpose. If this was done, however, (unintentionally,) it was considered a trespass, and a trespass-offering had to be sacrificed as expiation for the sin. The ashes of the red heifer did not come under the above ruling

for paid bird-offerings that had become unfit.² R. Jose, however, says: "He who contracts for the furnishing of the bird-offerings must reimburse for the spoilt."

previously (for reason, see Siphri), but on account of the frequent misuse of those ashes a decree was promulgated placing them under the same ruling as other parts of sacrifices, which were not to be misappropriated. Subsequently, this Mishna teaches that, there being no further necessity for the precautionary measure, the decree was reversed and the ashes restored to their former insignificance. This was included among the seven decrees.

²A special decree had to be promulgated to cover this case. Had this not been done, contractors would have refused to furnish birds for offerings, because there were very many birds used, and it was burdensome to properly care for them. Still, R. Jose does not agree to this, claiming that the contractor might use it for other purposes and thus save the Sanctuary the loss. According to Maimonides, the Halakha prevails according to R. Jose.

CHAPTER VIII.

MISHNA: (*a*) All spittle¹ to be found in Jerusalem is considered clean, except such as is found at the upper market (for this place was secluded and those afflicted with venereal diseases were in the habit of going there). Such is the teaching of R. Meir. The sages say: In the middle of the street it is at ordinary times unclean, and at the sides of the streets, clean. During the festivals, spittle found in the middle of the street is clean; at the sides it is unclean, because such as are unclean on account of their minority usually walk at the sides of the street.

(*b*) All utensils found on the way towards the plunge-bath, in Jerusalem, are unclean; those found on the way from the plunge-bath are clean: for they were not carried down to the plunge-bath the same way that these were carried up from the plunge-bath. So teaches R. Meir. R. Jose says: "All are clean, with the exception of such baskets, spades, and pickaxes as are used for the bones of the dead." *

CHAPTER VIII.

MISHNA a. ¹ Concerning this spittle, see Leviticus xv. 8. It being impossible that, of all the people congregated in Jerusalem at the times of the festivals, there should not be some who had running issues and whose spittle was unclean, regulations were made where such men were to walk and where not. These regulations are cited by the Mishna. R. Meir said, that the upper market was the place designated for them, but the sages differ with him, and say, that the regulation was for the healthy men to walk in the middle of the street and the unclean at the sides during the festivals; but the whole year, the order was reversed. It is therefore self-evident, that, wherever the unclean walk, one is liable to contract uncleanness.

MISHNA b. * This Mishna is explained by Maimonides and translated by Yost in a different manner than we have rendered it; namely: "All utensils found wrong side up on the way to the plunge-bath are unclean, and those found right side up are clean." This

(c) If a butchering-knife be found on the fourteenth day of Nissan, a Passover-offering may be slaughtered with it forthwith. If it be found on the thirteenth, it must be again submerged.* A severing-knife must be submerged both if found on the thirteenth or fourteenth. If the fourteenth, however, fall on a Sabbath, it may be used for slaughtering forthwith; so also if it be found on the fifteenth: if it be found together with a butchering-knife, it is treated just like the latter.

(d) If a curtain in the Sanctuary become defiled through some minor uncleanness,¹ it is submerged on the inside of the outer court, and may be put back in its place; if it become defiled through a principal uncleanness, it must be submerged on the outside and then stretched on the rampart, because sunset must be awaited. At the time it is submerged for the first time (when new), it should be spread out on the roof of the gallery, in order that the people may see the beauty of the work.

(e) R. Simeon, son of Gamaliel, says in the name of R. Simeon, son of the assistant high priest, that the curtain was one

explanation is very complicated, and not in accordance with the literal text and other sources of explanation. Hence we simply translated the literal text and deem it correct. As for the last three articles, they are always unclean, on account of being used for bones of the dead; hence, in our opinion, they were never submerged. (See also commentary of Israel Lipshuetz, who also interprets it according to our explanation.)

MISHNA c. * A butchering-knife, being in constant use, is always considered clean, and hence there is no necessity of submerging it. If, however, it be found on the thirteenth, when there is still one day's time, it should be submerged for the sake of precaution. A severing-knife, however, is considered the same as any other vessel, and is treated accordingly.

MISHNA d. ¹ For the explanation of the term "minor uncleanness," as used in this Mishna, it is necessary to state the different degrees of uncleanness, which are as follows: A corpse is called "the grand-parent of uncleanness." One who touches a corpse becomes "a father of uncleanness"; anything touching the latter is, in turn, "a child of (or first of) uncleanness"; anything touched by this latter is a "second of uncleanness"; and so forth, "a third" and "a fourth." (See Tract Taharoth.) In this Mishna a minor uncleanness refers to a first of uncleanness, and a principal uncleanness to a father of uncleanness.

span thick, woven on seventy-two warp-cords, each cord twisted out of twenty threads; it was forty ells long and twenty ells wide, and made (worth) of eighty-two myriads (Dinars).^{*} Two such curtains were made yearly: three hundred priests were required to submerge it.

(*f*) If meat of the Holy of Holies^{*} became defiled, be it through a minor or a principal uncleanness, in the corridor or on the outside, according to the school of Shamaï it must all be burnt in the court (in a place appointed for that purpose), except such as had been defiled by a principal uncleanness on the outside (of the court); according to the school of Hillel, everything is burnt on the outside except such as had been defiled by a minor uncleanness on the inside.

(*g*) R. Eliezer says: "Anything that has become defiled through a principal uncleanness, on the outside or on the inside, is burnt on the outside; anything that has become defiled through a minor uncleanness, either on the inside or the outside, must be burnt on the inside." R. Aqiba says: "In the place where a thing became defiled, there must it also be burnt."

(*h*) The joints of the daily sacrifice were laid down underneath the half of the altar-stairs on the westerly (according to others on the easterly) side; those of the additional offerings on the easterly (others say on the westerly) side. The sacrifices of the new moon were placed above the railing (others say beneath) on the altar.¹ The payment of Shekalim was only obligatory during the time that the Temple stood; the tithes from grain, cattle, and the deliverance of the firstlings were in force during the existence of the Temple and even after the Temple.²—If

MISHNA *e*. ^{*} The Palestinian Talmud asserts, that the amount of the cost of and the number of priests required to submerge the curtain is somewhat exaggerated; but, according to Dr. Büchler's "Priester und Cultus," the number of priests is not an exaggeration; and as for the cost, if the smallest existing coin be used for calculation (as in former times the sou in France, so also was the myriad mentioned in the Mishna), not even the sum will be exaggerated.

MISHNA *f*. ^{*} For instance, the meat of the sacrifice mentioned in Leviticus vii. 6.

MISHNA *h*. ¹ This will be explained in Tract Midoth.

² Because the Levites received their sustenance from this source, and having inherited no land from their ancestors, they were sup-

one sanctify Shekalim or firstlings, they are considered sanctified. R. Simeon says: "If one say, firstlings shall be holy, they are not sanctified (because no Temple exists)."

ported even after the destruction of the Temple by the same means. The details will be found in Tracts Becharath, Maasroth, etc.

APPENDIX TO CHAPTER VI., MISHNA *a*.

FROM the teaching of this Mishna, we may conclude that the number system of Pythagoras was known and prevailed in the times of the Sages of the Mishna, and accordingly the number 13 was deemed inauspicious even in the earliest days.

Therefore many religious ceremonies were established with the express view of convincing the people of the absurdity of their belief.

It also seems probable that the Sages themselves entertained the superstition, and that they adopted the number 13 in the religious ceremonies as a cure for the mischief believed to have been produced by the inauspicious number.

TRACT ROSH' HASHANA
(NEW YEAR).

INTRODUCTION TO TRACT ROSH HASHANA (NEW YEAR'S DAY).

NOTWITHSTANDING the fact that in the history of every nation, especially such as has ever attained to an established form of government, the calendar is a matter of great importance, the Scriptures do not in any manner treat of the Jewish calendar. There cannot even be found a fixed time whence the commencement of the year should be reckoned, although there is this passage in Exodus (xii. 2): "This month shall be unto you the chief of months: the first shall it be unto you of the months of the year." Doubtless this may be assumed to point to the month of Nissan (about April), as not only the most important month, but also as the beginning of the year.

In another passage (Exod. xxiii. 16), however, we find it written: "And the feast of ingathering (Tabernacles), at the conclusion of the year." This would be a palpable contradiction to the previous passage, were it not for the fact that the words "*Betse' th Hashana*" (rendered as "at the conclusion of the year") in the quoted passage can be, with perfect accuracy, translated "during the year." While such a translation would clear away all doubt as to Nissan being the beginning of the year, it could under no circumstances be applied to the Feast of Tabernacles, which is neither "at the conclusion" of the year nor "during the year" (in the sense "when the year has advanced"), if the beginning of the year be Tishri (about September). Hence the passage should be translated: "And the feast of the ingathering, which had been completed at the conclusion of the year"; *i.e.*, in the months preceding the month of Tishri.

In the face of these contradictory terms, we must revert to historical facts which would support one or the other of the above assertions, and we find, that not only the Egyptian rulers, but also the Jewish kings since the time of Solomon, counted the beginning of the year of their accession from the month of

xx INTRODUCTION TO TRACT ROSH HASHANA.

Nissan, while other Eastern potentates, such as the Armenian and Chaldean kings, counted the commencement of their year of accession from Tishri.

It is not certain whether the Israelites, after their conquest of Canaan, computed their calendar in conformity with that of the country whence they came or with that of the country they had conquered; but it is plain that in the Mishnaic period, or after the erection of the second Temple, they counted the beginning of the year from Tishri. It may be, however, that their kings, following the example of their predecessors, commenced counting the year of their accession from Nissan, and in all civil contracts and state documents, according to the existing custom, used dates to agree with Nissan as the first month of the year.

On the other hand, the priestly tithes, during the days of the erection of the second Temple, were payable in Elul (about August), which was considered the expiring season of the year, in order to prevent the confusion which might arise from mixing one year's tithes with those of the other. The priestly tithing of fruits was, however, delayed until Shebhat (about February), the time when the fruits had already matured on the trees, in order that the various tithes should not be confused and to prevent the priests and Levites from unduly interfering with the affairs of the people.

The prehistoric Mishna, which always formed the law, in conformity with the existing custom, and not *vice versa*,* found four different New Year's days in four different months, and, with the object in view of making the custom uniform in all Jewish communities, taught its adherents to observe four distinct New Year's days, at the beginning of the four respective months in which certain duties were accomplished. Thus the text of the opening Mishna of this tract, prior to its revision by Rabbi Jehudah Hanassi, read as follows: "There are four different New Year's days; viz., the first day of Nissan, the first of Elul, the first of Tishri, and the first of Shebhat." The different purposes for which these days were established as New Year's days were well known at that time, and it was therefore deemed unnecessary to specify them. At the time

* Facts corroborating this statement will be found in our periodical *Bakay*, Vol. II., p. 20 *et seq.*

of the new edition of the Mishna, by Rabbi Jehudah Hanassi (the Prince), when the Temple was out of existence, and consequently tithes were no more biblically obligatory (the authority of the priests having been abrogated and reverted to the house of David, the great-grandfather of the editor), the latter referring to the first day of Nissan and the first day of Elul as New Year's days, added, by way of commentary, the words, "for kings and cattle-tithe."

He also cited the opinions of R. Eliezer and R. Simeon, that the New Year's Day for cattle-tithe should not be celebrated separately, but on the general New Year's Day; viz., on the first day of Tishri, as under the then existing circumstances there was no necessity to guard against the confusion of tithes accruing from one year to the other. From this it may be concluded that R. Jehudah Hanassi, in citing the above opinions, alluded to them as being in conformity with his own opinion. To that end he also cites the opinions of the schools of Shamaï and Hillel respectively.

From the statement in the Mishna to the effect that "there are four periods in each year on which the world is judged," it appears that in the Mishnaic period the New Year's day was considered a day of repentance; and since the principal features of repentance are devotion to God and prayers for forgiveness of sin, Rabbi states, in the Mishna, that devotion is the only requirement during the days of penitence, *i.e.*, the days between New Year's Day and the Day of Atonement. The legend relating that on the New Year's day books (recording the future of each person) were opened was yet unknown in Rabbi's time.

The story told by R. Kruspedai in the name of R. Johanan, that "on New Year's Day books are opened," etc., is taken from the Boraitha which teaches: "Three books are opened on the day of judgment." This Boraitha, however, does not refer to the New Year's day, but to the day of final resurrection, as explained by Rashi, and that R. Kruspedai quotes his story in the name of R. Johanan proves nothing; for in many instances where teachers were desirous of adding weight to their opinions, they would quote some great teacher as their authority. R. Johanan himself permitted this method.

After Rabbi Jehudah Hanassi had completed the proper Mishnaic arrangement regarding the number of New Year's days,

making the principal one "the Day of Memorial" (the first of Tishri); after treating upon the laws governing the sounding of the cornet in an exceedingly brief manner—he dwells upon the custom in vogue at the Temple of covering the mouth of the cornet or horn with gold, and declares the duty of sounding the cornet properly discharged if a person passing by the house of worship can hear it.

He arranges the prayers accompanying this ceremony in a few words, and then dilates at great length upon the Mishnayoth treating of the lunar movements by which alone the Jews were guided in the arrangement of their calendar, upon the manner of receiving the testimony of witnesses, concerning the lunar movements, and upon the phases of the moon as used by Rabban Gamaliel. He then elaborates upon the tradition handed down to him from his ancestors (meaning thereby the undisputably correct regulations), and also upon the statutes ordained by R. Johanan ben Zakkai, enacting that the sages of each generation are the sole arbiters of all regulations and ordinances, and may themselves promulgate decrees even though the bases for such be not found in the Mosaic code.

He also confirms the right of the chief Beth Din (supreme court of law), but not of a lower Beth Din, of each respective period, alone to arrange the order of the holidays, on account of the already apparent discontent of the masses, who were bent upon taking the management of these subjects into their own hands.

Thus he dilates upon this feature with the minutest exactness and supports his assertions with the decision of his grandfather Rabban Gamaliel, as well as with the decisions of Rabbi Dosa ben Harkinas and Rabbi Jehoshua, to the effect that each generation has only to look for guidance to the Beth Din existing in its own time, and that the opinion rendered by such a Beth Din is as binding and decisive as that of Moses, even though it appear to be erroneous.

Such are the contents of this tract, certainly most important from an historical and archæological point of view. Proceed, then, and study!

SYNOPSIS OF SUBJECTS

OF

TRACT ROSH HASHANA*

CHAPTER I.

MISHNA I. The first Mishna ordains New Year's Days, viz.: For kings, for the cattle-tithe, for ordinary years, and for the planting of trees. A king who ascends the throne on the 29th of Adar must be considered to have reigned one year as soon as the first of Nissan comes. The Exodus from Egypt is reckoned from Nissan. When Aaron died Sihon was still living. He heard that Aaron was dead and that the clouds of glory had departed. The rule about Nissan only concerned the kings of Israel; but for the kings of other nations, they reckoned from Tishri. Cyrus was a most upright king, and the Hebrews reckoned his years as they did those of the kings of Israel. One is guilty of procrastination. Charity, tithes, the gleanings of the field, that which is forgotten to be gathered in the field, the produce of corners of the field.

One is culpable if he does not give forthwith that which he has vowed for charity. In the case of charity it must be given immediately, for the poor are always to be found. The Feast of Weeks falls on the fifth, sixth, or seventh of Sivan.

How the law against delay affects a woman. In which month is grain in the early stage of ripening? Only in the month of Nissan. It is also the New Year for leap-year and for giving the half-shekels. Congregational sacrifices brought on the first of Nissan should be purchased with the shekels raised for the New Year. He who lets a house to another for a year must count (the year) as twelve months from day to day; but if the lessee says (I rent this house) "for *this* year," even if the transaction takes place on the first of Adar, as soon as the first of Nissan arrives the year (of rental) has expired. The first of Tishri is the New Year for divine judgment. At the beginning of the year it is determined what shall be at the end of the year. The Supreme Court in Heaven does not enter into judgment until the Beth

* See introduction to synopsis of Tract Sabbath, Vol. I., p. xxix.

Din on earth proclaims the new moon. Israel enters for judgment first. If a king and a congregation have a lawsuit, the king enters first. From New Year's Day until the Day of Atonement, slaves used not to return to their (own) homes; neither did they serve their masters, but they ate and drank and rejoiced, with the crown of freedom on their heads. R. Eliezer says, that the world was created in Tishri. R. Joshua says, that the world was created in Nissan. Says R. Joshua, God grants the righteous the fulfilment of the years of their life to the very month and day. Sarah, Rachel, and Hannah were visited on New Year's Day. Joseph was released from prison on New Year's Day. On New Year's Day the bondage of our fathers in Egypt ceased. The Jewish sages fix the time of the flood according to R. Eliezer, and the solstices according to R. Joshua; but the sages of other nations fix the time of the flood also as R. Joshua does. Whoso vows to derive no benefit from his neighbor for a year must reckon (for the year) twelve months, from day to day; but if he said "for this year," if he made the vow even on the twenty-ninth of Elul, as soon as the first of Tishri comes that year is complete. The New Year for giving tithes is for a tree from the time the fruits form; for grain and olives, when they are one-third ripe; and for herbs, when they are gathered. R. Aqiba picked the fruit of a citron-tree on the first of Shebhat and gave two tithes of them, . 1-20

MISHNA II. At four periods in each year the world is judged. All are judged on New Year's Day and the sentence is fixed on the Day of Atonement. R. Nathan holds man is judged at all times. God said: "Offer before Me the first sheaf of produce on Passover, so that the standing grain may be blessed unto you. Recite before Me on New Year's Day the Malkhioth, that you proclaim Me King; the Zikhronoth, that your remembrance may come before Me, for good, and how (shall this be done)?" By the sounding of the cornet. Three circumstances cause a man to remember his sins. Four things avert the evil decree passed (by God) on man; viz., charity, prayer, change of name, and improvement. Some add to these four a fifth—change of location. Three books are opened on New Year's Day: one for the entirely wicked, one for the wholly good, and one for the average class of people. The school of Hillel says: The most compassionate inclines (the scale of justice) to the side of mercy. Who are those who inspire their fellowmen with dread of them? A leader of a community who causes the people to fear him over-much, without furthering thereby a high purpose. The legend how R. Joshua fell sick and R. Papa went to visit him. The Holy One, blessed be He, wrapped Himself, as does one who recites the prayers for a congregation, and pointing out to Moses the regular order of prayer, said to him: "Whenever Israel sins, let him pray to Me after this order, and I shall pardon him." Prayer is helpful for man before or after the decree has been pronounced. The legend of a certain family in Jerusalem whose members died at eighteen years of age. They came and informed R. Johanan ben Zakkai. The Creator sees all their hearts (at a glance) and (at once) understands all their works, . 20-28

MISHNA III. Messengers were sent out in the following six months: in Nissan, Abb, Elul, Tishri, Kislev, and in Adar. The legend of the king

(of Syria who had earlier) issued a decree forbidding the study of the Torah among the Israelites, or to circumcise their sons, and compelling them to desecrate their Sabbath. Judah b. Shamma and his friends cried aloud : " O heavens ! Are we not all brethren ? Are we not all the children of one Father ? " etc. Samuel said : " I can arrange the calendar for the whole captivity. " Rabba used to fast two days for the Day of Atonement. Once it happened that he was right, 29-34

MISHNAS IV. to VII. For the sake of (the new moon), of the two months Nissan and Tishri, witnesses may profane the Sabbath. Formerly they profaned the Sabbath for all (new moons), but since the destruction of the Temple they instituted that (witnesses) might profane the Sabbath only on account of Nissan and Tishri. It once happened that more than forty pair (of witnesses) were on the highway (to Jerusalem) on the Sabbath. Shagbar, the superintendent of Gader, detained them, and (when) R. Gamaliel (heard of it, he) sent and dismissed him. It once happened, that Tobias the physician, his son, and his freed slave saw the new moon in Jerusalem. The explanation of the passage Exodus xii. 1, by R. Simeon and the rabbis. Who are incompetent witnesses ? Gamblers with dice, etc., . . . 34-36

CHAPTER II.

MISHNAS I. to IV. If the Beth Din did not know (the witness), another was sent with him to testify in his behalf. It once happened that R. Nehorai went to Usha on the Sabbath to testify (to the character) of one witness. The legend how the Boethusians appointed false witnesses. Formerly bonfires were lighted (to announce the appearance of the new moon) ; but when the Cutheans practised their deceit it was ordained that messengers should be sent out. There are four kinds of cedars. The whole country looked like a blazing fire. Each Israelite took a torch in his hand and ascended to the roof of his house. Great feasts were made for (the witnesses) in order to induce them to come frequently. How were the witnesses examined ? The sun never faces the concave of the crescent or the concave of a rainbow. (If the witnesses say) " We have seen the reflection (of the moon) in the water, or through a metal mirror, or in the clouds, " " their testimony is not to be accepted. " The chief of the Beth Din says : " It (the new moon) is consecrated, " and all the people repeated after him : " It is consecrated, it is consecrated. " Pelimo teaches : " When the new moon appeared at its proper time, they used not to consecrate it, " 37-42

MISHNAS V. and VI. R. Gamaliel had on a tablet, and on the wall of his upper room, illustrations of the various phases of the moon. Is this permitted ? Yea, he had them made to teach by means of them. It happened once, that two witnesses came and said : " We saw the moon in the eastern part in the morning and in the western part in the evening. " R. Johanan b. Nuri declared them to be false witnesses. Two other witnesses came and said : " We saw the moon on its proper day, but could not see it on the next evening. " R. Gamaliel received them ; but R. Dosa b. Harkhinai said : " They are false witnesses. " R. Joshua approved his opinion. Upon this,

Gamaliel ordered the former to appear before him on the Day of Atonement, according to his computation, with his staff and with money. What R. Joshua did, and what R. Aqiba and R. Dosa b. Harkhinas said about it. What R. Hiyya said when he saw the old moon yet on the morning of the twenty-ninth day. Rabbi said to R. Hiyya: "Go to Entob and consecrate the month, and send back to me as a password, 'David the King of Israel still lives.'" The consecration of the moon cannot take place at a period less than twenty-nine and a half days, two-thirds and .0052 (*i.e.*, seventy-three Halaqim) of an hour. Even if the commonest of the common is appointed leader by a community, he must be considered as the noblest of the nobility. A judge is to be held, "in his days," equal in authority with the greatest of his antecedents. Gamaliel said to R. Joshua: "Happy is the generation in which the leaders listen to their followers, and through this the followers consider it so much the more their duty (to heed the teachings of the leaders)," 42-44

CHAPTER III.

MISHNA I. If the Beth Din and all Israel saw (the moon on the night of the thirtieth day), but there was no time to proclaim, "It is consecrated," before it has become dark, the month is intercalary. When three who formed a Beth Din saw it, two should stand up as witnesses and substitute two of their learned friends with the remaining one (to form a Beth Din). No greater authority than Moses, our master, yet God said to him that Aaron should act with him. No witness of a crime may act as judge, but in civil cases he may, 45-46

MISHNAS II. to IV. Concerning what kind of cornets may be used on New Year's and Jubilee days. Some words in the Scripture which the rabbis could not explain, until they heard the people speak among themselves. The cornet used on the New Year was a straight horn of a wild goat, the mouthpiece covered with gold. The Jubilee and the New Year's Day were alike in respect to the sounding (of the cornet) and the benedictions, but R. Jehudah's opinion was different. R. Jehudah holds that on New Year's Day the more bent in spirit a man is, and on the Day of Atonement the more upright he is (in his confessions), the better; but R. Levi holds the contrary. "On the fast days two crooked ram's-horns were used, their mouthpieces being covered with silver." According to whom do we nowadays pray: "This day celebrates the beginning of thy work, a memorial of the first day"? It is unlawful to use a cornet that has been split and afterwards joined together. If one should happen to pass by a synagogue, or live close by it and should hear the cornet, he will have complied with the requirements of the law. If one covered a cornet on the inside with gold it might not be used. If one heard a part of (the required number of) the sounds of the cornet in the pit, and the rest at the pit's mouth, he has done his duty. If one blew the first sound (Teqia), and prolonged the second (Teqia) as long as two, it is only reckoned as one. If one who listened (to the sounds of the cornet) paid the proper attention, but he that

blew the cornet did not, or *vice versa*, they have not done their duty until both blower and listener pay proper attention. If special attention in fulfilling a commandment or doing a transgression is necessary or not. As long as Israel looked to Heaven for aid, and directed their hearts devoutly to their Father in Heaven, they prevailed; but when they ceased to do so, they failed. All are obliged to hear the sounding of the cornet, priests, Levites, and Israelites, proselytes, freed slaves, a monstrosity, a hermaphrodite, and one who is half-slave and half-free. One may not say the benediction over bread for guests unless he eats with them, but he may for the members of the family, to initiate them into their religious duties, . . . 46-52

CHAPTER IV.

MISHNAS I. to IV. Regarding if the New Year fall on Sabbath. Where the shofer (cornet) should be blown after the Temple was destroyed. What was the difference between Jamnia and Jerusalem? Once it happened that New Year's Day fell on the Sabbath, and all the cities gathered together. Said R. Johanan b. Zakkai to the Benai Betherah: "Let us sound (the cornet)!" "First," said they, "let us discuss!" R. Johanan b. Zakkai ordained that the palm-branch should everywhere be taken seven days, in commemoration of the Temple. Since the destruction of the Temple, R. Johanan b. Zakkai *ordained* that it should be prohibited (to eat of the new produce) the whole of the day of waving (the sheaf-offering). Once the witnesses were delayed in coming, and they disturbed the song of the Levites. They then ordained that evidence should only be received until (the time of) the afternoon service. Concerning what songs the Levites had to sing every day from the Psalms. What did the Levites sing when the additional sacrifices were being offered on the Sabbath? What did they sing at the Sabbath afternoon service? According to tradition, a corresponding number of times was the Sanhedrin exiled. The witnesses need only go to the meeting place (of the Beth Din). Priests may not ascend the platform in sandals, to bless the people; and this is one of the nine ordinances instituted by R. Johanan b. Zakkai, . . . 53-57

MISHNA V. Regarding the order of the benedictions on New Year's Day at the morning prayer, additional prayers, and at what time the cornet must be blown, etc. What passages from the Scriptures are selected for additional prayers on New Year's Day. To what do the ten scriptural passages used for the Malkhioth correspond? How many passages must be recited from Pentateuch, Prophets, and Hagiographa? We must not mention the remembrance of the individual (in the Zikhronoth), even if the passage speaks of pleasant things. What are the passages which must be said in the benediction of Malkhioth, Zikhronoth, and the Shophroth? R. Elazar b. R. Jose says: "The Vathiqin used to conclude with a passage from the Pentateuch." "Hear, O Israel, the Lord our God is our Lord," may be used in the Malkhioth. The second of those who act as ministers of the congregation on the Feast of New Year shall cause another to sound the cornet on days when the Hallel (Service of Praise, Ps. cxiii.-cxviii.) is read.

We are permitted to occupy ourselves with teaching (children) until they learn (to sound the cornet), even on the Sabbath. The order, and how many times it must be blown ; also, the different sounds and the names of them. How all this is deduced from the Bible, and the difference of opinions between the sages. Generally the soundings of the cornet do not interfere with each other, nor do the benedictions, but on New Year's Day and the Day of Atonement they do. R. Papa b. Samuel rose to recite his prayers. Said he to his attendant, "When I nod to you, sound (the cornet) for me." Rabha said to him, that this may only be done in the congregation. A man should always first prepare himself for prayer, and then pray. R. Jehudah prayed only once in thirty days, 57-66

"NEW YEAR."

CHAPTER I.

THE ORDINANCES ABOUT THE NEW YEARS OF THE JEWISH CALENDAR
—THE MESSENGERS THAT WERE SENT OUT FROM JERUSALEM—
AND AT WHICH PERIOD OF THE YEAR THE WORLD IS DIVINELY
JUDGED.

MISHNA I.: There are four New Year days, viz.: The first of Nissan is New Year for (the ascension of) Kings and for (the regular rotation of) festivals;* the first of Elul is New Year for the cattle-tithe,† but according to R. Eliezer and R. Simeon, it is on the first of Tishri. The first of Tishri is New Year's day, for ordinary years, and for sabbatic years‡ and jubilees; and also for the planting of trees§ and for herbs.|| On the first day of Shebhat is the New Year for trees,¶ according to the school of Shammai; but the school of Hillel says it is on the fifteenth of the same month.**

GEMARA: "*For kings.*" Why is it necessary to appoint such a day? (Let every king count the day of his ascension to the throne as the beginning of his year.) Said R. Hisda: "On account of documents." So that in the case of mortgages, one may know which is the first and which is the second by means of

* This refers to the law concerning vows. If one made a vow it had to be fulfilled before the three festivals elapsed in the order of Passover, Pentecost, and Tabernacles, as will be explained further on.

† A date had to be appointed in order to keep the tithes of animals born and products of the earth, distinct from year to year.

‡ Vide Lev. xxv. and Deut. xv.

§ With regard to the prohibition of eating fruit of newly planted trees [Lev. xix. 23-25].

|| So as not to mix the tithe of herbs from year to year.

¶ With regard to the tithe due on fruit trees.

** The Gemara fully discusses the reasons for these institutions, but we deem it wise to anticipate, for the sake of clearness.

the year of the king's reign mentioned in the documents. The rabbis taught: A king who ascends the throne on the 29th of Adar must be considered to have reigned one year as soon as the first of Nissan comes, but if he ascends the throne on the first of Nissan he is not considered to have reigned one year until the first of Nissan of the following year. From this we infer, that only Nissan is the commencement of years for kings (or the civil New Year); that even a fraction of a year is considered a year; and that if a king ascends the throne on the first of Nissan, he is not considered to have reigned one year until the next first of Nissan, although he may have been elected in Adar. The Boraitha teaches this lest one say that the year should be reckoned from the day of election, and therefore the king would begin his second year (on the first of Nissan following).

The rabbis taught: If a king die in Adar, and his successor ascend the throne in Adar, (documents may be dated either) the (last) year of the (dead) king or the (first) year of the new king. If a king die in Nissan, and his successor ascend the throne in Nissan, the same is the case. But if a king die in Adar, and his successor does not ascend the throne until Nissan, then the year ending with Adar should be referred to as the year of the dead king, and from Nissan it should be referred to as that of his successor.* Is this not self-evident? The case here mentioned refers to an instance where the new king was a son of the deceased, and, while ascending the throne in Nissan, had been elected in the month of Adar, and being the king's son, it might be assumed that he was king immediately after his election, and thus the following first of Nissan would inaugurate the second year of his reign. He comes to teach us that such is not the case.

R. Johanan says: Whence do we deduce that we reckon the commencement of years (for the reign) of kings, only from Nissan? Because it is written [I Kings, vi. 1]: "And it came to pass in the four hundred and eightieth year after the going forth of the children of Israel out of the land of Egypt, in the fourth year of the month Ziv, which is the second month of the reign of Solomon over Israel." Thus the Scriptures establish an analogy between "the reign of Solomon" and "the Exodus from Egypt." As the Exodus from Egypt is reckoned from Nissan,

* No reference should be made after the first of Nissan to the reign of the king just deceased. For instance: it was not permitted to speak of the year beginning with Nissan, as the second year after the death of the king.

so also is the reign of Solomon reckoned from Nissan. But how do we know that the Exodus *even* should be reckoned from Nissan? Perhaps we should reckon it from Tishri. This would be improper, for it is written [Numb. xxxiii. 38]: "And Aaron, the Priest, went up into Mount Hor at the commandment of the Lord, and died there, in the fortieth year after the children of Israel were come out of the land of Egypt, on the first day of the fifth month." And it is written [Deut. i. 3]: "And it came to pass in the fortieth year, in the eleventh month, on the first day of the month, Moses spake," etc. Since he mentions the fifth month, which is certainly Abh, and he speaks of (Aaron's death as happening in) the fortieth year (and not the forty-first year), it is clear that Tishri is not the beginning of years (for kings). This argument would be correct as far as the former (Aaron's) case is concerned, for the text specifically mentions (forty years after) the Exodus; but in the latter (Moses') case, how can we tell that (the fortieth year) means from the Exodus? Perhaps it means (the fortieth year) from the raising of the Tabernacle in the wilderness. From the fact that R. Papa stated further on, that the twentieth year is mentioned twice for the sake of a comparison by analogy, we must assume that the analogy of expression "the fortieth year" (mentioned in connection with both Aaron and Moses) signifies also;* as in the former case it means forty years from the time of the Exodus, so also in the latter case. But whence do we know that the incident that took place in Abh (the death of Aaron) happened before (the speech of Moses) which is related as happening in Shebhat? Perhaps the Shebhat incident happened first. It is not reasonable to suppose this, for it is written [Deut. i. 4]: "After he had slain Sihon the king of the Amorites," and when Aaron died Sihon was still living. Thus it is written [Numb. xxi. 1]: "And the Canaanite, the king of Arad, heard." What did he hear? He heard that Aaron was dead, and that the clouds of glory had departed (and he thought that a sign that permission was given from heaven to fight against Israel).† How can we make any such comparison? In the one place it speaks of the Canaanite,

* The statement of R. Papa is quoted here, because it is a rule of the Talmud that no comparisons by analogy may be cited unless they emanate from a tradition or teaching known to the master making such a comparison, and this rule applies throughout the Talmud.

† Because the life of the righteous is a protection for the whole people.

and in the other of Sihon. We have learned in a Boraitha that Sihon, Arad, and the Canaanite are identical. This opinion of R. Johanan is quite correct, for we find that a Boraitha quotes all the verses that he quotes here, and arrives at the same conclusion.

R. Hisda says: The rule of the Mishna—that the year of the kings begins with Nissan—refers to the kings of Israel only, but for the kings of other nations it commences from Tishri. As it is said [Neh. i. 1]: “The words of Nehemiah, the son of Hakhaliah. And it came to pass in the month of Kislev, in the twentieth year,” etc. And it is written [ibid. ii. 1]: “And it came to pass in the month Nissan, in the twentieth year of Artaxerxes the king,” etc. Since Hanani stood before Nehemiah in Kislev, and the Bible speaks of it as the twentieth year, and since Nehemiah stood before the king in Nissan, and the Text calls it also the twentieth year, it is clear that the New Year (for the non-Jewish king, Artaxerxes) is not Nissan (or in the latter case he would have spoken of the twenty-first year). This would be correct as far as the latter quotation is concerned, for it specifically mentions Artaxerxes, but in the former verse how do we know that it refers to Artaxerxes? Perhaps it refers to another event altogether. Says R. Papa: Since in the first passage we read “the twentieth year” and in the second we read “the twentieth year,” we may deduce by analogy that as in the one case Artaxerxes is meant, so is he meant also in the other. But how do we know that the event, recorded as having occurred in Kislev, and not the Nissan incident, happened first? This we know from a Boraitha, where it reads: The same words which Hanani said to Nehemiah in Kislev, the latter repeated to the king in Nissan, as it is said [Neh. i. 1, 2]: “The words of Nehemiah, son of Hakhaliah. And it came to pass in the month of Kislev, in the twentieth year, as I was in Shushan the capital, that Hanani, one of my brethren came, and certain men of Judah . . . and the gates thereof are burned with fire.” And it also said [Neh. ii. 1–6]: “And it came to pass in the month of Nissan, in the twentieth year of Artaxerxes the king, that wine was before him . . . so it pleased the king to send me; and I set him a time.”

R. Joseph raised an objection. It is written [Haggai, ii. 10]: “In the twenty-fourth day of the sixth month, in the second year of Darius.” And it is also written [ibid. 1]: “In the second year, in the seventh month, in the one-and-twentieth

day of the month."* If the rule is that Tishri (the seventh month) is the beginning of years for non-Jewish kings, should not the Text read "in the third year of Darius" instead of the second year? R. Abbahu answered: Cyrus was a most upright king, and the Hebrews reckoned his years as they did those of the kings of Israel (beginning with Nissan). R. Joseph opposed this. First: If that were so, there are texts that would contradict each other, for it is written [Ezra, vi. 15]: "And this house was finished on the third day of the month Adar, which was in the sixth year of the reign of Darius the King." And we have learned in a Boraitha: At the same time in the following year Ezra and the children of the captivity went up from Babylon, and the Bible says about this [Ezra, vii. 8]: "And he came to Jerusalem in the fifth month in the seventh year of the king." But if the rule is (that for Cyrus the year began with Nissan and not Tishri) should not the Text say "the eighth year" (since the first day of Nissan, the beginning of another year, intervenes between the third of Adar and the month of Abh)? Secondly: How can these texts be compared? In the one place it speaks of Cyrus, and in the other of Darius. We have learned in a Boraitha that Darius, Cyrus, and Artaxerxes are all one and the same person.

"*And for festivals.*" Do then the festivals commence on the first of Nissan? Do they not begin on the fifteenth of that month? R. Hisda answered: (The Mishna means that Nissan is) the month that contains that festival which is called the New Year for festivals (viz., Passover).

What difference does it make (in practice)? It makes a difference to one who has made a vow, because through this festival he becomes culpable of breaking the law, "Thou shalt not slack to pay."† And this is according to the opinion of R. Simeon, who says: That (before one is guilty of delay) the three festivals must have passed by in their regular order, with Passover as the first (of the three). Thus was also the dictum of R. Simeon ben Jochai, who stated that the law against procrastina-

* The Rabbis of the Talmud must have had a different version of the book of Haggai from that existing at present. In the second passage quoted, namely Haggai ii. 1, the words "in the second year" cannot be found. There is, therefore, a great difficulty in understanding the discussion. Even Rashi is unable to enlighten us on this point.

† This law of "Thou shalt not slack to pay," is known as "*BAL TE'AHER*"; i.e., the law against procrastination or delay.

tion may be violated at times only when five festivals had passed by in their regular order; at other times when four, and again when three festivals had passed; *i.e.*, if the vow was made before the feast of Pentecost he becomes guilty of procrastination only when Pentecost, Tabernacles, Passover, and again Pentecost and Tabernacles had passed by; if the vow was made before Tabernacles then he becomes guilty.

The rabbis taught: As soon as three festivals have passed by and the following duties (or vows) have not been fulfilled one is guilty of procrastination; and these are: The vow of one who says, "I will give the worth of myself (to the sanctuary);" or, "I will give what I am estimated to be worth (in accordance with Lev. xxvii.);" or the vow concerning objects, the use of which one has forsworn, or which one has consecrated (to the sanctuary), or sin-offerings, guilt-offerings, burnt-offerings, peace-offerings, charity, tithes, the firstlings, the paschal offerings, the gleanings of the field, that which is forgotten to be gathered in the field, the produce of the corner of the field.* R. Simeon says: The festivals must pass by in their regular order, with Passover as the first. And R. Meir says: As soon as even one festival has elapsed and the vow has not been kept the law is infringed. R. Eliezer ben Jacob says: As soon as two festivals have elapsed the law is infringed, but R. Elazar ben Simeon says: Only the passing of the Feast of Tabernacles causes the infringement of the law (whether or not any other festivals have passed by between the making and the fulfilling of the vow). What is the reason of the first Tana? Since in [Deut. xvi.] the Text has been speaking of the three festivals, why does it repeat, "On the Feast of Unleavened Bread, on the Feast of Weeks, and on the Feast of Tabernacles?" This signifies that when Tabernacles, Passover, Pentecost, and again Tabernacles had passed, but if the vow was made before Passover, then the man becomes guilty if he allows the *three* festivals to pass by in their regular order. Infer from this that the festivals must pass in the order just mentioned before one is guilty of procrastination. R. Simeon says: It was not necessary to repeat "on the Feast of Tabernacles," because the Text was speaking of that festival (when it mentioned the names of the three festivals). Why, then, does it repeat it? To teach us that Tabernacles shall be the last of the three festivals. R. Meir

* Lev. xxiii. 22.

arrives at his opinion because it is mentioned of each festival "Thou shalt come there (to Jerusalem), and ye shall bring there" (your vows; and this being said of each festival, if *one* elapses and the vow is not brought, then the law against delay is infringed. The reason of R. Eliezer ben Jacob is, that the passage [Numb. xxix. 39] runs: "These shall ye offer to the Lord on your appointed feasts," and the minimum of the plural word "feasts" is *two*. On what does R. Elazar b. Simeon base his opinion? We have learned in the following Boraitha: "The Feast of Tabernacles" should not have been mentioned in [Deut. xvi. 16], since the preceding passages (of that chapter) were treating of that feast. Why, then, was it mentioned? To indicate that that particular feast (Tabernacles) is the one that causes the infringement of the law.

What do R. Meir and R. Eliezer ben Jacob deduce from the superfluous passage "on the Feast of Unleavened Bread, on the Feast of Weeks, and on the Feast of Tabernacles"? They use this verse, according to R. Elazar, who says in the name of R. Oshiya, who said: Whence do we know that the law of compensation* applies to the Feast of Weeks (although the feast is only one day)? For this very reason the Bible repeats the three festivals, and he institutes a comparison between Pentecost and Passover; and as the law of compensation applies to Passover for seven days, so also does it apply to Pentecost for seven days. Why, then, do the Scriptures find it necessary to repeat the words, "In the Feast of Tabernacles"? To compare it with the Feast of Passover, as during Passover it was obligatory to stay over night (in Jerusalem), so was it also necessary during the Feast of Tabernacles. But how do we know that it was obligatory during the Feast of Unleavened Bread? It is written [Deut. xvi. 7]: "Thou shalt turn in the morning (after staying over night), and go unto thy tents." Whence do we deduce this? The rabbis taught: It is written [Deut. xxiii. 22]: "When thou shalt vow a vow unto the Lord thy God, thou shalt not delay to pay it." Perhaps these words only apply to a vow. How do we know that they may also be applied to a voluntary offering? In the passage just quoted we read "vow," and in another place [Lev. vii. 16] we find "but if the sacrifice of his offering be a vow or a voluntary offering";

* The privilege of bringing on one of the later days of a festival a sacrifice that should have been offered on the first day.

as in the latter instance the "voluntary offering" is included, so is also the former; "unto the Lord thy God," *i.e.*, offerings expressed by "I will give the value of myself," etc., and other objects mentioned above; "thou shalt not slack to pay it"; *i.e.*, the object promised must be given and not anything in exchange for it; * "for he will surely require it," *i.e.*, the sin, guilt, burnt, and peace-offerings; "the Lord thy God," these words refer to offerings of charity, tithes, and firstlings; "of thee," this refers to the gleanings, that which is forgotten in the field and the produce of the corner of the field; "and it would be sin in thee," *i.e.*, in thee and not in thy sacrifice (which is not thereby invalidated).

The rabbis taught: It is written [Deut. xxiii. 24]: "What is gone out of thy lips," this refers to the positive commandments (of the Law); "thou shalt keep," refers to the negative commandments; "and perform," is a warning to the Beth Din (that they should enforce the laws); "according as thou hast vowed," refers to vows; "to the Lord thy God," refers to sin, guilt, burnt, and peace-offerings; "voluntarily," means just what it is; "which thou hast spoken," refers to the sanctified objects devoted to the Temple for repairs, etc.; "with thy mouth," refers to charity. Says Rabha: One is culpable if he does not give forthwith that which he has vowed for charity. Why so? Because there are always poor people (needing immediate help). Is this not self-evident? One might suppose that, since the law prohibiting delay is found in connection with the duty of giving charity and also of bringing the various voluntary offerings, it would apply to both, and it would not be infringed until the three festivals had elapsed, he comes to teach us (that charity and sacrifices are different); in the latter case the infringement of the law depends on the festivals, but in the case of charity it must be given immediately, for the poor are always to be found. And Rabha said again: As soon as three festivals have passed (and one has not brought his offering), he daily transgresses the law against delay. An objection was raised. As soon as a year, containing three festivals or not, has passed (he that does not bring his offering), be it a firstling or any of the holy offerings, transgresses daily the law against delay. It is quite possible that the three festivals may elapse and yet a year may not go by (*i.e.*, from Passover till Tabernacles is only

* Lev. xxvii. 32.

seven months), but how can it happen that a year may pass and the three festivals should not occur (in that time)? It may happen according to those who say (that the three festivals must elapse) in their regular order, but according to those who do not say (that the three festivals must go by) in their regular order, how can such a case occur? This would be correct according to Rabbi (who holds that the intercalary month* is not a part of the year), and it occurs in a leap year, when one consecrates anything (to the Temple) after the Feast of Pass-over; for when the end of the second Adar has arrived, a year (of twelve months) has elapsed, yet the three festivals have not passed by in their regular order. But how can such a case occur according to the rabbis? It can happen as R. Shemaiah teaches: Pentecost falls on the fifth, sixth, or seventh of Sivan. How is this possible? In a year when the months of Nissan and Iyar have thirty days each, Pentecost falls on the fifth of Sivan; when they each have twenty-nine days, Pentecost falls on the seventh of Sivan; but when the one has twenty-nine days and the other has thirty days, Pentecost falls on the sixth of Sivan.

R. Zera asked: How does the law against delay affect an heir? Shall we argue that the Law says [Deut. xxiii. 22]: "When *thou* shalt vow" (*i.e.*, the testator has vowed), but the heir has not vowed (consequently the law does not apply to him), or shall we infer from the passage [Deut. xii. 5, 6]: "And thither shalt thou come . . . and ye shall bring," that the heir (who is obliged to come) is also in duty bound to bring with him (the objects vowed by the testator)? Come and hear. R. Hyya taught: It is written in this connection [Deut. xxiii. 22]: "Of thee" (*i.e.*, from the one who vowed) and this excludes the heir. But did we not say above that these words refer to the gleanings, etc.? The Text uses the word Me'immokh ("of thee"), which we can explain to mean both the successor and the gleanings, etc. (*i.e.*, all that comes "of thee").

R. Zera also asked: How does the law against delay affect a woman? Shall I say that since she is not obligated to appear (in Jerusalem) the law does not apply to her? or perhaps it is her duty to go there because she is included in the law "to rejoice"? "Certainly," answered Abayi, "she is bound by this law because it is her duty to rejoice."

* Leap year occurs seven times in a cycle of nineteen years. On such occasions one month, the second Adar, is added to the twelve lunar months.

The schoolmen asked: From when do we count the beginning of the year for a firstling? Answered Abayi: From the moment it is born; but R. Aha b. Jacob said: From the moment it is acceptable as an offering (*i.e.*, when it is eight days old, Lev. xxii. 27). They do not differ, for the former Rabbi refers to an unblemished animal and the latter to one with a blemish. May, then, a blemished animal be eaten (on the day of its birth)? Yes, if we are sure it was born after the full period of gestation.

The rabbis taught: The first of Nissan is the new year for (arranging the) months, for (appointing) leap years, for giving the half shekels, and, some say, also for the rental of houses. Whence do we know (that it is the new year) for months? From the passage [Ex. xii. 2] where it is written: "This month shall be unto you the beginning of months; it shall be the first month of the year to you." It is also written [Deut. xvi. 1]: "Observe the month of Abib" (early stage of ripening). In which month is grain in the early stage of ripening? I can say only Nissan, and the Law calls it the first. Could I not say Adar (when the grain begins to shoot up)? Nay, for the grain must be ripening during the major portion of the month (and in Adar it is not). Is it then written that the grain must be ripening the major portion of the month? Therefore, says Rabhina, the sages do not find (the rule of calling Nissan the first month) in the Pentateuch, but in the Book of Esther, where it is clearly stated [Esther, iii. 7], "In the first month, that is, the month Nissan."

"For leap years." Do we, then, count leap years from Nissan? Does not a Boraitha teach us that Adar only is the intercalary month? Answered R. Na'hman b. Itz'hak: The words "FOR LEAP YEARS" mean here the termination of leap years,* and our Tana speaks of the beginning of the leap year and not the end.

"For giving the half shekels." Whence do we deduce this? Said R. Yoshiah: In Numb. xxviii. 14: "This is the burnt-offering of the new moon throughout the months of the year." The Scriptures say "*proclaim it a new month*," and also bring a sacrifice from the new products. We make a comparison between the words "year" used in this passage and in Ex. xii. 2,

* As soon as Nissan had been consecrated, there could be no further debate about making the past year intercalary, for once the new month had been called Nissan, it was forbidden to call it by any other name.

"it shall be the first month of the year to you," and deduce that they both refer to Nissan.

R. Jehudah says in the name of Samuel: It is required that the congregational sacrifices* brought on the first of Nissan should be purchased with the shekels collected for the new year; but if the sacrifice was bought with the funds obtained from the former year's funds, it is acceptable, yet the law was but imperfectly complied with. We have also learned the same in a Boraitha with the addition that, if an individual offers from his own property (proper objects for the congregational sacrifices), they are acceptable, but he must first present them to the congregation. Is this not self-evident? Nay, it may be feared that one will not give them to the congregation with a free will, and this, he teaches us, is not worthy of consideration. And the reason that our Tana does not mention that Nissan is a new year for the giving of shekels also, is because it is said above that if one has brought an offering (from the old funds) he has done his duty, therefore he could not make Nissan absolutely binding as a new year for the sacrifices.

It is said above: "And some say also for the rental of houses." The rabbis taught: He who lets a house to another for a year, should count (the year) as twelve months from day to day; but if the lessee says (I rent this house) "for this year," even if the transaction takes place on the first of Adar, as soon as the first of Nissan arrives, the year (of rental) has expired. Can you not say Tishri (is the beginning of the year for such transactions)? Nay, it is generally understood that if a man rents a house in the autumn he rents it for the whole of the rainy season (winter). And the Tana of the first part of the above Boraitha (who does not fix Nissan as the month for rentals), and also our Tana both are of the opinion that in Nissan, too, bad weather sometimes prevails (and therefore Nissan and Tishri are alike in this respect).

"*On the first of Elul is the new year for the cattle-tithes.*" According to whose opinion is this? Says R. Joseph: It is according to Rabbi's own opinion which he formed in accordance with the opinions of different Tana'im. With regard to the festivals he holds with R. Simeon and with regard to the cattle-tithe he holds to the opinion of R. Meir. If that is so, are there not

* The TAMID or daily offering could not be presented to the Temple by an individual.

five beginnings of years instead of four? Rabha answered that the Mishna mentioned only the four, which are not disputed by any one. According to R. Meir there are four, if that "for the festivals" be excluded, and according to R. Simeon there are four, if that "for the cattle-tithes" be excluded. R. Na'hman bar Itz'hak, however, says: (No such explanation is needed); the Mishna means that there are four (months) in which there are (or may be) many beginnings of years.

"According to R. Eliezer and R. Simeon it is on the first of Tishri." R. Johanan says: Both of them deduce their opinion by (various interpretations of) the same scriptural passage. It is written [Psalms, lxxv. 14]: "The meadows are clothed with flocks; the valleys also are covered with corn; men shout for joy, they also sing." R. Meir thinks (this is the interpretation) of these words: When are the meadows clothed with flocks? At the season when the valleys are covered with corn. And when are the valleys covered with corn? About (the time of) Adar. The flocks conceive in Adar and produce their young in Abh; consequently the beginning of the year (for the cattle-tithe) is Elul. R. Eliezer and R. Simeon, however, say: When are the meadows clothed with flocks? At the season when they shout and sing. When do the ears of corn (seem to) send up a hymn of praise? In Nissan. Now, the sheep conceive in Nissan and produce in Elul, consequently the beginning of the year (for their tithe) is Tishri. But Rabha says: All agree that only Adar is the time when the meadows are clothed with flocks, and the valleys are covered with corn. But they differ about this passage [Deut. xiv. 22]: "Thou shalt truly tithe" (*literally*, "Thou shalt tithe in tithing"), and we see that the text here speaks of two tithes—viz., of cattle and of grain. R. Meir thinks that the following comparison may be instituted between the two: just as the tithe of grain must be given in the month nearest to the time it is reaped, so that of cattle must be given in the month nearest to the one in which they are born (Elul). R. Eliezer and R. Simeon, however, are of the opinion that another comparison may be instituted between these tithes—viz., just as the beginning of the year for giving the tithe of grain is Tishri, so also is Tishri for that of cattle.

"The first of Tishri is the New Year's Day for ordinary years." For what purpose is this rule? Answers R. Zera, to determine the equinoxes (and solstices); and this agrees with the opinion of R. Eliezer, who says that the world was created

in Tishri; but R. Na'hman says (it is the new year) for divine judgment, as it is written [Deut. xi. 12]: "From the beginning of the year till the end of the year," *i.e.*, at the beginning of the year it is determined what shall be at the end of the year. But whence do we know that this means Tishri? It is written [Psalms, lxxxix. 3]: "Blow on the new moon the cornet at the time when it (the new moon) is hidden * on our solemn feast day." What feast is it on which the moon is hidden? We can only say Rosh Hashana (New Year's Day), and of this day it is written [ibid. v. 4]: "For it is a statute unto Israel, a judgment (day) for the God of Jacob."

The rabbis taught: "It is a statute unto Israel," whence we infer that the Heavenly Court of Judgment does not enter into judgment until the Beth Din on earth proclaims the new moon. Another Boraitha states: It is written: "It is a statute unto Israel." From this it appears that (New Year's Day is a day of judgment) only for Israel. Whence do we know it is so also for other nations? Therefore it is written: "It is the day of judgment of the God of Jacob" (the Universal God). Why, then, is "Israel" mentioned? To inform us that Israel comes in for judgment first. This is in accordance with the saying of R. Hisda: If a king and a congregation have a law suit, the king enters first, as it is said [I Kings, viii. 59]: "The cause of his servant (King Solomon) and the cause of his people." Why so? Because it is not customary to let a king wait outside.

"*For the computation of sabbatic years.*" On what scriptural passage is this based? On Lev. xxv. 4, which reads: "But in the seventh year there shall be a sabbath of rest unto the land," and he deduces (that it means Tishri) by analogy from the word "year" in this passage and in the following: "From the beginning of the year" [Deut. xi. 12], which surely refers to Tishri.

"*And jubilees.*" Do, then, jubilees begin on the first of Tishri? Do they not begin on the tenth, as it is written [Lev. xxv. 9]: "On the Day of Atonement shall ye make the cornet sound throughout all your land"? Our Mishna is in accordance with R. Ishmael the son of R. Johanan ben Berokah of the following Boraitha: It is written [Lev. xxv. 10]: "Ye shall sanctify the year, the fiftieth year." Why was it necessary to repeat the word "year"? Because in the same connection it

* This is the literal translation of the verse in Psalms; the free translation is "at the appointed time," according to Isaac Leeser.

is said [ibid. 9]: "On the Day of Atonement shall ye make the cornet sound," and one might suppose that the jubilee is sanctified only from the Day of Atonement (and not before). Therefore the word "year" is repeated to teach us that by the words "ye shall sanctify the fiftieth year" is meant, that from the very beginning of the year the jubilee commences to be consecrated. From this R. Ishmael the son of R. Johanan b. Bero-kah says: From New Year's Day until the Day of Atonement slaves were not wont to return to their (own) homes, neither did they serve their masters, but they ate and drank and rejoiced with the crown of freedom on their heads. As soon as the Day of Atonement arrived the Beth Din ordered the cornet to be blown and the slaves returned to their own homes, and estates reverted to their (original) owners.

We have learned in another Boraitha: "It is a jubilee" (Jobhel hi). What is meant by (these superfluous words)? Since it is said [Lev. xxv. 10]: "And ye shall sanctify the fiftieth year," one might think that, as at the beginning of the year the jubilee commences to be sanctified, the sanctification should be extended to the (Day of Atonement) after the end of the year; and be not surprised at such a teaching, since it is customary to add from the non-sanctified to the sanctified. Hence the necessity of the words in the passage (next to that quoted above) [Lev. xxv. 11]: "A jubilee shall that fiftieth year be unto you"; *i.e.*, the fiftieth year shall be hallowed, and not the fifty-first. But the rabbis, whence do they derive the regulation that the fifty-first year is not sanctified? Because it is plainly written the fiftieth year and not the fifty-first. This excludes the opinion of R. Jehudah who holds that the jubilee year is added at the beginning and end.* The rabbis taught "Jobhel hi (it is a jubilee)," even if the people have not relinquished (their debts), even if the cornet is not sounded; shall we also say even if slaves are not released? Hence the word "hi" is used (to indicate that only when the slaves are released it is a jubilee), so says R. Jehudah. R. Jose says: "It is a jubilee," even if debts are not relinquished and slaves are not released; shall we also say even if the cornet is not sounded? Hence the word "hi" is used (and means the sounding of the cornet). Since one passage includes (all that is prescribed) and the other

* *I.e.*, the Jubilee year is, at the same time, the fiftieth year of the last and the first of the coming series.

passage exempts (certain regulations), why should we say it is a jubilee even if they have not released slaves, but that it is not a jubilee if they failed to sound the cornet? Because it is possible that sometimes (a jubilee may occur) and yet there are no (Hebrew) slaves to release, but a jubilee can never occur without the sounding of the cornet (for a cornet can always be found). Another explanation is, that (the sounding of the cornet) is the duty of the Beth Din (and it will never fail to perform it), while (the releasing of slaves) is the duty of the individual, and we cannot be sure that he will perform it. (Is not the first explanation satisfactory) that he gives this additional explanation? (It may not be satisfactory to some who might say) that it is impossible that not one (Hebrew) slave should be found somewhere to be released. Therefore (the Boraitha adds) that the blowing of the cornet is the duty of the Beth Din (and they will not fail to perform it).

R. Hyya b. Abba, however, said in the name of R. Johanan: The foregoing are the words of R. Jehudah and R. Jose; but the masters hold that all three conditions may prevent the fulfilment (of the law), because they hold that the word "hi" [Lev. xxv. 10] should be explained as to the subjects mentioned in the passage in which it occurs, and in the preceding and the following passages also, (and in the passage immediately following the "hi" is said, "fields reverted to their original owners." This, then, also constitutes one of the three conditions). But is it not written, "a jubilee," which certainly means to add something not mentioned previously? This additional word refers to the lands outside of Palestine, where the jubilee must also be enforced. If so, what then is the intent of the words "throughout the land"? (They lead us to infer) that at the time when (under a Jewish government) liberty is proclaimed throughout the land (Palestine) it should be proclaimed outside the land; but if it is not proclaimed in the land, it need not be proclaimed outside the land.

"*And also for the planting of trees.*" Whence do we deduce this? From Lev. xix. 23, where it is written: "Three years shall it be as uncircumcised," and also [ibid. 24]: "But in the fourth year." We compare the term "year" used here with that of Deut. xi. 12, "from the beginning of the 'year,'" and deduce by analogy that they both mean Tishri.

The rabbis taught: For one who plants, slips or grafts (trees) in the sixth year (the year before the sabbatic year), thirty days

before the New Year's day (as soon as the first of Tishri arrives), a year is considered to have passed, and he is permitted to use, during the sabbatic year (the fruits they may produce), but less than thirty days are not to be considered a year, and the fruits may not be used, but are prohibited until the fifteenth of Shebhat, whether it be because they come under the category of "uncircumcised" or under the category of "fourth year planting" [Lev. xix. 23, 24]. Whence do we deduce this? R. Hyya bar Abba said in the name of R. Johanan or R. Janai: The verse says [Lev. xix. 24, 25]: "And in the fourth year. . . . And in the fifth year," *i.e.*, it may happen that in the fourth year (from the planting, the fruit) is prohibited because it is still "uncircumcised," and in the fifth year (from the planting) because it is still the product of the fourth year.

We have learned R. Eliezer says: In Tishri the world was created, the patriarchs Abraham and Jacob were born and died; Isaac was born on the Passover; on New Year's Day Sarah, Rachel, and Hannah were visited with the blessing of children, Joseph was released from prison, and the bondage of our fathers in Egypt ceased; in Nissan our ancestors were redeemed from Egypt, and in Tishri we shall again be redeemed. R. Jehoshua says: In Nissan the world was created, and in the same month the patriarchs were born, and in Nissan they also died; Isaac was born on the Passover; on New Year's Day Sarah, Rachel, and Hannah were visited, Joseph was released from prison, and the bondage of our fathers in Egypt ceased. In Nissan our ancestors were redeemed from Egypt, and in the same month we shall again be redeemed.

We have learned in a Boraitha R. Eliezer says: Whence do we know that the world was created in Tishri? From the scriptural verse, in which it is written [Gen. i. 11]: "And God said, 'Let the earth bring forth grass, the herb yielding seed, and the fruit tree,'" etc. In what month does the earth bring forth grass, and at the same time the trees are *full* of fruit? Let us say Tishri, and that time of the year (mentioned in Genesis) was the autumn; the rain descended and the fruits flourished, as it is written [Gen. ii. 6]: "But there went up a mist from the earth," etc. R. Jehoshua says: Whence do we know that the world was created in Nissan? From the scriptural verse, in which it is written [Gen. i. 12]: "And the earth brought forth grass, and herb yielding seed, and the tree yielding fruit," etc. In which month is the earth covered with grass (and at the same

time) the trees *bring forth* fruit? Let us say Nissan, and at that time animals, domestic and wild, and birds mate, as it is said [Psalms, lxxv. 14]: "The meadows are clothed with flocks," etc. Further says R. Eliezer: Whence do we know that the patriarchs were born in Tishri? From the passage [I Kings, viii. 2]: "And all the men of Israel assembled themselves unto King Solomon at the feast, in the month Ethanim" (strong), which is the seventh month; *i.e.*, the month in which Ethanim, the strong ones of the earth (the patriarchs), were born. How do we know that the expression *ethan* means strength? It is written [Numb. xxiv. 21] *ethan moshabhekha*, "strong is thy dwelling-place," and it is also written [Micah, vi. 2]: "Hear ye, O mountains, the Lord's controversy, and (*ve-haëthanim*) ye strong foundations," etc.

R. Jehoshua, however, says: Whence do we know that the patriarchs were born in Nissan? From I Kings vi. 1, where it says: "In the fourth year, in the month Ziv (glory), which is the second month," etc., which means in that month in which the "glorious ones" of the earth (the patriarchs) were already born. Whether the patriarchs were born in Nissan or Tishri, the day of their death occurred in the same month as that in which they were born; as it is written [Deut. xxxi. 2]: "Moses said, 'I am one hundred and twenty years old to-day.'" The word "to-day" implies "just this day my days and years are complete," for the Holy One, blessed be He, grants the righteous the fulfilment of the years of their life to the very month and day, as it is said: "The number of thy days will I make full" [Ex. xxiii. 26].

Isaac was born in Nissan. Whence do we know this? It is written [Gen. xviii. 14]: "At the next *festival* I will return to thee, and Sarah will have a son." What festival was it when he said this? Shall I say it was Passover, and he referred to Pentecost? That cannot be, for what woman bears children after fifty days' gestation? If I say it was Pentecost, and he referred to Tishri, a similar objection might be raised, for who bears children after five months' gestation? If I say it was Tabernacles, and he referred to Passover, a similar objection may be made, for who bears children in the sixth month of gestation? This last objection could be answered according to the following Boraitha: We have learnt that that year was a leap year, and Mar Zutra says that although a child born after nine months' gestation is never born during the month (but

only at the end of the required time), still a seven months' child can be born before the seventh month is complete, as it is said [I Sam. i. 20]: "And it came to pass, *li-tequphath ha-yamim* (when the time was come about)"; the minimum of *tequphoth** is two and of *yamim* is also two (*i.e.*, after six months and two days' gestation, childbirth is possible).

Whence do we know that Sarah, Rachel, and Hannah were visited on New Year's Day? Says R. Elazar: By comparing the expression "visit" that occurs in one passage with the word "visit" that occurs in another passage, and also by treating the expression "remember" in the same way. It is written concerning Rachel [Gen. xxx. 32]: "And God remembered Rachel," and of Hannah it is written [I Sam. i. 19]: "And God remembered her." He institutes an analogy between the word "remember" used in these passages and in connection with New Year's Day, which is called [Lev. xxiii. 24] "a Sabbath, a memorial (*literally*, a remembrance) of blowing of cornets." It is also written concerning Hannah [I Sam. ii. 21]: "And the Lord visited Hannah," and of Sarah it is written [Gen. xxi. 1]: "And the Lord visited Sarah," and by analogy all these events took place on the same day (New Year's Day).

Whence do we know that Joseph was released from prison on New Year's Day? From Psalm lxxxi., in verses 4, 5, it is written: "Blow on the new moon the cornet at the appointed time on the day of our feast, for this is a statute for Israel." In verse 5 of the same Psalm it is written: "As a testimony in Joseph did he ordain it, when he went out over the land of Egypt." On New Year's Day the bondage of our fathers in Egypt ceased. (Whence do we know this?) It is written [Ex. vi. 6]: "I will bring you out from under the burdens of the Egyptians," and it is written in Psalms, lxxxi. 6: "I removed his shoulder from the burden" (*i.e.*, I relieved Israel from the burden of Egypt on the day spoken of in the Psalm; *viz.*, New Year's Day). In Nissan they were redeemed, as previously proven. In Tishri we shall again be redeemed. This he deduces by analogy from the word "cornet" found in the following passages. In Psalm lxxxi. 4, it is stated: "Blow the cornet on the new moon" (*i.e.*, on New Year's Day), and in Isa. xxvii. 13, it is written: "And on that day the great cornet shall be

* TEQUPHA—Solstice or equinox; hence, the period of three months, which elapses between a solstice and the next equinox, is also called TEQUPHA. Mar Zutra reads the biblical term Tequphoit in the plural.

blown" (and as it means New Year's Day in the one place, so does it also in the other). R. Jehoshua says: "In Nissan they were redeemed, and in that month we shall be redeemed again." Whence do we know this? From Ex. xii. 42, which says: "It is a night of special observance;" *i.e.*, a night specially appointed since the earliest times for the final redemption of Israel.

The rabbis taught: The Jewish sages calculate the time of the flood according to R. Eliezer, and the solstices according to R. Jehoshua, but the sages of other nations calculate the time of the flood also as R. Jehoshua does.

"*And for herbs.*" To this a Boraitha adds "tithes and vows." Let us see. What does he mean by "herbs"? The tithe of herbs. But are not these included with other "tithes"? (Nay, for the tithe of herbs) is a rabbinical institution, while the others are biblical. If so, should he not teach the biblical commandment first? (This is no question), because it was pleasing to him (to have discovered that, although the tithe of herbs is only a rabbinical institution, yet it should have a special New Year to prevent the confusion of tithes from year to year) he, therefore, gives it precedence. And the Tana of our Mishna teaches us the rabbinical institution (*viz.*, the New Year for herbs), leaving us to infer that if that must be observed, so much the more must the biblical law be followed.

The rabbis taught: If one gathers herbs on the eve of New Year's Day before sunset, and gathers others after sunset, he must not give the heave-offering or the tithe from the one for the other, for it is prohibited to give the heave-offering or tithe from the product of the past year for that of the present, or *vice versa*. If the second year from the last sabbatic year was just ending and the third year was just beginning, then for the second year he must give the first and second tithes,* and for the third year he must give the first and the poor tithes. Whence do we deduce that (in the third year no second tithe was to be

* Tithes must be given even to-day, according to the Rabbinical law, throughout Palestine and Syria.

It was the duty of the Israelite to give of his produce the following offerings and tithes: (1) *THERUMA*, a heave-offering, to be given to the priest every year; the measure was not fixed by the Bible; (2) *MA'ASER RISHON*, or first tithe, to be given every year to the Levite; (3) *MA'ASER SHENI*, or second tithe, was to be taken in the second year to Jerusalem and eaten there, or to be converted into money, which was to be spent there; (4) *MA'ASER ANI*, or the poor tithe, to be given in the third year.

given)? R. Jehoshua ben Levi says: In Deut. xxvi. 12, it is written: "When thou hast made an end of the tithe of produce in the third year, which is the year of the *tithing*," *i.e.*, the year in which only one tithe is to be given." What is to be understood (by *one* tithe)? The first and poor tithes, and the second tithe shall be omitted. But perhaps it is not so (that the first and poor tithe are one tithe), but that the first tithe shall be also omitted. This cannot be so, for we read [Numb. xviii. 26]: "The tithe which I have given you from them, for your inheritance," etc. (From this we see that) the Scripture compares this tithe to an inheritance, and as an inheritance is the perpetual property of the heir, so also is the first tithe an uninterrupted gift for the Levite.

"*And for vows.*" The rabbis taught: Whoso vows to derive no benefit from his neighbor for a year, must reckon (for the year) twelve months, from day to day; but if he said "for this year," if he made the vow even on the 29th of Elul, as soon as the first of Tishri comes, that year is complete, for he vowed to afflict himself and that purpose (even in so brief a period) has been fulfilled. But perhaps we should say Nissan (should be regarded as the new year in such a case)? Nay, in the matter of vows we follow the common practice among men (who generally regard Tishri as the New Year).

We have learned (Maasroth I., 3): We reckon the year for giving the tithe: "for carob as soon as it begins to grow; for grain and olives as soon as they are one-third ripe." What is meant by "as soon as it begins to grow"? When it blossoms. Whence do we know that we reckon the tithe on grain and olives when they are one-third ripe? Said R. Assi in the name of R. Johanan, and the same was said in the name of R. Jose of Galilee: It is written [Deut. xxxi. 10]: "At the end of every seven years, in the solemnity of the year of release, in the Feast of Tabernacles." What has the year of release to do with Tabernacles; it is already the eighth year (because the Bible says "at the end of every seven years")? It is only to tell us that all grain which was one-third ripe before New Year's Day must be regarded even in the eighth year as the product of the sabbatic year. And for this we find support in the following Boraitha: R. Jonathan b. Joseph says: It is written [Lev. xxv. 21]: "And it shall bring forth fruit for three (*lishlosh*) years." Do not read *lishlosh* "for three," but in this case read *lishlish* "for a third" (*i.e.*, it is considered produce when it is a third ripe). But this

verse is required for its own particular purpose. There is another verse [ibid. ibid. 22]: "And when ye sow in the eighth year, then shall ye eat of the old harvest; until the ninth year, until its harvest come in, shall ye eat of the old store."

We have learned in a Mishna (Shebeith, II., 7): Rice, millet, poppies, and lentils which have taken root before New Year's Day come under the category of tithes for the past year, and therefore one is permitted to use them during the sabbatic year; but if they have not (taken root), one is forbidden to use them during the sabbatic year, and they come under the category of tithes of the following year. Says Rabha: Let us see. The rabbis say that the year (for giving tithes) begins as follows: "For a tree from the time they blossom, for grain and olives when they are one-third ripe, and for herbs when they are gathered." Now under which head are the above (rice, etc.) classed? After consideration Rabha remarked: Since these do not all ripen simultaneously, but are gathered little by little, the rabbis are right when they say they are tithable from the time they take root.

We have learned in a Boraitha: R. Jose of Galilee says: It is written [Deut. xvi. 13]: "When thou hast gathered in thy corn and thy wine." We infer that as corn and wine, now being gathered, grow by means of the past year's rains, and are tithed as last year's (before New Year's Day) products, so every fruit that grows by the rain of last year is tithable as the last year's produce; but herbs do not come under this category, for they grow by means of the rains of the new year, and they are tithable in the coming year. R. Aqiba, however, says that the words "when thou hast gathered in thy corn and thy wine" lead us to infer that as corn and grapes grow chiefly by means of rain, and are tithed as last year's products, so all things that grow chiefly by rain are tithed as belonging to the past year; but as herbs grow even by watering, they are tithed as the next year's products. In what case is this difference of opinion applicable? Said R. Abbuha: In the cases of onions and Egyptian beans; for a Mishna says: Onions and Egyptian beans which have not been watered for thirty days before New Year's Day are tithed as last year's products, and are allowed to be used during the sabbatic year, but if they have been watered, then they are prohibited during the sabbatic year and are tithed as next year's products.

"On the first of Shebhat is the New Year for trees." Why

so ? Said R. Elazar, in the name of R. Oshyia, because at that date the greater part of the early rains have fallen, although the greater part of the Tequpha is yet to come. The rabbis taught: It once happened that R. Aqiba picked the fruit of a citron tree on the first of Shebhat, and gave two tithes of them, one according to the school of Shammai and one in accordance with the school of Hillel. Says R. Jose b. Jehudah: Nay, Aqiba did not do this because of the school of Shammai or the school of Hillel, but because R. Gamaliel* and R. Eliezer were accustomed to do so. Did he not follow the practice of Beth Shammai because it was the first of Shebhat ? Said R. Hanina, and some say R. Hanania: The case here cited was one of a citron tree, the fruit of which was formed before the fifteenth of last Shebhat, and he should have given the tithe of it even before the present first of Shebhat, but the case happened to be as cited. But Rabhina said: Put the foregoing together and read the (words of R. Jose) as follows: It did not happen on the first of Shebhat, but on the fifteenth, and he did not follow the regulations of the school of Hillel or the school of Shammai, but the custom of R. Gamaliel and R. Eliezer. Rabba bar Huna said: Although R. Gamaliel holds that a citron tree is tithable from the time it is picked, as is the case with "herbs," nevertheless the new year for tithing it is in Shebhat. R. Johanan asked R. Janai: "When is the beginning of a year for (the tithe on) citrons ?" And he said, "Shebhat." "Dost thou mean," said he, "the month Shebhat as fixed by the lunar year or by the solar year (from the winter solstice) ?" "By the lunar year," he replied. Rabha asked R. Na'hman, according to another version R. Johanan asked R. Janai: "How is it in leap years (when there are thirteen lunar months) ?" And he said: "Shebhat, as in the majority of years." It was taught: R. Johanan and Resh Lakish both say that a citron that has grown in the sixth year and is unpicked at the entrance of the sabbatic year is always considered the product of the sixth year. When Rabhin came (from Palestine) he said, in the name of R. Johanan: A citron that was as small as an olive in the sixth year, but grew to the size of a (small) loaf of bread during the sabbatic year, if one used it without separating the tithe he is culpable because of *Tebhel*.†

* The opinion of R. Gamaliel is stated a little further on.

† Produce of which the levitical and priestly tithe has not been yet separated, and which must not be used.

The rabbis taught: A tree whose fruits formed before the fifteenth of Shebhat must be tithed as the product of the past year, but if they formed after that, they are tithed during the coming year. Said R. Nehemiah: This applies to a tree that looks as if it bore two crops; *i.e.*, whose fruits do not ripen all at once, but at two times. But in the case of a tree that produces but one crop, as, for example, the palm, olive, or carob, although their fruits may have formed before the fifteenth of Shebhat, they are tithed as the products of the coming year. R. Johanan remarked that in the case of the carob people follow the opinion of R. Nehemiah. Resh Lakish objected to R. Johanan: Since white figs take three years to grow fully ripe, must not the second year after the sabbatic year be regarded as the sabbatic year for them? R. Johanan was silent. R. Abba the priest said to R. Jose the priest: I am surprised that R. Johanan should have accepted this query of Resh Lakish without comment.

MISHNA: At four periods in each year the world is judged: on Passover, in respect to the growth of grain; on Pentecost, in respect to the fruit of trees; on New Year's Day all human beings pass before Him (God) as sheep before a shepherd, as it is written [Psalms, xxx. 9]: "He who hath fashioned all their hearts understandeth all their works";* and on Tabernacles judgment is given in regard to water (rain).

GEMARA: What grain (does the divine judgment affect on the Passover)? Does it mean the grain now standing in the field (about to be reaped)? At what time, then, were all the accidents that have happened to it until that time destined (by divine will)? It does not mean standing grain, but that just sown. Shall we say that only one judgment is passed upon it? Have we learned in a Boraitha: If an accident or injury befall grain before Passover it was decreed on the last Passover, but if it happen (to the same grain) after Passover, it was decreed on the immediately preceding Passover; if an accident or misfortune befall a man before the Day of Atonement, it was decreed on the previous Day of Atonement, but if it happened after the Day of Atonement it was decreed on the preceding Day of Atonement? Answered Rabha: Learn from this that judgment is passed twice (in one year, before the sowing and before the reaping). Therefore said Abayi: When a man sees that the

* *Vide* Introduction.

grain which ripens slowly is thriving, he should as soon as possible sow such grain as ripens quickly, in order that before the time of the next judgment it may already have begun to grow.

With whose opinion does our Mishna agree? Not with that of R. Meir, nor with that of R. Jehudah, nor with that of R. Jose, nor with that of R. Nathann, nor with the teaching of the following Boraitha: All are judged on New Year's Day, and the sentence is fixed on the Day of Atonement. So says R. Meir. R. Jehudah says all are judged on New Year's Day, but the sentence of each is confirmed each at its special time—at Passover for grain, at Pentecost for the fruit of trees, at Tabernacles for rain, and man is judged on New Year's Day, and his sentence is confirmed on the Day of Atonement. R. Jose says man is judged every day, as it is written [Job, vii. 18]: "Thou rememberest him every morning"; and R. Nathan holds man is judged at all times, as it is written [ibid.]: "Thou triest him every moment." And if you should say that the Mishna agrees with the opinion of R. Jehudah, and that by the expression "judgment" it means the "confirmation of the decree," then there would be a difficulty about man. Said Rabha: The Tana of our Mishna is in accordance with the school of R. Ishmael of the following Boraitha: At four periods is the world judged: at Passover, in respect to grain; on Pentecost, in regard to the fruit of trees; on Tabernacles, in respect to rain, and on New Year's Day man is judged, but the sentence passed upon him is confirmed on the Day of Atonement, and our Mishna speaks of the opening of judgment only (and not the final verdict).

R. Hisda asked: "Why does not R. Jose quote the same passage as R. Nathan in support of his opinion?" Because "trying" is not judging. But does not "remembering" also convey the same idea? Therefore said R. Hisda: R. Jose bases his opinion on another passage; viz. [I Kings viii. 59]: "That God may maintain the cause of His servant and the cause of His people Israel *every day*." Said R. Joseph: According to whom do we pray nowadays for the sick and for faint (scholars) every day? According to R. Jose (who maintains that man is judged every day).

We have learned in a Boraitha: R. Jehudah taught in the name of R. Aqiba: Why does the Torah command [Lev. xxiii. 10] a sheaf of the first fruits to be brought on the Passover? Because Passover is the period of judgment in respect to grain, and the Holy One, blessed be He, said: "Offer before Me the

first sheaf of produce on Passover, so that the standing grain may be blessed unto you." And why the two loaves [Lev. xxiii. 17] on the Pentecost? Because that is the time when judgment is passed on the fruit of trees, and the Holy One, blessed be He, said: "Bring before Me two loaves on the Pentecost, so that I may bless the fruits of the tree." Why was the ceremony of "the outpouring of water" (on the altar) performed on the Feast of Tabernacles? Because He said: "Perform the rite of 'the outpouring of waters,' that the rains shall fall in due season." And He also said: "Recite before Me on New Year's Day the Malkhiyth, Zikhronoth, and Shophroth;* the Malkhiyth, that you proclaim Me King; the Zikhronoth, that your remembrance for good may come before Me." And how (shall this be done)? By the sounding of the cornet.

R. Abbahu said: "Why is the cornet made a ram's horn?" The Holy One, blessed be He, said: "Sound before Me on a cornet made of a ram's horn, that I may remember, for your sake, the offering of Isaac, the son of Abraham [*vide* Gen. xxii. 13], and I shall consider even *you* as worthy, as if ye had shown an equal readiness to sacrifice yourselves to Me."

R. Itz'hak said: A man is judged only according to his deeds at the time of sentence, as it is written [Gen. xxi. 17]: "God heard the voice of the lad, as he *then* was," and the same rabbi also remarked: Three circumstances cause a man to remember his sins; viz., when he passes by an insecure wall, when he thinks deeply of the significance of his prayer, and when he invokes divine judgment on his neighbor, for R. Abhin says: Whoso calls down divine judgment on his neighbor is punished first, as we find in the case of Sarah, who said [Gen. xvi. 5] to Abraham: "I suffer wrong through thee, may the Lord judge between me and thee." And shortly after we read (that she died): "And Abraham came to mourn for Sarah and to weep for her" [Gen. xxiii. 2]. (Naturally this only applies to cases where appeal could have been made to a civil court, and the invocation of divine judgment was not necessary.†) R. Itz'hak

* These are the divisions of the Additional Service for the New Year's Day. The Malkhiyth consist of ten scriptural passages in which God is proclaimed King. The Zikhronoth consist of an equal number of scriptural passages in which Divine remembrance is alluded to. The Shophroth are a similar series of selections in which the Shophar (cornet) is referred to. In Chapter IV. of this tract there is a discussion as to the composition of these selections. We retain the Hebrew names, because we feel that no translation or paraphrase will adequately express what they mean.

† This is taken from Tract Baba Kama.

preached: Four things avert the evil decree passed (by God) on man—viz.: charity, prayer, change of name, and improvement. "Charity," as it is written [Prov. x. 2]: "Charity delivereth from death." "Prayer," in accordance with [Psalms, cvii. 19]: "They cry unto the Lord when they are in distress, and He saveth them out of their afflictions." "Change of name," as it is written [Gen. xvii. 15]: "As for Sarai, thy wife, thou shalt not call her name Sarai, but Sarah shall her name be," and the text continues by saying [ibid. 16]: "Then will I bless her, and give thee a son also of her." "Improvement," we deduce from Jonah, iii. 10: "And God saw their works that they had turned from their evil ways," and immediately adds: "And God bethought Himself of the evil He had said He would do unto them, and He did it not." Some add to these four a fifth, change of location, as it is written [Gen. xii. 1 and 2]: "And God said to Abraham, get thee out from thy land" (and afterwards), "I will make of thee a great nation."

R. Kruspedai said in the name of R. Johanan: Three books are opened on New Year's Day: one for the utterly wicked, one for the wholly good, and one for the average class of people. The wholly righteous are at once inscribed, and life is decreed for them; the entirely wicked are at once inscribed, and destruction destined for them; the average class are held in the balance from New Year's Day till the Day of Atonement; if they prove themselves worthy they are inscribed for life, if not they are inscribed for destruction. Said R. Abhin: Whence this teaching? From the passage [Psalms, lxix. 29]: "Let them be blotted out of the book of the living, and they shall not be written down with the righteous."

We have learned in a Boraitha: The school of Shammai said: There are three divisions of mankind at the Resurrection: the wholly righteous, the utterly wicked, and the average class. The wholly righteous are at once inscribed, and life is decreed for them; the utterly wicked are at once inscribed, and destined for Gehenna, as we read [Dan. xii. 2]: "And many of them that sleep in the dust shall awake, some to everlasting life, and some to shame and everlasting contempt." The third class, the men between the former two, descend to Gehenna, but they weep and come up again, in accordance with the passage [Zech. xiii. 9]: "And I will bring the third part through the fire, and I will refine them as silver is refined, and will try them as gold is tried; and he shall call on My name, and I will answer him."

Concerning this last class of men Hannah says [I Sam. ii. 6]: "The Lord causeth to die and maketh alive, He bringeth down to the grave and bringeth up again." The school of Hillel says: The Merciful One inclines (the scale of justice) to the side of mercy, and of this third class of men David says [Psalms, cxvi. 1]: "It is lovely to me that the Lord heareth my voice"; in fact, David applies to them the Psalm mentioned down to the words, "Thou hast delivered my soul from death" [ibid. 8].

Transgressors of Jewish birth and also of non-Jewish birth, who sin with their body descend to Gehenna, and are judged there for twelve months; after that time their bodies are destroyed and burnt, and the winds scatter their ashes under the soles of the feet of the righteous, as we read [Mal. iii. 23]: "And ye shall tread down the wicked, for they shall be as ashes under the soles of your feet"; but as for Minim, informers and disbelievers, who deny the Torah, or Resurrection, or separate themselves from the congregation, or who inspire their fellow-men with dread of them, or who sin and cause others to sin, as did Jeroboam the son of Nebat and his followers, they all descend to Gehenna, and are judged there from generation to generation, as it is said [Isa. lxvi. 24]: "And they shall go forth and look upon the carcasses of the men who have transgressed against Me; for their worm shall not die, neither shall their fire be quenched." Even when Gehenna will be destroyed, they will not be consumed, as it is written [Psalms, xlix. 15]: "And their forms wasteth away in the nether world," which the sages comment upon to mean that their forms shall endure even when the grave is no more. Concerning them Hannah says [I Sam. ii. 10]: "The adversaries of the Lord shall be broken to pieces." R. Itz'hac b. Abhin says: "Their faces are black like the sides of a caldron"; while Rabha remarked: "Those who are now the handsomest of the people of Me'huzza will yet be called the children of Gehenna."

What is meant by Jews who transgress with their *body*? Says Rabh: The *Qargaphtha* (frontal bone) on which the phylacteries are not placed.* And who are meant by non-Jews who

* There were sects at that time who did not wear the phylacteries on the frontal bone, but on other places. The people here referred to are those mentioned in Mishna Megillah III. 5. Those who do not wear phylacteries at all are, under no circumstances, included under the head of these transgressors. (*Vide* Tosaphoth, ad loc.) For fuller information the reader is referred to our "The History of Amulets, Charms, and Talismans" (New York, 1893).

transgress with the *body*? Those guilty of the sin (of adultery). Who are those who inspire their fellowmen with dread of them? A leader of a community who causes the people to fear him overmuch without furthering thereby a high purpose. R. Jehudah said in the name of Rabh: No such leader will ever have a learned son, as it is said [Job, xxxvii. 24]: "Men do therefore fear him: he will never see (in his family) any wise of heart."

The school of Hillel said above: He who is full of compassion will incline the scale of justice to the side of mercy. How does He do it? Answered R. Eliezer: He *presses* on (the side containing our virtues), as it is said [Micah, vii. 19]: "He will turn again, he will have compassion upon us, he will suppress our iniquities." R. Jose says: He *lifts off* (the sins), as it is said [ibid. 18]: "He pardoneth iniquity and forgiveth transgression." And it was taught in the school of R. Ishmael that this means that He removes each first sin (so that there is no second), and this is the correct interpretation. "But," Rabha remarked, "the sin itself is not blotted out, so that if one be found in later times with more sins (than virtues), the sin not blotted out will be added to the later ones; whoso treats with indulgence one who has wronged him (forms an exception to this rule), for he will have *all* his sins forgiven, as it is said [Micah, vii. 18]: "He pardoneth iniquity and forgiveth transgression." From whom does He remove iniquity? From him who forgiveth transgression (committed against him by his neighbor).

R. Huna ben R. Jehoshua fell sick, and R. Papa went to visit him. The latter saw that the end was near, and said to those present: "Make ready his provisions (shrouds)." Finally he recovered, and R. Papa was ashamed to see him. "Why did you think him so sick?" said they. "He was so, indeed," he replied, "but the Holy One, blessed be He, said that since he was always indulgent (with every one), he shall be forgiven," as it is written: "He pardoneth iniquity and forgiveth transgression." From whom does He remove iniquity? From him who forgiveth transgression.

R. A'h the son of Hanina said: The phrase "of the remnant of his inheritance" [Micah, vii. 18] is like unto a fat tail (of an Arabian sheep) with a thorn through it (that will stick those that lay hold of it); (for He forgives) the *remnant* of His inheritance, and not all His inheritance. What is meant by rem-

nant? Only those who deport themselves like a remnant (*i.e.*, modestly). R. Huna points out a contradiction in these passages. It is written [Psalms, cxlv. 17]: "The Lord is *just* in all his ways," and in the same passage, "and *pious* in all his works." It means, in the beginning He is only *just*, but in the end He is *pious* (when He finds that strict justice is too severe on mankind He tempers justice with piety or mercy). R. Elazar also points out a contradiction. It is written [Psalms, lxii. 12]: "Unto thee, O Lord, belongeth *mercy*;" and again, "thou renderest to every man *according to his work*." This can be explained as the above: In the beginning He rewards every man according to his works, but in the end He is merciful. Ilphi or Ilpha points out a similar contradiction in [Ex. xxxiv. 6], where it is written "abundant in *goodness and truth*," and gives a similar explanation.

It is written [Ex. xxxiv. 6]: "And the Lord passed by before him and proclaimed." R. Johanan said: Had this passage not been written, it would have been impossible to have said it, for it teaches us that the Holy One, blessed be He, wrapped Himself, as does a minister who recites the prayers for a congregation, and pointing out to Moses the regular order of prayer, said to him: Whenever Israel sins, let him pray to Me, after this manner, and I shall pardon him.

"The Lord, the Lord," (these words mean) I am the same God before a man sins as I am after he sins and does repentance. "God, merciful and gracious." R. Jehudah said (concerning these words): The covenant made through the thirteen attributes [Ex. xxxiv.] will never be made void, as it is said [ibid. 10]: "Behold *I* make a covenant."

R. Johanan said: Great is repentance, for it averts the (evil) decreed against a man, as it is written [Isa. vi. 10]: "Obdurate will remain the heart of this people, . . . nor hear with their ears, nor understand with their hearts, so that they *repent* and be *healed*." R. Papa asked Abayi: Do not these last words, perhaps, mean before the (evil) decree has been pronounced? It is written, he replied, "be healed." What is that which requires healing? I can only say that against which judgment has been pronounced. An objection was raised from the following Boraitha: He who repents between (New Year's Day and the Day of Atonement) is forgiven, but if he does not repent, even though he offered the choicest sacrifice, he is not pardoned. This presents no difficulty; in the one case it refers to

(the sins of) an individual, and in the other to (those of) a community. Another objection was raised. Come and hear. It is written [Psalms, cvii. 23-28]: "They that go down to the sea in ships, that do business in great waters; these see the works of the Lord . . . for he commandeth, and raiseth the stormy wind, which lifteth up the waves thereof, they reel to and fro, and stagger like a drunken man, . . . then they cry unto the Lord in their trouble, and he bringeth them out of their afflictions; oh, that men would praise the Lord for his goodness," etc. Signs are given, such as the words "but" and "only" in the Scriptures (which intimate limiting qualifications), to indicate that if they cried before the decree was pronounced, only then would they be answered; but if after, they are not answered. (Would not this be a contradiction to the words "to those of a community"?) Nay, for those on a ship are not a community (but are considered as individuals).

Come and hear. The proselyte Beluria (a woman) asked R. Gamaliel (concerning the following apparent contradiction): It is written in your Law [Deut. 17]: "The Lord who regardeth not persons" (*literally*, who lifteth not up countenances); and it is also written [Numb. vi. 26]: "May the Lord lift up his countenance." R. Jose, the priest, joined her, and said to her: "I will tell thee a parable. To what may this be compared? To one who lent money to his neighbor, and set a time for its repayment before the king, and (the borrower) swore by the king's life (to repay it on time). The time arrived, and he did not pay, and he came to appease the king. Said the king to him, 'I can forgive you only your offence against me, but I cannot forgive you your offence against your neighbor; go and ask *him* to forgive you.'" So also here; in the one place it means sins committed by a man against Himself (the Lord), but in the other it means sins committed by one man against another. As to the decree pronounced against an individual, the Tanaim differ, however, as we may see from the following Boraitha: R. Meir used to say, of two who fall sick with the same sickness, and of two who enter a tribunal (for judgment) on similar charges, one may recover and one not, one may be acquitted and one condemned. Why should one recover and one not, and one be acquitted and one condemned? Because the one prayed and was answered, and one prayed and was not answered. Why should one be answered and the other not? The one prayed devoutly and was answered, the other did not pray

devoutly and therefore was not answered; but R. Elazar said it was not because of prayer, but because the one prayed *before*, and the other *after* the decree was pronounced. R. Itz'hak said: Prayer is helpful for man before or after the decree has been pronounced. Is it then so that the (evil) decree pronounced against a congregation is averted (through the influence of prayer)? Does not one scriptural verse [Jer. iv. 14] say: "Wash thine heart from wickedness," and another states [ibid. ii. 22]: "For though thou wash thee with nitre, and take thee much soap, yet would the stain of thine iniquity remain before me." Shall we not say in the one case it means *before*, and in the other *after* the sentence has been pronounced? Nay, both refer (to a time) after the decree has been pronounced and there is no contradiction, for in one case it refers to a decree issued with an oath, and in the other to a decree pronounced without an oath, as R. Samuel b. Ami said in the name of R. Jonathan: Whence do we know that a decree, pronounced with an oath, cannot be averted? From the passage [I Sam. iii. 14]: "Therefore I have sworn unto the house of Eli, that the iniquity of Eli's house shall not be purged with sacrifice nor meat-offering forever." Rabba, however, said: Even in such a case it is only through *sacrifices* that sin cannot be purged, but by (the study of) the Law it may be; and Abayi said: With sacrifice and offering it cannot be purged, but by (the study of) the Law, and by active benevolence it can. (Abayi based this opinion on his own experience, for) he and (his master) Rabba were both descendants of the house of Eli; Rabba, who only studied the Law, lived forty years, but Abayi, who both studied the Torah and performed acts of benevolence, lived sixty years. The rabbis tell us also: There was a certain family in Jerusalem whose members died at eighteen years of age. They came and informed R. Johanan ben Zakkai of their trouble. Said he: "Perhaps you are descendants of Eli, of whom it is said, 'all the increase of thy house shall die in the flower of their age'" [I Sam. ii. 33]; "Go, then, study the Law, and live." They went and studied, and they lived, and they called that family R. Johanan's after his name. R. Samuel ben Inya says in the name of Rabh: Whence do we know that if the decree against a community is even confirmed, it may nevertheless be averted? From [Deut. iv. 7] where it is written: "As the Lord, our God, in *all* things that we call upon him for;" (but how can you harmonize that with the passage) [Isa. lv. 6]: "Seek ye the Lord

while he may be found" ? The latter passage refers to an individual, the former to a community. When is that time that He will be found even by an individual ? Answered Rabba bar Abbahu : " During the ten days, from New Year's Day till the Day of Atonement."

" *On New Year's Day all the inhabitants of the world pass before him, Kibhne Maron (like sheep).*" What does the Mishna mean by these last two words ? " Like sheep," as they are translated in Aramaic, but Resh Lakish says they mean " as the steps of the Temple " (*i.e.*, narrow, so that people ascended them one by one). R. Jehudah, however, said in the name of Samuel : (They mean) " like the armies of the house of David " (which were numbered one by one). Said Rabba bar Bar Hana in the name of R. Johanan : " Under any circumstances they are mustered at a glance. And R. Na'hman bar Itz'hak said : Thus also we understand the words of our Mishna : " He that fashioned all their hearts alike " [Psalms, xxxiii. 15], *i.e.*, the Creator, sees all their hearts (at a glance) and (at once) understands all their works.

MISHNA: Messengers were sent out * for the following six months: for Nissan, on account of the Passover; for Abh, on account of the fast; for Elul, on account of the New Year; for Tishri, on account of appointing the order of the (remaining) festivals; † for Kislev, on account of the Feast of Dedication; for Adar, on account of the Feast of Passover; also for Iyar, when the Temple was in existence, on account of the minor (or second) Passover. ‡

GEMARA: Why were they not also sent out for Tamuz and Tebheth (in which months there are also fasts) ? Did not R. Hana bar Bizna say in the name of R. Simeon the pious: What is the meaning of the passage [Zach. viii. 19]: " Thus saith the Lord of hosts; the fast of the fourth, and the fast of the fifth, and the fast of the seventh, and the fast of the tenth shall become in the house of Judah joy and gladness," etc., that they are called fasts, and also days of joy and gladness ? Are we not to understand that only in the time of peace (cessation of persecution) they shall be for joy and gladness, but in the time when there was not peace they shall be fasts ? Said

* See *Slekalim* I. 1.

† *e.g.* Tabernacles. This was necessary since the Beth Din might have made the month intercalary.

‡ *Vide*, Numb. ix. 10, 11.

R. Papa: It means this: When there was peace, these days should be for joy and gladness; in the time of persecution they shall be fasts; in times when there are neither persecution nor peace people may fast or not, as they see fit. If that is so, why then (should messengers have been sent out) on account of the fast of Abh? Said R. Papa: The fast (ninth day) of Abh is different, since many misfortunes occurred on that day, as the master said: "On the ninth of Abh, the first and second Temples were destroyed, Bether was captured, and the city of Jerusalem was razed to the ground."

We have learned in a Boraitha: R. Simeon said: There are four matters that R. Aqiba expounded, but which I interpret differently; "the fast of the fourth" means the ninth of Tamuz, on which the city was broken in, as it is written [Jer. lii. 6, 7]: "In the fourth, in the ninth day of the month . . . the city was broken in." What does he mean by fourth? The fourth of the months. "The fast of the fifth," means the ninth of Abh, on which the Temple of our Lord was burnt; and what does he mean by calling it fifth? The fifth of the months. "The fast of the seventh" means the third of Tishri, the day on which Gedaliah, the son of Ahikam, was slain (and we fast), because the death of the righteous is equal to the loss of the house of our Lord. And what does he mean by calling it the seventh? The seventh of the months. "The fast of the tenth," means the tenth of Tebheth, the day on which the king of Babylon set himself against Jerusalem, as it is written [Ezek. xxiv. 1, 2]: "Again in the ninth year, in the tenth month, in the tenth day of the month the word of the Lord came unto me saying, Son of man, write thee the name of the day, even of this same day; the king of Babylon set himself against Jerusalem." And what does he mean by calling it the tenth? The tenth of the months, and actually this last event should have been placed first (since it occurred first). And why is it placed here last in order? To mention the months in their regular order. Said R. Simeon: I, however, do not think so, but thus: "The fast of the tenth" means the fifth of Tebheth, on which day the news came to the exiles that the city was smitten, as it is written [Ezek. xxxiii. 21]: "And it came to pass in the twelfth year of our captivity, in the tenth (month), in the fifth day of the month, that one that had escaped out of Jerusalem came to me, saying, The city is smitten," and they held the day on which they received the news equal to the day (on which the

Temple) was burnt. And it seems to me that my opinion is more satisfactory, for I speak of the first, first, and of the last, last; while he speaks of the last, first, and of the first, last; he mentions them in the order of the months, while I mention them in the order in which the calamities occurred.

It was taught: Rabh and R. Hanina say: The Rolls of Fasts (which contained the names of minor holidays on which it was prohibited to fast) is annulled, but R. Johanan and R. Jehoshua ben Levi say: "It is not." When Rabh and R. Hanina say that it is annulled they mean: In the time of peace the (fast) days are days of joy and gladness, but in the time of persecution they are fast days, and so also with other (days mentioned in the Rolls of Fasts); and when R. Johanan and R. Jehoshua ben Levi say it is not annulled (they mean) that those (four fasts mentioned in Zachariah) the Bible makes dependent on the rebuilding of the Temple; but those (mentioned in the Rolls of Fasts) remain as they are appointed.

R. Tobi b. Matana objected: In the Rolls of Fasts it is said that on the twenty-eighth of (Adar), the good news came to the Jews that they need no longer abstain from studying the Law, for the king (of Syria had earlier) issued a decree, forbidding them to study the Law, or to circumcise their sons, and compelling them to desecrate their Sabbath. What did Jehudah b. Shamma and his friends do? They went and took counsel of a certain matron, whose house the celebrated people of the city frequented. Said she to them, "Go and cry aloud at night." They did as she advised and cried aloud, "Oh, heavens! Are we not all brethren? Are we not all the children of one Father? Are we not all the children of one mother? Why should we be treated differently from other nations, and from all people who speak other languages inasmuch as ye issue such cruel edicts against us?" The decrees were annulled, and the day (on which this happened) they appointed a holiday. Now if it be true that the Rolls of Fasts has been annulled (*i.e.*, the former [feasts] have been all abrogated), may then new ones be added? There is a difference of opinion among Tanaim on this question, as we have learned in the following Boraitha: The days recorded in the Rolls of Fasts, whether during or after the existence of the Temple, are not permitted (to be kept as fasts), so said R. Meir; R. Jose, however, said, so long as the Temple stood it was not permissible (to fast on them) because they were days of joy, but since the Temple fell it is allowed because they are

days of mourning. One rule says that they are abrogated, but another rule says they are not abrogated. There is a question here caused by one rule contradicting the other. In the latter case it refers to the Feasts of Dedication and Esther (which are never to be abrogated), and in the former case to all other (minor feast) days.

"*For Elul on account of New Year's Day, and for Tishri on account of appointing the order of the (remaining) festivals.*" Since (the messengers) were sent out on account of Elul, why need they go again on account of Tishri? Shall we say because (the Beth Din) desired to proclaim Elul an intercalary month? (That cannot be) for did not R. Hanina bar Kahana say in the name of Rabh: Since the time of Ezra we have not discovered that Elul was an intercalary month? We have not discovered it, because it was not necessary (to make it so). But if it should be necessary, shall we make it an intercalary month? This would disturb the position of New Year's Day. It is better that the position of New Year's Day alone should be disturbed than that all the holidays should be disarranged. And it seems to be so, for the Mishna says that the messengers were sent for Tishri on account of appointing the order of the festivals.

"*And for Kislev on account of Hanuka, and for Adar on account of the Feast of Esther.*" But the Mishna does not say if it be a leap year, that the messengers were sent out in the second Adar on account of Purim. From this we learn that the Mishna is not in accordance with Rabbi of the following Boraitha: Rabbi says: "In a leap year messengers are sent out also in the second Adar on account of the Feast of Esther."

When Ula came (from Palestine) he said: They have made Elul an intercalary month, and he also said: "Do my Babylonian comrades know the benefit we have gained through it?" Because of what is this a benefit? "Because of herbs,"* said Ula. R. A'ha bar Hanina, however, said: "Because of dead bodies."† What difference is there between them? They

* By adding an intercalary day to Elul, the holiday (New Year or Atonement Day) was prevented from falling on Friday or Sunday, the intention being to separate the holiday by an intervening day from the Sabbath. Thus, herbs that were to be eaten fresh, and other foods, would not spoil, as they might, if kept from Thursday till after the Sabbath.

† A similar practice was followed with regard to the keeping of a dead body over the Day of Atonement and a Sabbath. Since it was impossible to keep the dead body two days, the Sabbath and the Atonement Day were separated by the means of the intercalated day.

differ concerning a holiday that falls immediately before or after the Sabbath (on the sixth or first day of the week). According to the one who says "because of herbs" we may add an intercalary day, but (it is not necessary) according to him who says "because of dead bodies," for we can employ non-Jews (to bury the dead for us on the holidays). If this is the case, why is this a benefit only for us (in Babylon); is it not also to the advantage of them (in Palestine)? Our climate is very hot, but theirs is not.

Is this really so? Did not Rabba bar Samuel teach: One might suppose that as we intercalate the *year* when necessary, so we intercalate the *month* when necessary? Therefore it is written [Ex. xii. 2]: "This month shall be unto you the first of the months," which means as soon as you see (the new moon) as on this occasion, you must *consecrate* the month (whether or not it is necessary to *intercalate* it). (How, then, could they intercalate Elul, which had always only twenty-nine days?) To *intercalate* it (when necessary) was permitted, but to *consecrate* it was not permitted, and Rabba's words should read: One might suppose that as it is permitted to *intercalate the year and the month* when necessary, so we may *consecrate the month* when necessary. Therefore it is written [Ex. xii. 2]: "This month shall be unto you," etc., which means only when the moon is seen as on this occasion, may you *consecrate* it.

Samuel said: "I can arrange the calendar for the whole captivity." Abba, the father of R. Simlai, said to him: "Does the master know that which a certain Boraitha teaches concerning the secret of the intercalary day; viz., whether the new moon appears before or after midday?" Answered he, "No." "Then, master," said he, "if thou dost not know this, there may be other things which thou dost not know." When R. Zera went (to Palestine) he sent back word to his comrade (saying): The evening and the morning (following) must both belong to the month (*i.e.*, when the old moon has still been seen after dark on the twenty-ninth day of the month, the thirtieth evening and following day belong to the closing month). And this is what Abba, the father of R. Simlai, meant: We calculate only the beginning of the new moon; if it began before midday, it is certain that it was seen close upon the setting of the sun, but if it did not begin before midday, it is certain that it did not appear close upon the setting of the sun. What difference does it make (in practice)? Answered R. Ashi, "to refute witnesses."

R. Zera said in the name of R. Na'hman, in every case of doubt (about the holidays), we post-date, but never ante-date.* Does this mean to say that (in a case of doubt concerning the exact day on which Tabernacles begins) we observe the fifteenth and sixteenth, but not the fourteenth. Let us keep the fourteenth also. Perhaps Abh and Elul have each only twenty-nine days? Nay, if two consecutive months should each have twenty-nine days, this would be announced.

Levi went to Babylon on the eleventh of Tishri. Said he: "Sweet is the food of Babylon on the great Day (of Atonement now being held) in Palestine." They said to him, "Go and testify." Answered he, "I have not heard from the Beth Din the words, 'It is consecrated' (and therefore I cannot testify)."

R. Johanan proclaimed: In every place that the messengers sent in Nissan reached, but that the messengers sent in Tishri cannot reach, they must observe two days for the holidays; and they make this restriction for Nissan lest people would do in Tishri as in Nissan.† Rabha used to fast two days for the Day of Atonement.‡ Once it happened that he was right (because the Day of Atonement fell one day later in Palestine than in Babylon). R. Na'hman was once fasting on the Day of Atonement, and in the evening a certain man came and said to him, "To-morrow will be the Day of Atonement in Palestine." He angrily quoted, "Swift were our persecutors" [Lam. iv. 19].

R. Na'hman said to certain sailors, "Ye who do not know the calendar take notice that when the moon still shines at dawn (it is full moon, and if it happens to be Nissan) destroy your leaven bread (for it is then the fourteenth day)."

* *i.e.* if there be a doubt about which day is the Passover or the feast of Tabernacles, the festival should be kept for two days; not, however, by *ante-dating* and keeping the *fourteenth* and fifteenth (of Nissan or Tishri) but by *post-dating* and keeping the fifteenth and *sixteenth* of either month.

† In Tishri, messengers might be delayed reaching distant places, to which they were sent to announce the date of the festival (Tabernacles), on account of New Year's Day and the Day of Atonement, on which they could not travel more than a short distance. In Nissan, however, they could, without delay, reach those places, and having announced the date of the festival, only one day was hallowed. Fearing that people might do, in regard to the Feast of Tabernacles, what they did with regard to Passover (*i.e.*, keep one day, even when in doubt about the date), the Rabbis instituted that both Tabernacles and Passover should have two days hallowed instead of one.

‡ He was in doubt whether the Beth Din in Palestine had made Elul intercalary or not, and as the messengers did not arrive until after the Day of Atonement, he fasted two days.

MISHNA: For the sake of (the new moon) of the two months, Nissan and Tishri, witnesses may profane* the Sabbath, because in these months the messengers went to Syria, and the order of the festivals was arranged; when, however, the Temple† was in existence, they might profane the Sabbath in any month, in order to offer the (new moon) sacrifice in its proper time.

GEMARA: For the sake of these two months and not more? This would be a contradiction to the Mishna above, which states: "For the sake of six months messengers were sent out"? Said Abayi: "This is to be explained thus: For all new moons the messengers were sent out while it was still evening, but for Nissan and Tishri they were not sent out until they heard from the lips of the Beth Din the words, 'It (the new moon or month) is consecrated.'"

The rabbis taught: Whence do we know that for them we may profane the Sabbath? From [Lev. xxiii. 4], which reads: "These are the feasts of the Lord, which ye shall proclaim in their seasons." Might not one suppose that as (witnesses) were permitted to profane the Sabbath until the new moons had been consecrated, so were messengers permitted to profane the Sabbath until (the festivals) were introduced? This the Law says: Therefore it is written: "Which ye shall proclaim," *i.e.*, you may profane the Sabbath in order to proclaim them, but not to introduce them.

"*When, however, the Temple was in existence,*" etc. The rabbis taught: Formerly they profaned the Sabbath for all (new moons), but after the destruction of the Temple, R. Johanan b. Zakkai said to them: "Have we any (new moon) sacrifice to offer? They then instituted that (witnesses) might profane the Sabbath only on account of Nissan and Tishri.

MISHNA: Whether the new moon had appeared clear to all or not (the witnesses) were permitted to profane the Sabbath on its account. R. Jose says: If it appeared clear to every one,‡ the Sabbath should not be profaned (by witnesses). It once happened that more than forty pair (of witnesses) were on the highway (to the Beth Din) on the Sabbath, when R. Aqiba

* To travel to Palestine in order to inform the Beth Din might have necessitated walking more than the distance permitted on the Sabbath.

† The Temple in Jerusalem.

‡ It might then be presumed that every one had seen it, and it was therefore unnecessary for any one to go to Palestine to announce it to the Beth Din.

detained them at Lydda. R. Gamaliel then sent word saying, "If thou thus detainest the people, thou wilt be the cause of their erring in the future" (*i.e.*, they may refuse to come and testify).

GEMARA: The rabbis taught: It is written [Eccles. xii. 10]: Koheleth sought to find out acceptable words," which signifies that Koheleth sought to enforce decrees without the aid of witnesses or warning. A heavenly voice was heard saying [Eccles. xii. 10]: "And that which was written uprightly, even words of truth" (which meant that) as it is written [Deut. xx. 15]: "Upon the evidence of two witnesses, etc., must a case be established," so should words of truth also be established by two witnesses.

"It once happened that more than forty pair (of witnesses) were on the highway (to Jerusalem) and R. Aqiba detained them," etc. We have learned in a Boraitha: R. Jehudah said: It would be a sin to say that R. Aqiba should have detained them. It was Shazpar, the superintendent of Gadar, who detained them, and (and when) R. Gamaliel (heard of it, he) sent and dismissed him.

MISHNA: When a father and son have seen the new moon, they must both go to the Beth Din, not that they may act together as witnesses, but in order that, should the evidence of either of them be invalidated, the other may join to give evidence with another witness. R. Simeon says: Father and son, and relatives in any degree may be accepted as competent witnesses to give evidence as to the appearance of the new moon. R. Jose says: It once happened that Tobias, the physician, his son, and his freed slave saw the new moon in Jerusalem (and when they tendered their evidence), the priests accepted his evidence and that of his son, but invalidated that of his freed slave; but when they appeared before the (Beth Din) they received his evidence, and that of his freed slave, but invalidated that of his son.

GEMARA: Said R. Levi: What is the reason for R. Simeon's decree? It is written [Ex. xii. 1]: "And the Lord spake unto Moses and Aaron saying, This month shall be *unto you*," which means, this evidence shall be acceptable from you (although you are brothers). And how do the rabbis interpret it? They explain it as follows: This testimony shall be placed at your disposal (*i.e.*, the Beth Din's). Says Mar Uqba in the name of Samuel, the Halakha prevails according to R. Simeon.

MISHNA: The following are considered incompetent to be witnesses: gamblers with dice, usurers, pigeon breeders,* those who deal with the produce of the sabbatic year, and slaves. This is the rule: All evidence that cannot be received from a woman cannot be received from any of the above. One who has seen the new moon, but is unable to go (to give evidence), must be brought (if unable to walk) mounted on an ass, or even in a bed.† Persons afraid of an attack by robbers may take sticks with them; † and if they have a long way to go, it will be lawful for them to provide themselves with and carry their food.† Whenever (witnesses) must be on the road a day and a night, it will be lawful to violate the Sabbath to travel thereon, to give their evidence as to the appearance of the moon. For thus it is written [Lev. xxiii. 4]: "These are the feasts of the Lord, the holy convocations, which ye shall proclaim *in their appointed seasons.*"

* Those who breed and train pigeons for racing.

† Even on the Sabbath, when under ordinary circumstances this might not be done.

CHAPTER II.

ORDINANCES ABOUT THE WITNESSES CONCERNING THE NEW MOON, THE HOISTING OF THE FLAGS AND HOW IT WAS CONSECRATED BY THE BETH DIN.

MISHNA: If the witness was unknown another was sent with him to testify to his character. In former times they would receive evidence (about the appearance of the moon) from any one; but when the Boëthusians commenced to corrupt the witnesses the rule was made, that evidence would only be received from those who were known (to be reputable).

GEMARA: What is meant by "another" (in the above Mishna)? Another pair (of witnesses). It seems also to be so from the statement of the Mishna. "If the witness was unknown? Shall we assume that it means one (witness)? Surely the evidence of one was not received, for this transaction was called "judgment" [Psalms, lxxxi.] (and two witnesses are necessary)? What, then, does "the witness" mean? That pair; so also here, "another" means another pair. Is, then, the evidence of one not accepted? Have we not learned in a Boraitha: It once happened that R. Neherai went to Usha on the Sabbath to testify (to the character) of one witness? He knew that there was one witness in Usha, and he went to add his evidence (and thus make two witnesses). If that is so, what does it tell us? One might suppose that, as there was a doubt (that he might not meet the other witness), he ought not to have profaned the Sabbath (by travelling to Usha as a single witness); therefore he comes to teach us (that even in such a case of doubt the Sabbath might be violated).

When Ula came (to Babylon, from Palestine), he said: They have already consecrated the new moon in Palestine. Said R. Kahana: (In such a case) not only Ula, who is a great man, is to be believed, but even an ordinary man. Why so? Because men will not lie about a matter that will become known to every one.

"In former times they would receive evidence from any one," etc. The rabbis taught: How did the Boëthusians corrupt the

witnesses? They once sought to deceive the sages, and they bribed, with four hundred zuz (silver coins), two men, one belonging to their party and one to ours. The former gave his evidence and went out, to the latter they (the Beth Din) said, "Tell us what was the appearance of the moon?" "I went up," replied he, "to Maale Adumim,* and I saw it crouching between two rocks. Its head was like a calf, its ears like a goat, its horns like a stag, and its tail was lying across its thigh. I gazed upon it and shuddered, and fell backwards; and if you do not believe me, behold, here I have two hundred zuz bound up in my cloth." "Who induced you to do this?" they asked. "I heard," he replied, "that the Boëthusians wished to deceive the sages; so I said to myself, I will go and inform them, lest some unworthy person may (accept their bribe), and come and deceive the sages." Then said the sages: "The two hundred zuz may be retained by you as a reward, and he who bribed you shall be taken to the whipping-post (and be punished)." Then and there they ordained that testimony should be received only from those who were known (to be of good character).

MISHNA: Formerly bonfires were lighted (to announce the appearance of the new moon); but when the Cutheans† practised their deceit, it was ordained that messengers should be sent out. How were these bonfires lighted? They brought long staves of cedar wood, canes, and branches of the olive tree, and bundles of tow which were tied on top of them with twine; with these they went to the top of a mountain, and lighted them, and kept waving them to and fro, upward and downward, till they could perceive the same repeated by another person on the next mountain, and thus, on the third mountain, etc. Whence did these bonfires commence? From the Mount of Olives to Sartabha, from Sartabha to Grophinah, from Grophinah to Hoveran, from Hoveran to Beth Baltin; they did not cease waving the burning torches at Beth Baltin, to and fro, upward and downward, until the whole country of the captivity appeared like a blazing fire.

GEMARA: The rabbis taught: Bonfires were only lighted to announce the new moon that appeared and was consecrated at the proper time (after twenty-nine days). And when were they lighted? On the evening of the thirtieth day. Does this

* The name of a place between Jerusalem and Jericho.

† Samaritans.

mean to say that for a month of twenty-nine days the bonfires *were* lighted, but *not* for a month of thirty days? It should have been done for a month of thirty days, and not at all for a month of twenty-nine days. Said Abayi: That would cause the people a loss of work for two days (because they would wait to see if the bonfires would be lit or not and thus lose a second day).*

"*How were these bonfires lighted? They brought long staves of cedar wood,*" etc. R. Jehudah says: There are four kinds of cedars: the common cedar, the Qetros, the olive tree, and the cypress. Qetros says Rabh is (in Aramaic) Adara or a species of cedar. Every cedar, said R. Johanan, that was carried away from Jerusalem, God will in future times restore, as it is written [Isa. xli. 19]: "I will plant in the wilderness the cedar tree," and by "wilderness" He means Jerusalem, as it is written [Isa. lxiv. 10]: "Zion is (become) a wilderness." R. Johanan says again: Who studies the law, and teaches it in a place where there is no other scholar, is equal to a myrtle in the desert, which is very dear. The same says again: "Woe to the Romans, for whom there will be no substitution," as it is written [Isa. lx. 17]: "Instead of the copper, I will bring gold, and for iron I will bring silver, and for wood, copper, and for stones, iron." But what can He bring for R. Aqiba and his comrades (who were destroyed by Rome)? Of them it is written [Joel, iv. 21]: "I will avenge (but for) *their* (Aqiba's and his comrades') blood I have not yet avenged."

"*And whence did these bonfires commence?*" From Beth Baltin. What is Beth Baltin? "Biram," answered Rabh. What (does the Mishna) mean by the captivity? Said R. Joseph, "Pumbeditha." And how was it that the whole country looked like a blazing fire? We learn that each Israelite took a torch in his hand and ascended to the roof of his house.

MISHNA: There was a large court in Jerusalem called Beth

* The thirtieth day from the last New Moon was always New Moon, but in intercalary months the thirty-first day was also New Moon (second day). In the latter case the thirtieth day (first day of New Moon) belonged to the passing month, and the second day of New Moon was the first day of the new month. Bonfires were always lighted on the night of the thirtieth day, *i.e.*, on the night after New Moon; and if no bonfires were lighted then there were two days New Moon. In the case of the month of Elul they would, after twenty-nine days, observe New Year's Day. Now, if that month happened to be intercalary (*i.e.*, have thirty days) and bonfires would have been lighted, the next day would have had to be observed as New Year's Day again, and the people would consequently have lost a second day.—*Rasht.*

Ya'azeq, where all the witnesses met, and where they were examined by the Beth Din. Great feasts were made there for (the witnesses) in order to induce them to come frequently. At first they did not stir from there all day (on the Sabbath),* till R. Gamaliel, the elder, ordained that they might go two thousand ells on every side; and not only these (witnesses) but also a midwife, going to perform her professional duties, and those who go to assist others in case of conflagration, or against an attack of robbers, or in case of flood, or (of rescuing people) from the ruins (of a fallen building) are considered (for the time being) as inhabitants of that place, and may go (thence on the Sabbath) two thousand ells on every side. How were the witnesses examined? The first pair were examined first. The elder was introduced first, and they said to him: Tell us in what form thou sawest the moon; was it before or behind the sun? Was it to the north or the south (of the sun)? What was its elevation on the horizon? Towards which side was its inclination? What was the width of its disk? If he answered before the sun, his evidence was worthless. After this they introduced the younger (witness) and he was examined; if their testimony was found to agree, it was accepted as valid; the remaining pairs (of witnesses) were asked leading questions, not because their testimony was necessary, but only to prevent them departing, disappointed, and to induce them to come again often.

GEMARA: Do not the questions (asked by the Mishna), "was it before or behind the sun?" and "was it to the north or to the south?" mean the same thing? Answered Abayi: (The Mishna asks) whether the concave of the crescent was before or behind the sun, and if (the witness said) it was before the sun, his evidence was worthless, for R. Johanan says: What is the meaning of the passage [Job, xxv. 2]: "Dominion and fear are with him; he maketh peace in his high places?" It means that the sun never faces the concave of the crescent or the concave of a rainbow.

"What was its elevation on the horizon? Towards which side was its inclination?" In one Boraitha we have learned: If (the witness) said "towards the north," his evidence was valid, but if he said, "towards the south," it was worthless; in another Boraitha we have learned the reverse. It presents no difficulty;

* For if they had already traveled two thousand ells, they were prohibited from journeying more than four cubits more.

in the latter case it speaks of the summer, while in the former it refers to the winter.

The rabbis taught: If one (witness) said its elevation appeared about as high as two ox-goads and another said about as high as three, their testimony was invalid, but either might be taken in conjunction with a subsequent witness (who offered similar testimony). The rabbis taught (If the witnesses say): "We have seen the reflection (of the moon) in the water, or through a metal mirror, or in the clouds," their testimony is not to be accepted; or (if they say we have seen) "half of it in the water, and half of it in the heavens, or half of it in the clouds," their evidence carries no weight. Must they then see the new moon again (before their testimony can be accepted)? Said Abayi: "By this is meant that if the witnesses testify that they saw the moon accidentally, and they then returned purposely and looked for it, but they saw it not, their evidence is worthless." Why so? Because one might say they saw a patch of white clouds (and they thought it was the moon).

MISHNA: The chief of the Beth Din then said: "It (the new moon) is consecrated," and all the people repeated after him: "It is consecrated; it is consecrated." Whether the new moon was seen at its proper time (after twenty-nine days) or not, they used to consecrate it. R. Elazar b. Zadok said: If it had not been seen at its proper time it was not consecrated, because it had already been consecrated in heaven (*i. e.*, of itself).

GEMARA: Whence do we deduce this? Said R. Hyya b. Gamda quoting Rabbi, in the name of R. Jose b. Saul: It is written [Lev. xxiii. 44]: "Moses declared unto the children of Israel the feasts of the Lord," from which we deduce that (as Moses, who was the chief in Israel, declared the feasts to Israel, so also) the chief of the Beth Din should announce the words, "It is consecrated."

"*All the people repeated after him: It is consecrated; it is consecrated.*" Whence do we deduce this? Said R. Papa: It is written [Lev. xxiii. 2]: "Shall proclaim." "Othom" (them). Do not read "Othom," but Athem (ye)—*i. e.*, which ye, all the people, shall proclaim. R. Na'hman b. Itz'hak, however, said: We know it from the words [ibid.]: "*These* are my feasts," *i. e.*, (*these people*) shall announce my feasts. Why are the words "It is consecrated" repeated? Because in the scriptural verse just quoted we find it written "holy convocations"

(literally, announcements, and the minimum of the plural expression is two).

"R. Elazar b. Zadok said: *If it had not been seen at its proper time it was not consecrated*," etc. We have learned in a Boraitha, Pelimo* said: If the new moon appear at its proper time it was not customary to consecrate it, but if it appeared out of its proper time they used to consecrate it. R. Eliezer, however, said: In neither case would they consecrate it, for it is written [Lev. xxv. 10]: "And ye shall consecrate the fiftieth year;" *years* should be consecrated, but not *months*. Said R. Jehudah in the name of Samuel: "The halakha prevails according to R. Elazar b. Zadok. Said Abayi: There can be a support to this from the following Mishna, viz.: "If the Beth Din and all Israel saw the new moon (on the thirtieth day) and if the examination of the witnesses had already taken place, and it had become dark before they had time to announce 'It is consecrated,' the month (just passing) is intercalary." That (the month) is intercalary is mentioned (by the Mishna), but not that they said "It is consecrated." It is not clear that this is a support for Abayi's argument, for it was necessary to say that it was intercalary, or we would not have known that the next day was the intercalary day. One might have thought that, since the Beth Din and all Israel saw the new moon, it was apparent to all, and that the month does not become intercalary; therefore he teaches us that (nevertheless the month becomes intercalary).

MISHNA: R. Gamaliel had on a tablet, and on a wall of his upper room, illustrations of the various phases of the moon, which he used to show to the common people, saying: "Did you see the moon like this figure or like this?"

GEMARA: Is this permitted? Have we not learned in a Boraitha that the words "Ye shall not make anything with me" [Ex. xx. 20] mean, ye shall not make pictures of my ministers that minister before me, such as the sun, moon, stars or planets? It was different with R. Gamaliel, for others made it for him. But others made one for R. Jehudah, yet Samuel said to him: "Thou, sagacious one, destroy that figure!"† In the latter case the figure was embossed, and he was afraid that one might suspect the owner (of using it as an idol). Need one be

* The name of a Tana, a contemporary of Rabbi.

† Literally "put out the eyes of that figure!"

afraid of such suspicion? Did not that synagogue in Shephithibh of Neherdai have a statue (of the king), yet Rabh, Samuel and Samuel's father and Levi went there to pray and were not afraid of being suspected (of idolatry)? It is a different case where there are many. Yet R. Gamaliel was only one. Yea, but he was a prince, and there were always many with him; and if you wish you may say that he had them made for the purpose of instruction, and that which is written [Deut. xviii. 9], "thou shalt not learn to do," means but thou mayest learn, in order to understand and to teach.

MISHNA: It happened once that two witnesses came and said: We saw the moon in the eastern part of the heavens in the morning, and in the western part in the evening. R. Jo'hanan b. Nouri declared them to be false witnesses; but when they came to Yamnia, Rabbon Gamaliel received their evidence as valid. (On another occasion) two other witnesses came and said: We saw the moon on its proper day, but could not see it on the next evening of the intercalary day. R. Gamaliel accepted their testimony, but R. Dosa b. Harkhenas said: They are false witnesses; for how can they testify of a woman being delivered (on a certain day) when on the next day she appears to be pregnant? Then R. Jehoshua said unto him: I approve your opinion. Upon this R. Gamaliel sent him (R. Jehoshua) word, saying: "I order thee to appear before me on the Day of Atonement, according to *your* computation, with your staff and with money." R. Aqiba went to him (R. Jehoshua) and found him grieving. He then said to him: I can prove that all which R. Gamaliel has done is proper, for it is said: "These are the feasts of the Lord, holy convocations which ye shall proclaim," either at their proper time, or not at their proper time, only *their* convocations are to be considered as holy festivals. When he (R. Jehoshua) came to R. Dosa b. Harkhinas, the latter told him: "If we are to reinvestigate the decisions of the Beth Din of R. Gamaliel, we must also reinvestigate the decisions of all the tribunals of justice which have existed from the time of Moses till the present day; for it is said [Ex. xxiv. 9] Moses, Aaron, Nadab, Abihu, and seventy elders went up (to the Mount)." Why were not the names of the elders also specified? To teach us that every three men in Israel that form a Beth Din are to be respected in an equal degree with the Beth Din of Moses. Then did R. Jehoshua take his staff and money in his hand, and went to Yamnia, to

R. Gamaliel, on the very day on which the Day of Atonement would have been according to his computation, when R. Gamaliel arose and kissed him on the forehead, saying: "Enter in peace, my master and disciple! My master—in knowledge; my disciple—since thou didst obey my injunction."

GEMARA: We have learned in a Boraitha that R. Gamaliel said to the sages: "Thus it has been handed down to me from the house of my grandfather (Zamallil the elder) that sometimes the new moon appears elongated and sometimes diminished. R. Hyya saw the old moon yet on the morning of the twenty-ninth day, and threw clods of earth at it, saying: 'We should consecrate thee in the evening, and thou art seen now? Go, hide thyself!'"

Said Rabbi to R. Hyya: "Go to Entob and consecrate the month and send back to me as a password* 'David, the King of Israel, still lives.'"

The rabbis taught: Once it happened that the heavens were thick with clouds and the form of the moon was seen on the twenty-ninth of the month (of Elul), so that the people thought that New Year's Day should be then proclaimed, and they (the Beth Din) were about to consecrate it. Said R. Gamaliel to them: Thus it has been handed down to me by tradition, from the house of my grandfather, the consecration of the moon cannot take place at a period less than twenty-nine and a half days, two-thirds and .0052 (*i. e.*, seventy-three 'Halaqim) of an hour. On that self-same day the mother of Ben Zaza died and R. Gamaliel delivered a great funeral oration,† not because she specially deserved it, but in order that the people might know that the new moon had not yet been consecrated by the Beth Din.

"*R. Aqiba went to him, and found him grieving.*" The schoolmen propounded a question: "Who found whom grieving?" Come and hear. We have learned in a Boraitha: "R. Aqiba went to R. Jehoshua and found him grieving, so he asked him: 'Rabbi, why art thou grieving?' And he answered: 'Aqiba, I would rather lie sick for twelve months than to have this order issued for my appearance.' Rejoined R. Aqiba: 'Rabbi, permit me to say one thing in thy presence which thou thyself hast taught me.' R. Jehoshua granted him permis-

* This device was resorted to, because in the days of Rabbi, the Romans had prohibited the Jews, under penalty of death, to consecrate the moon.

† No funerals or funeral orations were or are permitted on the holidays.

sion, and R. Aqiba proceeded: 'It is written [Lev. xxiii. 2, 4 and 37]: Three times 'shall proclaim Othom (them), which should, however, not be read Othom (them), but Athem (ye), which would make the verse read, "Ye shall proclaim." Now the threefold "*ye*" signifies that even if *ye* were deceived by false pretences and changed the day of the festivals, or even if *ye* did it purposely, or even if *ye* were held to be in error by others—once the dates had been established they must so remain.' With the following words R. Jehoshua answered R. Aqiba: Aqiba, thou hast comforted me; Aqiba, thou hast comforted me.'"

"*When he (Rabbi Jehoshua) came to R. Dosa b. Harkhenas,*" etc. The rabbis taught: The reason that the names of those elders are not mentioned, is, in order that one should not say: Is So-and-so like Moses and Aaron? Is So-and-so like Nadabh and Abihu? Is So-and-so like Eldad and Medad? (And how do we know that one should not ask thus?) Because, it is written [I Sam. xii. 6]: "And Samuel said unto the people the Lord that appointed Moses and Aaron" and in the same connection it is written [ibid. 11]: "And the Lord sent Jerubaal and Bedan and Jephtha and Samuel." [Jerubaal is Gideon; and why is he named Jerubaal? Because he strove against Baal. Bedan is Sampson; and why is he named Bedan? Because he came from Dan. Jephtha means just what it is (*i. e.*, he had no surname or attribute).] And it is also written [Ps. xcix. 6]: "Moses and Aaron among his priests, and Samuel among those who called upon his name." The sacred text regards the three common people equal with the three noblest, to teach us that Jerubaal was in his generation like Moses in his; Bedan in his generation was like Aaron in his; Jephtha in his generation was like Samuel in his generation. From all this one must learn that if even the commonest of the commoners is appointed leader by a community, he must be considered as the noblest of the nobility, for it is said [Deut. xvii. 9]: "And thou shalt come unto the priests, the Levites, and unto the judge that shall be in his days." (Why does the passage say "in those days"?) Can you imagine that one could go to a judge who was not in his days? (Surely not! But by these words Scripture teaches us that a judge is to be held "in his days" equal in authority with the greatest of his predecessors.) We find a similar teaching in Eccles. vii. 10: "Say not thou that the former days were better than these!"

"He took his staff," etc. The rabbis taught: (R. Gamaliel said to R. Jehoshua): Happy is the generation in which the leaders listen to their followers, and through this the followers consider it so much the more their duty (to heed the teachings of the leaders).

CHAPTER III.

REGULATIONS CONCERNING THE INTERCALATING OF THE MONTH— THE CORNET, AND OF WHAT IT IS TO BE MADE—AND THE PRAYERS OF THE NEW YEAR'S DAY.

MISHNA: If the Beth Din and all Israel saw (the moon on the night of the thirtieth day), or if the witness had been examined, but there was no time to proclaim "It is consecrated" before it had become dark, the month is intercalary. If the Beth Din alone saw it, two of its members should stand up and give testimony before the others, who shall then say "It is consecrated; it is consecrated." When three who formed a Beth Din saw it, two should stand up and conjoining some of their learned friends with the remaining one, give their testimony before these, who are then to proclaim "It is consecrated; it is consecrated," for one (member of a Beth Din) has not this right by himself alone.

GEMARA: "*If the Beth Din alone saw it,*" etc. Why so? Surely hearsay evidence is not better than the testimony of an eye-witness! Said R. Zera: "It refers to a case where they saw it at night (and on the next day they could not consecrate the new moon until they had heard the evidence of two witnesses)."

"*When three who formed a Beth Din, saw it, two should stand up and conjoining some of their learned friends with the remaining one,*" etc. Why so? Here also we may say, surely hearsay evidence is not better than the testimony of an eye-witness! And if you would say that this also means where they saw it at night, is this not, then, the same case? The case is the same, but the above statement is required because of the concluding words, "one (member of a Beth Din) has not the right by himself alone;" for it might be assumed, since in civil cases three (are required to constitute a Beth Din), but where he is well known (as a learned authority) one judge may act alone, so here we may consecrate (the new moon) on the authority of one judge; therefore, he teaches us (that three are required). Perhaps I should, nevertheless, say here (that one learned authority

is sufficient)? Nay, for there is no greater authority than Moses, our master, yet God said to him that Aaron should act with him, as it is written [Ex. xii. 1, 2]: "And the Lord spake unto Moses and Aaron, in the land of Egypt, saying: This month shall be unto *you* the beginning of months."

Does this mean to say that a witness may act as judge? And shall we assume that the above Mishna is not according to R. Aqiba, as on following Boraitha: If the members of the Sanhedrin saw a man commit murder, part of them may act as witnesses and part as judges, according to R. Tarphon; but according to R. Aqiba all of them are witnesses, and no witness (of a crime) may act as judge. It may be said that the Mishna is even according to R. Aqiba. In the latter instance R. Aqiba only refers to capital cases, for it is written [Numb. xxxv. 24, 25]: "Then the congregation shall judge . . . and the congregation shall deliver," and since they saw him commit murder, they will not be able to urge any plea in his favor; but here (concerning the new moon) even R. Aqiba assents (that a witness may act as judge).

MISHNA: Every kind of cornet may be used (on New Year's Day) except those made of cow-horn, because they are called "horn" (*geren*), and not "cornet" (*shophar*). R. Jose said: Are not all cornets called "horn?" for it is said [Josh. vi. 5]: "And it came to pass that when they made a long blast with the horn of the Jobhel."

GEMARA: How comes it that the word Jobhel means ram? A Boraitha teaches: R. Aqiba says: When I went to Arabia I found they called a ram "Yubla."

The rabbis did not know the meaning of the word *Salseleho* in the passage [Prov. iv. 8]: "Salseleho and she shall exalt thee." One day they heard Rabbi's maidservant say to a certain man who was (conceitedly) playing with his hair, "How long wilt thou *mesalsel* (hold up) thy hair?" The rabbis did not know the meaning of the word *yehabhekha* in the passage [Ps. lv. 23]: "Cast *yehabhekha* (thy burden) upon the Lord." Said Rabba bar Bar Hana: "One day I went with a certain Arabian caravan merchant, and I was carrying a burden. Said he to me: 'Take down *yehabhekha* (thy burden) and put it on my camel.'"

MISHNA: The cornet used on the New Year was a straight horn of a wild goat; the mouth-piece was covered with gold. The two trumpets were stationed one on each side. The sound

of the cornet was prolonged, while that of the trumpet was short, because the special duty of the day was the sounding of the cornet. On the fast days two crooked ram's horns were used, their mouth-pieces being covered with silver, and the two trumpets were stationed in the middle between them. The sound of the cornet was shortened, while that of the trumpet was prolonged, because the special duty of the day was the sounding of the trumpets. The Jubilee and New Year's Day were alike in respect to the sounding (of the cornet) and the benedictions, but R. Jehudah says: "On the New Year we blow (a cornet) made of ram's horn, and on the Jubilee one made of the horn of a wild goat."

GEMARA: R. Levi said: It is a duty on New Year's Day and the Day of Atonement to use a bent cornet, but during the rest of the year a straight one. But have we not learned that the cornet used on the New Year must be the "*straight* horn of a wild goat?" He (R. Levi) said as R. Jehudah of the following Boraitha: On New Year's Day they used to blow (a cornet) made of a straight ram's horn, and on the Jubilees one made of wild goat's horn. What is their point of variance? R. Jehudah holds that on New Year's the more bent in spirit a man is, and on the Day of Atonement the more upright he is (in his confessions) the better; but R. Levi holds the more upright a man is on New Year's Day and the more bowed in spirit on the Fast Days, the better.

"*The mouth-piece was covered with gold.*" Does not a Boraitha teach, however, that if one covers the place to which the mouth was put the cornet may not be used; but if (he covers) another place it may be used? Answered Abayi: "Our Mishna also means a place to which the mouth was not put."

"*The two trumpets were stationed one on each side.*" Could the two sounds be easily distinguished? Nay; and therefore the sound of the cornet was prolonged, to indicate that the special duty of the day was the sounding of the cornet.

"*On the Fast-Days two crooked ram's horns were used, their mouth-pieces being covered with silver.*" Why was the cornet used in the one case covered with gold and in the other with silver? All (signals for) assemblies were blown on horns made with silver, as it is written [Numb. x. 2]: "Make unto thee two trumpets of silver . . . that thou mayest use them for the calling of the assembly," etc. R. Papa bar Samuel was about to follow the practice prescribed by the Mishna. Said Rabha to

him: "That was only customary so long as the Temple was in existence." A Boraitha also teaches that this applies only to the Temple; but in the country (outside of Jerusalem) in a place where they use the trumpet, they do not use the cornet, and *vice versa*. Such was the wont of R. Halaphta in Sepphoris and also of R. Hanina b. Teradion in Si'hni. When the matter was brought to the attention of the sages they said: "That was the custom only at the eastern gates or the Temple Mount." Rabha, according to others R. Jehoshua ben Levi, asked: "From which passage is this deduced?" From the passage [Psalms xcvi. 6]: "With trumpets and sound of cornet, make a joyful noise before the Lord, the King;" *i. e.*, before the Lord, the King (in the Temple) we need both the trumpets and the cornet, but not elsewhere.

"*The Jubilee, and the New Year were alike in respect to the sounding (of the cornet), and the benediction.*" R. Samuel bar Itz'hak said: According to whom do we nowadays pray: "This day celebrates the beginning of thy work, a memorial of the first day?" According to R. Eliezer, who says: The world was created at Tishri. R. Ina objected. Did we not learn in our Mishna that the Jubilee and New Year are alike in respect to the sounding (of the cornet), and the benedictions, and now how can that be so if we say "This day celebrates the beginning of thy work, a memorial of the first day," which is said on New Year, but not on the Jubilee? (That which we have learned in our Mishna that they are alike means) in every other respect but this.

MISHNA: It is unlawful to use a cornet that has been split and afterwards joined together; or one made of several pieces joined together. If a cornet had a hole that had been stopped up, and prevented (the production) of the proper sound, it must not be used; but if it does not affect the proper sound it may be used. If one should blow the cornet inside a pit, a cistern or a vat, and the sound of the cornet was (plainly) heard (by one listening to it) he will have done his duty (to hear the cornet on the New Year), but not if he heard only an indistinct sound. Thus also, if one should happen to pass by a synagogue, or live close by it, and should hear the cornet (on the New Year) or the reading of the Book of Esther (on the Feast of Esther), he will have complied with the requirements of the law, if he listened with proper attention, but not otherwise; and although the one heard it as well as the other, yet the difference (on which every-

thing depends) is that the one listened with proper attention and the other did not.

GEMARA: The rabbis taught: If a cornet was long and was shortened, it is valid; if one scraped it and reduced it to its due size it is valid; if one covered it on the inside with gold it is invalid; if on the outside and it changed the tone from what it originally was, it is invalid, but if not it is. If a cornet had a hole in it and it was closed up, and thereby prevented (the production) of the proper sound, it is invalid, but if not it is valid; if one placed one cornet inside another and the sound heard (by a listener) was produced from the inner one, he has fulfilled his duty, but if from the outer one, he has not.

"*Or one made of several pieces joined together.*" The rabbis taught: If one added to a cornet ever so small a piece, whether it be of the same kind of horn or not, it is invalid. If a cornet had a hole, whether one stopped it up with a piece of the same kind (of horn) or not, it is invalid. R. Nathan, however, said (only when repaired with material) *not* of the same kind it is invalid, but otherwise if of the same kind it is valid. (To which) R. Jehudah added: "That is, if the greater part of a cornet was broken." From this we can infer that if repaired with material of the same kind, although the greater part was broken, it is, nevertheless, valid.

"If one covered a cornet on the inside with gold it is invalid; if on the outside, and it changed the tone from what it originally was, it is not valid, but if not it is." If a cornet had been split lengthwise it is invalid, but if crosswise, yet enough remained with which to produce the sound, it is valid, but if not it is invalid. (And how much is that? R. Simeon b. Gamaliel explains it to be as much as we may hold in our closed hand, and yet on either side a portion is visible).^{*} If its tone was thin, or heavy, or harsh, it is valid, for all tones were considered proper in a cornet. The schoolmen sent a message to the father of Samuel: ("One has fulfilled his duty if he bored a hole in a horn and blew it. That is self-evident! for in every cornet a hole must surely be bored." Said R. Ashi: "If one bored a hole through the bony substance inside the horn (which ought to be removed), are we to suppose that one substance causes an

^{*} The opinion of the editor is that this parenthesis is a fair illustration of the interpolations in the Talmud. The term *Piresk* is not Talmudical and was only used in later times. It has only been left here because the explanation happens to be correct.

interposition with another of the same nature (and that therefore it must not be used)?" Therefore they sent to say that this is no objection.

"*If one should blow the cornet inside a pit or a cistern,*" etc. R. Huna said: They taught this only in the case of those who stood at the pit's mouth, but those who were in the pit itself fulfill their duty. If one heard a part of (the required number of) the sounds of the cornet in the pit, and the rest at the pit's mouth, he has done his duty; but if he heard a part before the dawn of day, and the rest after the dawn, he has not. Said Abayi to him: Why in the latter case (should he not have done his duty, because he did not hear the whole of the sounds at the time when the duty should be performed), yet in the former case (he is considered to have done his duty) under similar circumstances? How can these cases be compared? In the latter case, *the night is not* the time of performing the obligation at all, while in the former case, *a pit is* a place where the duty may be performed for those who are in it! Shall we say that Rabba held: If one heard the end of the sounding (of the cornet) without having heard the beginning he did his duty, and from these words we must understand that if he heard the beginning without the end he has also done his duty? Come and hear. If one blew the first sound (Tekia) and prolonged the second (Tekia) as long as two, it is only reckoned as one; and (if Rabba's opinion is correct) why should he reckon it as two? (This is no question)! If he heard half the sounds he has done his duty, but when one blows one sound on the cornet we cannot consider it two halves.

Rabha says: One who vows to receive no benefit from his neighbor may nevertheless blow for him the obligatory sounds (of the cornet); one who vows refusal of any benefit from a cornet may blow on it the obligatory sounds. Furthermore, said Rabha: "One who vows to refuse any benefit from his neighbor may sprinkle on him the waters of a sin-offering in the winter, but not in the summer. One who vows to receive no benefit from a spring may take in it a legal bath in the winter, but not in the summer.

The schoolmen sent a message to the father of Samuel: "If one had been compelled to eat unleavened bread (on the first night of Passover, *i. e.*, he had not done so of his own accord) he has also done his duty." Who compelled him? Said R. Ashi: "Persians." Rabha remarked: From this statement we

can prove that if one plays a song on a cornet he does his duty. Is this not self-evident? The cases are similar. One might suppose that in the former case the law commanded him to *eat* (unleavened bread) and he *ate* it, but in the latter case the Torah speaks of "a *remembrance* of blowing the cornet" [Lev. xxiii. 24], and (when he plays a song he does not *remember* his duty for) he is engaged in a worldly occupation. Therefore he teaches us that even under such circumstances he *does* his duty.

To this an objection was raised. We have learned: If one who listened (to the sounds of the cornet) paid the proper attention, but he that blew the cornet did not, or *vice versa*, they have not done their duty until both blower and listener pay proper attention. This would be correct in the case where the blower, but not the listener, pays the proper attention, for it is possible that the listener imagines he hears the noise of an animal; but how can it happen that the listener should pay due attention, and the one who blows (the cornet) should not, except he was only playing a song (by which he does not do his duty)? (It is possible) if he only produced a dull sound (*i. e.*, and not, for example, a Tekia).

Said Abayi to him: "But now, according to thy conclusion (that a duty performed without due attention is the same as if performed with due attention) wilt thou say that he who sleeps in a tabernacle on the eighth day of the Feast of the Tabernacles shall receive stripes (because he had no right to observe the law for more than seven days)?" Answered Rabha: "I say that one cannot infringe a command except at the time when it should be performed." R. Shamen b. Abba raised an objection: Whence do we know that a priest who ascended the platform (to pronounce the priestly benediction) must not say: Since the Torah has given me the right to bless Israel, I will supplement (the benedictions, Numb. vi. 24-26) by one of my own, as, for example [Deut. i. 11]: "May the Lord God of your fathers make you a thousand times so many more as ye are?" From the Torah which says [Deut. iv. 2]: "Ye shall not *add* unto the word." And in this case as soon as he has finished the benedictions the time for performing that duty has gone by; still if he add a blessing of his own he is guilty of infringing the law, which says, "Ye shall not add." This refers to a case of where the priest had not yet finished the scriptural benediction. We have learned, however, that he had finished the scriptural benediction. The Boraitha means to say that he

had finished only one of the (three) benedictions. We have learned in another Boraitha, however, that even if he had completed all three benedictions, and then supplemented one of his own, he is also guilty of a transgression. In this case it is different, for it might be that the priest would come to another assembly where prayer was held and be called upon to again pronounce the benedictions. Hence it must be assumed that there is no specified time for the priest to pronounce his benedictions, but all day can be considered as the proper time, and thus the priest, by supplementing a benediction of his own, becomes guilty.

R. Shamen bar Abha, however, does not admit that the whole day is the proper time, because the priest is not in duty bound to pronounce the benediction in another assembly. Nevertheless he *is* guilty if he should supplement an additional benediction of his own; whence we see that even if the proper time has passed, guilt is nevertheless incurred, and this is contradictory to Rabha's dictum. Therefore, said Rabha: (I mean), To fulfill the requirements of the law one need not pay attention; to transgress the law against supplementing, at the time prescribed for performing it, also does not require one's special attention; but to transgress the law against supplementing, at the time not prescribed for performance, needs one's special attention. Hence the priest, after completing the scriptural benediction, who says: "Because the law gives me authority I shall supplement a benediction of my own, demonstrates thereby that he does this with special attention, and consequently incurs guilt, even if the prescribed time had passed.

R. Zera said to his attendant: "Pay attention, and sound (the cornet) for me. Do we not thus see that he holds that to fulfill the requirements of the law the act is not enough, and one must pay attention? This is a disputed question among the Tana'im, for we have learned in a Boraitha: One who hears (the blowing of the cornet) must himself listen in order to perform his duty, and he who blows (the cornet) blows after his usual manner. R. Jose said: "These words are said only in the case of the minister for a congregation; but an individual does not do his duty unless both he that hears and he that blows pay proper attention."

MISHNA: (It is written in Ex. xvii. 11 that) "When Moses held up his hand, Israel prevailed," etc. Could then the hands of Moses cause war to be waged or to cease? (Nay); but

it means that as long as Israel looked to heaven for aid, and directed their hearts devoutly to their Father in heaven, they prevailed; but when they ceased to do so they failed. We find a similar instance also in [Numb. xxi. 8]: "Make unto thee a fiery serpent and set it on a pole, and every one that is bitten, when he looketh upon it shall live." Could, then, the serpent kill or bring to life? (Surely not.) But it means when the Israelites looked (upward) to heaven for aid and subjected their will to that of their Father in heaven they were healed, but when they did not they perished. A deaf mute, an idiot, or a child cannot act in behalf of the assembled congregation. This is the general rule: "Whosoever is not obliged to perform a duty cannot act in behalf of the assembled congregation" (for that duty).

GEMARA: The rabbis taught: All are obliged to hear the sounding of the cornet, priests, Levites and Israelites, proselytes, freed slaves, a hermaphrodite, and one who is half slave and half free. A sexless person cannot act in behalf of those like or unlike itself, but a hermaphrodite can act in behalf of those of the same class, but not of any other.

The Master said: It is said, All are obliged to hear the sounding of the cornet, priests, Levites and Israelites. This is self-evident, for if these are not obliged, who are? It was necessary to mention priests here, for one might have supposed that since we have learnt "the Jubilee and New Year's Day are alike with regard to the sounding of the cornet and the benedictions," that only those who are included under the rule of Jubilee are included in the duties of New Year's Day; and as the priests are not included in the rule of Jubilee (for they have no lands to lie fallow, etc.), might we not, therefore, say that they are not bound by the duties of New Year's Day? Therefore he comes to teach us (that they must hear the sounding of the cornet).

A'hbha, the son of R. Zera, teaches: "With regard to all the benedictions, although one has already done his duty he may nevertheless act for others, with the exception of the blessings over bread and wine; concerning which, if he has not yet done his duty, he may act for others, but if he has done his duty he must not act for others."

Rabha asked: What is the rule in the case of the benediction of the unleavened bread, and the wine used at the sanctification of a festival? Since these are special duties, may one act for

others, or perhaps the (duty is only the eating of the unleavened bread and the drinking of the sanctification wine); but the benediction is not a duty, and therefore he cannot act for others? Come and hear. R. Ashi says: When we were at the home of R. Papa, he said the blessing of sanctification for us, and when his field laborer came from work later he said the blessing for him also.

The rabbis taught: One must not say the benediction over bread for guests, unless he eats with them, but he may do so for the members of the family, to initiate them into their religious duties. With regard to the Service of Praise [Hallel Ps. cxiii.-cxviii.] and the reading of the Book of Esther, although one had already done his duty, he may, nevertheless, act for others.

CHAPTER IV.

REGULATIONS CONCERNING THE NEW YEAR'S DAY WHEN IT FALLS ON SABBATH, AND THE PRAYERS THEREON—THE ORDINANCES OF THE BENEDICTIONS, ETC.

MISHNA: When the feast of New Year happened to fall on the Sabbath, they used to sound (the cornet) in the Temple, but not outside of it. After the destruction of the Temple R. Jo'hanan b. Zakkai ordained that they should sound (the cornet) in every place in which there was a Beth Din. R. Elazar says that R. Jo'hanan b. Zakkai instituted that for Yamnia alone; but they (the sages) say the rule applied both to Yamnia and every place in which there was a Beth Din. And in this respect also was Jerusalem privileged more than Yamnia, that every city from which Jerusalem could be seen, or the sounding (of the cornet) could be heard, which was near enough, and to which it was allowed to go on the Sabbath, might sound the (cornet) on the Sabbath; but in Yamnia they sounded (the cornet) before the Beth Din only.

GEMARA: Whence do we deduce all this? Said Rabha: The rabbis took a precautionary measure concerning them, as said: Although the duty of sounding (the cornet) is obligatory upon all, yet all are not skilled in sounding (it); therefore they feared lest one might take (the cornet) in his hand, and go to an expert and carry it more than four ells in public ground. The same rule applies to the palm branch (*lulabh*) and also to the scroll (on which is written the) Book of Esther.

"After the destruction of the Temple, R. Jo'hanan b. Zakkai ordained," etc. The rabbis taught: Once it happened that New Year's Day fell on the Sabbath, and all the cities gathered together. Said R. Jo'hanan b. Zakkai to the Bne Bathera:* *"Let us sound (the cornet)."* *"First,"* said they, *"let us discuss."* *"Let us sound it,"* replied he, *"and then we will discuss."* After they had sounded (the cornet) they said to him: *"Now let us discuss."* He answered: *"The cornet*

* A scholarly family of Babylonian descent, much favored by Herod.

has now been heard in Yamnia, and we cannot retract after the act has been performed."

"*But they (the sages) say the rule applied both to Yamnia and every place in which there is a Beth Din.*" Said R. Huna: That means in the presence of the Beth Din. Does this preclude people from sounding (the cornet) out of the presence of the Beth Din? And, when R. Itzhak bar Joseph came (from Yamnia) did he not say: When the officiant ministers appointed by the congregation in Yamnia had finished sounding (the cornet) one could not hear his own voice on account of the sounds (of the cornets) used by individuals? (Even individuals) used to sound (the cornet) in the presence of the Beth Din. It was also taught: Rabbi said, "We may only sound (the cornet) during the time that the Beth Din is accustomed to sit."

"*Jerusalem was privileged more than Yamnia,*" etc. (When the Mishna speaks of) "Every city from which Jerusalem could be seen," it means with the exception of a city located in the valley (from which it could be seen only by ascending to an elevated spot); by "the sounding (of the cornet) could be heard," it means to except a city located on the top of a mountain; by "which was near enough," it means to exclude a city outside the prescribed limit (of a Sabbath journey); and by "and to which it was allowed to go," it means to exclude a city (even near by) but divided (from Jerusalem) by a river.

MISHNA: Formerly the palm branch (lulabh) was taken to the Temple seven days, but in cities outside (of Jerusalem) it was taken (to the synagogue) one day. Since the destruction of the Temple, R. Jo'hanan b. Zakkai ordained that the palm branch should everywhere be taken seven days, in commemoration of the Temple, and also it should be prohibited (to eat the new produce) the whole day of waving (the sheaf-offering; *vide* Lev. xxiii. 11-15).

GEMARA: Whence do we know that we do things in commemoration of the Temple? It is written [Jer. xxx. 17]: "For I will restore health unto thee, and I will heal thee of thy wounds, saith the Lord, because they called thee an outcast, saying, This is Zion whom no man seeketh after." By implication (we see) that it (Zion or the Temple) needs being sought after (or commemorated).

"*And that it should be prohibited to eat . . . on the whole day of waving (the sheaf-offering),*" etc. R. Na'hman b. Itzhak remarked: R. Jo'hanan b. Zakkai says this according to the

system of R. Jehudah, for it is written [Lev. xxiii. 14]: "And ye shall eat neither parched corn . . . until the self-same day," *i.e.*, until the very day itself, and he holds that whenever the expression "until" (*ad*) occurs it is inclusive. How can you say the above according to (R. Jehudah); surely he differs from R. Jo'hanan ber Zakkai? As we have learnt in a Mishna: Since the destruction of the Temple R. Jo'hanan b. Zakkai *ordained* that it should be prohibited (to eat of the new produce) the whole of the day of waving (the sheaf-offering). Said R. Jehudah: Is this not prohibited by the passage which says: "Until the self-same day"? R. Jehudah was mistaken; he thought that R. Jo'hanan b. Zakkai taught that (the prohibition) was rabbinical, and it was not so, for R. Jo'hanan also said it was biblical. But does the Mishna not say "he ordained"? Yes; but what does it mean by "he ordained"? (It means) he explained the ordinance.

MISHNA: Formerly they received evidence as to the appearance of the new moon the whole (of the thirtieth) day. Once the witnesses were delayed in coming, and they disturbed the songs of the Levites. They then ordained that evidence should only be received until (the time of) the afternoon service, and if witnesses came after that time both that and the following day were consecrated. After the destruction of the Temple, R. Jo'hanan b. Zakkai ordained that evidence (as to the appearance) of the new moon should be received all day.

GEMARA: What disturbance did they cause to the songs of the Levites? Said R. Zera to A'hbha, his son: Go and teach to them (the Mishna) thus: "They ordained that evidence as to the appearance of the new moon should not be received, only that there might be time during the day to offer the continual and the additional sacrifices and their drink offerings, and to chant the (daily) song without disturbing the order."

We have learned in a Boraitha: R. Jehudah said in the name of R. Aqiba, What (song) did (the Levites) chant on the first day of the week? "The earth is the Lord's and the fulness thereof" [Ps. xxiv.], because He is the Creator, the Providence and the Ruler of the Universe. What did they sing on the second day? "Great is the Lord and greatly to be praised" [Ps. xlvi.], because He distributed His works and reigned over them. On the third day they sang, "God standeth in the congregation of the mighty" [Ps. lxxxii.], because He, in His wisdom, made the earth appear and prepared the world for its

occupants. On the fourth day they sang, "O Lord, to whom retribution belongeth" [Ps. xciv.], because (on that day) He created the sun and moon, and (determined) to punish in the future those who would worship them. On the fifth day they sang, "Sing aloud unto God our strength" [Ps. lxxxi.], because (on that day) He created birds and fish to praise Him: On the sixth day they sang, "The Lord reigneth, He is clothed with majesty" [Ps. xciii.], because (on that day) He finished His works and reigned over them. On the seventh day they sang, "A Psalm or Song for the Sabbath Day" [Ps. xcii.], for the day that is a perfect rest.

Said R. Nehemiah: "Why did the sages make a distinction between these sections (for the last refers to a future event, while all the others refer to the past)? It *should* have been said that they sang that Psalm on the Sabbath day because He rested!"

What did the Levites sing when the additional sacrifices were being offered on the Sabbath? R. Hanan bar Rabha said in the name of Rabh: Six sections of Deut. xxxii.* R. Hanan bar Rabha also said in the name of Rabh: "As these sections were divided (by the Levites), so they are divided for the reading of the law (on the Sabbath on which they are read)." What did they sing at the Sabbath afternoon service? Said R. Jo'hanan: A portion of the Song of Moses [Ex. xv. 1-10]; the conclusion of that song [ibid. 11-19], and the Song of Israel [Numb. xxi. 17].

The schoolmen asked: Did they sing all these on one Sabbath, or did they, perhaps, sing one section on each Sabbath? Come and hear! A Boraitha teaches: During the time that the first choir of (Levites who sang at the time of the additional sacrifice) sang their sections once, the second choir (that sang at that time of the afternoon sacrifice) had sung theirs twice; from this we may deduce that they sang but one section on each Sabbath.

R. Jehudah b. Idi said in the name of R. Jo'hanan: According to the rabbinical explanation of certain scriptural passages the Shekhinah made ten journeys, and according to tradition a corresponding number of times was the Sanhedrin exiled, viz.: from the cell of Gazith (in the Temple) to the market-place,

* i.-vii.; viii.-xiii.; xiv.-xix.; xx.-xxvii.; xxviii.-xxxvi.; xxxvii.-xliv. These passages are called Hazyv Lakh because the initial letters are H, Z, Y, V, L, KH.

from the market-place to Jerusalem, from Jerusalem to Yamnia, from Yamnia to Usha, from Usha (back again) to Yamnia, from Yamnia (back again) to Usha, from Usha to Shapram, from Shapram to Beth Shearim, from Beth Shearim to Sepphoris, from Sepphoris to Tiberias, and Tiberias was the saddest of them all, as it is written [Is. xxix.]: "And thou shalt be low, and shalt speak out of the earth."

R. Elazar says they were exiled six times, as it is written [Is. xxvi. 5]: "For he bringeth down them that dwell on high; the lofty city he layeth low; he layeth it low even to the ground; he bringeth it even to the dust." Says R. Jo'hanan: And thence (from the dust) they will in future be redeemed, as it is written [Is. lii. 2]: "Shake thyself from the dust; arise, and sit down," etc.

MISHNA: R. Joshua b. Kar'ha said: This also did R. Jo'hanan b. Zakkai ordain: That it mattered not where the chief of the Beth Din might be, the witnesses need only go to the meeting-place (of the Beth Din).

GEMARA: A certain woman was summoned for judgment before Ameimar in Neherdai. Ameimar went away to Me'huzza, but she did not follow him, and he wrote a letter to put her in the ban. Said R. Ashi to Ameimar: "Have we not learned that it mattered not where the chief of the Beth Din might be, the witnesses need only go to the meeting place (of the Beth Din)?" Answered Ameimar: "That is true in respect to evidence for the new moon; but with regard to my action, in which case she has been summoned for debt, 'The borrower is servant to the lender,' and she must come to the place where the chief court is" [Prov. xxii. 7].

The rabbis taught: Priests may not ascend the platform in sandals to bless the people; and this is one of the nine ordinances instituted by R. Jo'hanan b. Zakkai; six are to be found in this chapter, one in the first chapter; another one is, if one become a proselyte nowadays, he must pay a quarter of a shekel for a sacrifice of a bird (so that if the Temple should be rebuilt the authorities would have a contribution from him towards the daily sacrifices). R. Simon b. Elazar, however, said that R. Jo'hanan had already withdrawn this regulation and annulled it, because it easily led to the sin (of using the money for different purposes). And what is the ninth (ordinance of R. Jo'hanan)? R. Papa and R. Na'hman b. Itz'hak dispute about this. R. Papa says it was with regard to a vineyard of the

fourth year's crop; but R. Na'hman b. Itz'hak says it was with regard to the crimson-colored strap (displayed on the Day of Atonement (on the scapegoat).

MISHNA: The order of the benedictions (to be said on New Year is as follows): The blessings referring to the patriarchs (Abhoth), to the mighty power of God (Gebhuroth), and the sanctification of the Holy name; to these he adds the selection in which God is proclaimed King (Malkhioth), after which he does not sound the cornet; then the blessing referring to the sanctification of the day, after which the cornet is sounded; then the biblical selections referring to God's remembrance of His creatures (Zikhronoth), after which the cornet is again sounded; then the biblical selections referring to the sounding of the cornet (Shophroth), after which the cornet is again sounded; he then recites the blessings referring to the restoration of the Temple, the adoration of God, and the benediction of the priests. So is the decree of R. Jo'hanan b. Nouri. Said R. Aqiba to him: If the cornet is not to be sounded after the Malkhioth, why are they mentioned? But the proper order is the following: The blessings referring to the patriarchs (Abhoth), to the mighty power of God (Gebhuroth), and the sanctification of the Holy name; to this last the biblical selections referring to the proclamation of God as King (Malkhioth) are joined, and then he sounds the cornet; then the biblical selections referring to God's remembrance of His creatures (Zikhronoth), and he then sounds the cornet; then the biblical selections referring to the sounding of the cornet (Shophroth), and he again sounds the cornet; then he says the blessings referring to the restoration of the Temple, the adoration of God, and the priestly benedictions.

GEMARA: The rabbis taught: Whence do we know that we should recite the Malkhioth, Zikhronoth, and Shophroth? Said R. Eliezer: From the passage [Lev. xxiii. 24] in which it is written: "Ye shall have a Sabbathon, a memorial of blowing cornets, a holy convocation," the word "Sabbathon" refers to the consecration of the day; "a memorial" refers to the Zikhronoth; "blowing of cornets" refers to the Shophroth; "a holy convocation" means the hallowing of the day in order to prohibit servile work. Said R. Aqiba to him: Why is not the word "Sabbathon" construed to mean the prohibition of servile work, since the passage (quoted above) begins with that? Therefore, let the passage be interpreted thus: "Sabbathon" means the hallowing of the day and the prohibition of servile work; "me-

morial" refers to the Zikhronoth; "blowing of the cornets" refers to the Shophroth; "a holy convocation" means the consecration of the day.

Whence do we know that we should recite the Malkhioth? From the following Boraitha: Rabbi said: The words, "I am the Lord your God"; and "in the seven month" (stand together) [Lev. xxiii. 22, 24], which may be interpreted to refer to the proclamation of God as King. R. Jose b. R. Jehudah says it is not necessary to cite this passage; for it is written [Numb. x. 10] "that they may be to you for a memorial before your God: I am the Lord your God." These concluding words "I am the Lord your God" are entirely superfluous, but since they are used, of what import are they? They form a general rule, that in every selection in which (God's) remembrance of His creatures is mentioned there should also be found the thought that He is the King of the Universe.

MISHNA: Not less than ten scriptural passages should be used for the Malkhioth, ten for the Zikhronoth, and ten for the Shophroth. R. Jo'hanan b. Nouri says: If by three of each class, one will have done his duty.

GEMARA: To what do the ten scriptural passages used for the Malkhioth correspond? Answered Rabbi: To the ten expressions of praise used by David in the Psalms. But there are more expressions of praise found? Only those are meant, in conjunction with which it is written "praise him with the sound of the cornet" [Psalm ci. 3]. R. Joseph says: "They correspond to the ten commandments that were proclaimed to Moses on Sinai." R. Jo'hanan said, they correspond to the ten words with which the universe was created.

"By three of each class, one will have done his duty." The schoolmen asked: "Does he mean three from the Pentateuch, three from the Prophets, and three from the Hagiographa, which would make nine, and they differ about one (passage)? or perhaps one from the Pentateuch and one from the Prophets and one from the Hagiographa, which would make three, and they differ about many passages?" Come and hear! We have learned in a Boraitha: Not less than ten scriptural passages should be used for the Malkhioth, ten for the Zikhronoth, and ten for the Shophroth; but if seven of them all were recited, corresponding to the seven heavens, the duty has been fulfilled. R. Johanan ben Nouri remarked: He that recites less (than ten of each) should not, however, recite less than seven; but if he recited but three,

corresponding to the Pentateuch, Prophets, and Hagiographa, according to others corresponding to the Priests, Levites, and Israelites, it is sufficient. Said R. Huna in the name of Samuel: The Halakha prevails according to R. Jo'hanan b. Nouri.

MISHNA: We do not cite scriptural passages for the above three series that contain predictions of punishment. The passages from the Pentateuch are to be recited first, and those from the Prophets last. R. Jose, however, says "if the concluding passage is from the Pentateuch one has also done his duty."

GEMARA: Passages, proclaiming the kingdom of God that should not be used (because of the above), are such as the following [Ezekiel, xx. 33]: "As I live, saith the Lord God, surely with a mighty hand, and with a stretched out arm, and with fury poured out, I will rule over you," and although as R. Na'hman says (of this passage): Let Him be angry with us, but let Him take us out of captivity, still, since it refers to anger, we should not mention "anger" at the beginning of the year. An example of the same idea being found in conjunction with the Zikhronoth is to be read in [Ps. lxxviii. 39], "For he remembered they were but flesh;" in conjunction with the Shophroth an example is found in Hosea, v. 8: "Blow ye the cornet in Gibeah," etc.

We must not mention the remembrance of the individual (in the Zikhronoth) even if the passage speaks of pleasant things, as, for example [Ps. cvi. 4], "Remember me, O Lord, with the favor that thou bearest unto thy people." However, passages that contain the expression of "visiting" may be used in the Zikhronoth, e.g., "And the Lord visited Sarah" [Gen. xxi. 1] or "I have surely visited you" [Ex. iii. 16], so says R. Jose; but R. Jehudah says, they may not. But even if we agree to what R. Jose says (shall we say that) the passage "and the Lord visited Sarah" speaks of an individual (and therefore it should not be used)? Nay; since many descended from her, she is regarded as many and therefore that passage, though speaking of one only, is regarded as though it spoke of many.

(In the Malkhioth, they used Ps. xxiv. 7-10, which is divided into two parts.) The first part can be used as two of the required passages, and the second as three, so said R. Jose; but R. Jehudah said: The first part can be used only for one, and the second for two.* So too [Ps. xlvii. 7, 8], "Sing praises to God, sing praises, sing praises to our king, sing praises; for God is the

* He excludes the two interrogative sentences, "Who is the king of glory?"

King of all the earth." R. Jose said: This may be used for two of the Malkhioth; but R. Jehudah said: "It is to be reckoned as one only." (He rejects one, because the words "our king," referring to one people only, was not a sufficiently broad expression of praise for Him who is the King of the universe.) Both, however, agree that the next verse of the same Psalm, "God is King over the nations; God sitteth upon the throne of his holiness," is to be used for one only. A passage containing a reference to God's remembrance of His creatures and also to the cornet, as for instance [Lev. xxiii. 24], "Ye shall have a Sabbath, a memorial of blowing of cornets," may be used in the Zikhronoth and the Shophroth; so said R. Jose; but R. Jehudah said: It can only be used in the Zikhronoth. A passage in which God is proclaimed King, containing also a reference to the cornet, as for instance [Numb. xxiii. 21], "The Lord his God is with him, and the shout (*Teruath*) of a king is among them," may be used in the Malkhioth and in the Shophroth, said R. Jose; but R. Jehudah said: It may only be used in the Malkhioth. A passage containing a reference to the cornet, and nothing else, as for instance [Numb. xxix. 1], "It is a day of blowing the cornet," may be used for the Shophroth, so said R. Jose; R. Jehudah, however, said: Must not be used at all.

"The passages from the Pentateuch are to be recited first and those from the Prophets last." R. Jose said: "We should conclude with a passage from the Pentateuch, but if one concluded with a passage from the Prophets, one has done his duty." We have also learned: R. Elazar bar R. Jose says: "The Vathiqin* used to conclude with a passage from the Pentateuch. It is correct as far as Zikhronoth and Shophroth are concerned, for there are many such passages; but as for the Malkhioth there are but three in the Pentateuch, viz.: "The Lord his God is with him, and the shout of a King is among them" [Numb. xxiii. 21]; "And he was king in Yeshurun" [Deut. xxxiii. 5]; and "The Lord shall reign forever" [Ex. xv. 18], but we require ten and there are not so many? Said R. Huna: We have learned that, according to R. Jose, the passage, "Hear, O Israel, the Lord our God is one" [Deut. vi. 4], may be considered as Malkhioth, but R. Jehudah said, it may not; so also they differ with regard to the passages, "Know, therefore, this day, and consider it in thine

* A sect similar to Hasidim.

heart, that the Lord, he is God ; there is none else " [Deut. iv. 39], and " Unto thee it was shewed, that thou mightest know that the Lord, he is God ; there is none else beside him " [Deut. iv. 35]. According to the one they are considered Malkhioth, but according to the other not.

MISHNA : The second of those who act as ministers of the congregation on the feast of New Year shall cause another to sound the cornet ; on days when the HALLEL (Service of Praise, Ps. cxiii.-cxviii.) is read, the first (minister) must read it. In order to sound the cornet on New Year's Day it is not permitted to go beyond the Sabbath limit, to remove a heap of stones, to ascend a tree, to ride on an animal, to swim over the waters, nor to cut it (the cornet) with anything prohibited either by the (Rabbinical) laws against servile work or by a Biblical negative commandment ; but if one wishes to put water or wine in a cornet (to cleanse it) he is allowed to. Children must not be prevented from sounding the cornet, but on the contrary we are permitted to occupy ourselves with teaching them until they learn to sound it ; but one who thus teaches, as also others who listen to sounds thus produced, do not thereby fulfil their duty.

GEMARA : What is the reason of the above prohibitions ? Because the sounding of the cornet is a positive commandment ; now, the observance of a festival involves both positive and negative commandments, and the one positive cannot supersede two (negative and positive.)

" *Children must not be prevented from sounding the cornet,*" etc. But women are to be prevented ? Have we not learned in a Boraitha : Neither women nor children may be prevented from sounding the cornet on the New Year's Day ? Said Abayi : " It presents no difficulty, the one is according to R. Jehudah and the other is according to R. Jose and R. Simeon, who say that as women are permitted (in the case of sacrifices) to lay their hands on the animals, so here, if they desire to sound the cornet, they may.

" *Until they learn.*" Said R. Elazar : Even on the Sabbath ; so also we have learned in the following Boraitha : We are permitted to occupy ourselves with teaching (children) until they learn (to sound the cornet) even on the Sabbath : (and if we do not prevent them doing this on the Sabbath) how much less do we, on the feast (of New Year). Our Mishna says, " We do not prevent them " (from this we may infer that we do not start to tell to a child : Go and sound the cornet) ? It presents no difficulty : a child already initiated in the performance of religious

duties may be told also: Go and sound! but not a child not yet initiated; however, we do not prevent him.

MISHNA: The order of sounding the cornet is three times three. The length of a TEQIA is equal to that of three TERUOTH, and that of each Terua as three moans (YABABHOTH). If a person sounded a Teqia and prolonged it equal to two, it is only reckoned as one Teqia.* He who has just finished reading the benedictions (in the additional service for the New Year) and only at that time obtained a cornet, should then blow on the cornet the three sounds three times. As the Reader of the congregation is in duty bound (to sound the cornet) so too is each individual; R. Gamaliel, however, said the Reader can act for the congregation.

GEMARA: But have we learned in a Boraitha, that the length of a Teqia is the same as that of a Terua? Said Abayi: The Tana of our Mishna speaks of the three series, and means that the length of all the Teqioth is the same as that of all the Teruoth. But the Tana of the Boraitha speaks of only one series and says that one Teqia is equal to one Terua (which is the same thing).

"*Each Terua is (as long as) three moans.*" But we have learned in a Boraitha, a Terua is as long as three broken (staccato) tones (SHEBARIM). Said Abayi: About this they do indeed differ, for it is written [Numb. xxix. 1], "It is a day of blowing the cornet," which in the (Aramaic) translation of the Pentateuch is, "It is a day of sounding the alarm (YABABA). Now it is written concerning the mother of Sisera [Judg. v. 28], "The mother of Sisera . . . moaned" (VAT'YABEB); this word, one explains to mean a protracted groan, and another to mean a short wail.

The Rabbis taught: Whence do we know (that one must sound) with a cornet? From the passage [Lev. xxv. 9], "Thou shalt cause *the cornet* . . . to sound, etc." Whence do we know that (after the Terua) there should be one Teqia? Therefore it is said (later in the same verse), "Ye shall make the cornet sound."† But perhaps this only refers to the Jubilee? Whence do we know that it refers also to New Year's Day? Therefore it is written (in the same verse) "in the seventh month." These

* The cornet is sounded three times, corresponding to the Malkhieth, Zikhroneth, and Shophroth. The order of the sounds is Teqia, Terua, Teqia; Teqia, Terua, Teqia, etc. The case here supposed is that the one who sounded the cornet sustained the second Teqia as long as two Teqioth, intending thereby to sound the second and third Teqioth. This, we see, is not permitted.

† The Hebrew words UTHQATEM TERUA are interpreted to mean that first a Teqia should be sounded, and then a Terua.

words are superfluous; for what purpose then does the Torah use them? To teach us that all the sounds of the cornet during the seventh month should be like each other. Whence do we know that the sounds are to be three times three? From the three passages, "Thou shalt cause the cornet . . . to sound" [Lev. xxv. 9]; "A Sabbath a memorial of blowing of cornets" [Lev. xxiii. 24]; "It is a day of blowing the cornet" [Numb. xxix. 1]. But the Tana of the following Boraitha deduces it by analogy of expression from (the rules given in) the wilderness [Numb. x. 1-10]. As we have learned, the words "When ye sound an alarm" [Numb. x. 5] mean one Teqia and one Terua. Whence do we know that they shall be separated, perhaps it means that both together should be sounded? Since it is written [ibid. 7]: "But when the congregation is to be gathered together, ye shall blow but ye shall not sound an alarm," we may infer that they must be separated, a Teqia by itself, and a Terua by itself. But whence do we know that there should be one Teqia before the Terua? From the words [ibid. 5]: "When ye sound an alarm" (*i. e.*, first a "sound," or Teqia, and then an "alarm," or Terua). And whence do we know that there should be one after the Terua? From the words [ibid. 6]: "An alarm shall they sound!" R. Ishmael, the son of R. Jo'hanan bar Berokah, however, says: It is not necessary, as it is written: "When ye sound an alarm the second time" [ibid. 6]. The words "a second time" are unnecessary, and to what purpose are they used? To form a general rule that on every occasion on which "alarm" (Terua) is mentioned, a sound (Teqia) must be used with it as a second (or following) tone. Possibly all this only refers to the practices followed in the wilderness, but how do we know that they refer to New Year's Day also? Therefore it is written: Terua twice to make us infer by an analogy of expression, and as concerning the New Year Terua is written thrice in the three passages, [Lev. xxiii. 24]: "A sabbath, a memorial of cornets"; [Numb. xxix. 1]: "It is a day of blowing of cornets"; and [Lev. xxv. 9]: "Thou shalt cause the cornet . . . to sound"; and for each Terua there are two Teqioth, we therefore learn that on New Year's Day must be sounded three Teruoth and six Tekioth.

R. Abbahu enacted in Caesarea that the order should be first a Teqia * then three single staccato sounds, or Shebharim, then a

* The Teqia is a long tone produced by sounding the cornet. The Terua is a long tremulous sound. The Shebharim consists of three short staccato sounds.

Terua and then again a Teqia. At all events it is not right: If by Terua is meant "a protracted groan" then he should have instituted the order to be a Teqia, a Terua, and then a Teqia; and if it means "a short wail," then he should have instituted the order to be, a Teqia, then Shebharim (three single broken sounds), and then again a Teqia? He was in doubt whether it meant one or the other (and therefore he enacted that both should be sounded).

"If a person sounded a teqia and prolonged it equal to two," etc. R. Jo'hanan says: If one heard the nine sounds at nine different hours during the day, he has fulfilled his duty. The same we have learned in the following Boraitha: "If one heard the nine sounds at nine different hours of the day it is sufficient, and if he heard from nine men at one time, a Teqia from one and a Terua from another, etc., he has also done his duty, even if he heard them intermittently, and even during the whole day or any part of the day." The rabbis taught: (Generally) the soundings of the cornet do not prevent each other (if one can blow a *Teqia*, but not a *Terua*, or pronounce one benediction and not another, it might be said he should not blow or pronounce any benediction at all. We are taught that the one does not prevent the other on the fasts of the congregation and other occasions when these are needed), nor do the benedictions; but on New Year's Day and the Day of Atonement they do.

"He who has just finished reading (the additional service) and only at that time obtained a cornet shall sound on the cornet the three sounds three times." This means, only when he did not have a cornet at the beginning (of the service): but if he had one at the beginning of the service when the sounds of the cornet are heard, they must be heard in the order of the benedictions of the day.

R. Papa bar Samuel rose to recite his prayers. Said he to his attendant, When I nod to you sound (the cornet) for me. Rabha said to him: "This may only be one in the congregation." We have learned in a Boraitha in support of this: "When one hears these sounds, he should hear them both in their order and in the order of the benedictions (in the additional service of the New Year)." This only applies to a congregation, but one should hear them in the order of the benedictions only, if he is not in a congregation; and a private individual who has not sounded the cornet (or heard it sounded) can have a friend sound

it for him ; but a private individual who has not recited the benedictions cannot have a friend say them for him ; and the duty to hear the cornet sounded is greater than that of reciting the blessings. How so? If there be two cities (to which a person may go) and in one city they are about to sound the cornet and in the other to recite the benedictions, he should go to the city in which they are about to sound the cornet ; and not to that in which they are about to recite the benedictions. Is this not self-evident, because the sounding is Biblical and the benedictions are only Rabbinical? The case is when the reciting of the benedictions in one city was certain ; sounding the cornet in the other city was doubtful. He must nevertheless go to the city where they are about to sound the cornet.

"Just as the reader of the congregation is in duty bound (to sound the cornet) so too is each individual." We have learned in a Boraitha : The schoolmen said to R. Gamaliel, Why according to thy opinion should the congregation pray? Answered he : In order to enable the Reader of the congregation to arrange his prayer. Said R. Gamaliel to them : "But why, according to your opinion, should the Reader act for the congregation?" Answered they : "In order to enable those who are not expert to fulfil their duty." And he rejoined : "Just as he enables the illiterate, so too he causes the literate to fulfil their duty." Rabba bar bar 'Hana said in the name of R. Jo'hanan : The sages later accepted the opinion of R. Gamaliel ; but Rabh said there is still a difference between them ; could (the same) R. Jo'hanan say this? Did not R. 'Hana of Sepphoris say in the name of R. Jo'hanan : "The Halakha prevails according to R. Gamaliel ;" from these words ("the Halakha prevails according to R. Gamaliel") we see that there must have been some that differed from him ! Said R. Na'hman b. Itz'hak : "By the words, *"the sages* accept the opinion of R. Gamaliel," R. Meir is meant, and the rule arrived at through those who differed from him (was arrived at) through other rabbis ; for we have learned in the following Boraitha : R. Meir holds that with regard to the benedictions of New Year's Day and the Day of Atonement, the Reader can act for the congregation ; but the sages say : "Just as the Reader is in duty bound, so too is each individual." Why only for these benedictions (and no other)? Shall we assume it is because of the many Biblical selections used? Does not R. 'Hananel say in the name of Rabh : As soon as one has said (the passages beginning with) the words, "And in thy law it is writ-

ten," he need say no more? It is because there are many (more and longer) benedictions (than usual).

It was taught, R. Jehoshua ben Levi said: Both the private individual and the congregation as soon as they say (the passages beginning) with the words, "And in thy law it is written," need say no more.

R. Elazar says: A man should always first prepare himself for prayer and then pray. R. Abba said: "The remarks of R. Elazar seem to apply to the benedictions of New Year's Day and the Day of Atonement, and to the various holidays, but not to the whole year." It is not so; for did not R. Jehudah prepare himself (even on a week day) before his prayers and then offer them? R. Jehudah was an exception, for since he prayed only once in thirty days, it was like a Holiday. When Rabbin came (from Palestine) he said in the name of R. Jacob bar Idi quoting R. Simeon the Pious: R. Gamaliel did not excuse from public service any but field-laborers! What is the difference (between them and others)? They would be forced to lose their work (if they went to a synagogue), but people in a city must go (to the House of Prayer).

END OF TRACT "NEW YEAR."

מסכת

ראש השנה

(ה) רבי שמעון בן גמליאל אומר משום רבי שמעון בן הסנן, פרוכת עביה מפה, ועל שבעים ושנים נימין נארנת, ועל כל נימא ונימא עשרים וארבע חוטין, ארכה ארבעים אמה ורחבה עשרים אמה, ומשמנה ושתי רבוא נעשית, ושתיים עושין בכל שנה, ושלוש מאות כהנים ממבילין אותה.

(ו) בשר קדשי קדשים שנשמא, בין באב המומאה בין בולד המומאה, בין בפנים, בין בחוץ, בית שמאי אומרים הכל ישרף בפנים, חוץ מי שנשמא באב המומאה בחוץ; בית הלל אומרים הכל ישרף בחוץ, חוץ מי שנשמא בולד המומאה בפנים.

(ז) רבי אליעזר אומר, את שנשמא באב המומאה, בין בפנים, בין בחוץ, ישרף בפנים; רבי עקיבא אומר מקום טמאתו, שם שריפתו.

(ח) אברי התמיד ניתנין מחצי כבש ולמטה כמזרח, ושל מוספין ניתנין מחצי כבש ולמטה במערב, ושל ראשי חדשים ניתנין מתחת כרכוב המזבח מרמטה. השקלים והבכורים אין נוהנין אלא בפני הבית, אבל מעשר דגן ומעשר בהמה והבכורות נוהנין בין בפני הבית, בין שלא בפני הבית. המקדיש שקרים ובכורים, הרי זה קדש; רבי שמעון אומר, האומר בכורים קדש, אינן קדש.

חרון עלך מסכת שקלים.

פירוש רמ"ל

(ה) רשב"ג, בדבר תפרכת יאמר בירושלמי כי המשנה דברה בלשון הבאי, וגם בבבלי (חולין צ:): יחשוב את המשנה הזה וגם מה שחשקו את התמיד בכוס של זהב מן דברי הבאי, וחולם תרומה בספר Buchler שזכרנו לעיל, יראה כי ריבוי הכתבים המשבילין אותו אינו נזמא, כי לא מצאנו את המשנה תספר נזמאות והחיקש לערים גדולות ובצורות בש"ס, וכן לו תבקע הארץ לקולם אינו דומה כלל, כי כבר אמר ר' ישמעאל גם בהלכה שהתורה דברה בלשון בני אדם, משא"כ מה שהספיר מצומצם, וגם להשקות את התמיד בכלי זהב איננו מן דברים המפליאים, לפי רובי העשירות וכלי זהב שהיו במקדש, וצ"ע, (ראה בתפא"י מ"ש בשם הגאון מוילנא), וגם חסד שקצבה להוצאת תפרכת יכול להיות כי היה מבע קפנה כהפאסטר עתה במדינת השולטן או כהשזה בצרפת; כי בדרך כלל לא מצאנו שהמשנה תספר נזמאות, ו(ז) הכל ישרף בפנים, מקום מומאתו, במסכת תמיד יתבאר שתי המשניות תאלו, כי שם מקומן.

(ח) ענין הכרכוב שהוא לענין מוספי ר"ח יתבאר במס' סודות. מעשר ובכורות נהגו גם שלא בפני הבית לכלכל את המון הלויים, שלש חיה להם כל נחלה כאבותיהם.

פרק שמיני.

(א) כל הרוקין הנמצאין בירושלים מהורין, חוץ משל שוק העליון, דברי רבי מאיר; וחכמים אומרים בשאר ימות השנה, שבאמצע שמאין, ושכצדין מהורין, ובשעת הרגל, שבאמצע מהורין, ושכצדין שמאין, שמפני שהן מועטין, מסתלקין לצדדין.

(ב) כל הכלים שנמצאין בירושלים, דרך ירידה לבית המבילה, שמאין, דרך עליה, מהורין; שלא כדרך ירידתן, עליתן, דברי רבי מאיר; רבי יוסי אומר, כולן מהורין, חוץ מן הסל, ומן המנריפה, והמריצה, המיוחדין לקברות.

(ג) סכין שנמצאת בארבעה עשר, שוחט בה מיד, בשלשה עשר שונה ומטביל; וקופין, בין בזה ובין בזה שונה ומטביל; חל ארבעה עשר להיות בשבת, שוחט בה מיד, בחמשה עשר שוחט בה מיד, נמצאת קשורה בסכין, הרי זו כסכין.

(ד) פרוכת שנשמאה בולד השומאה, מטבילין אותה בפנים ומכניסין אותה מיד, ואת שנשמאה באב השומאה, מטבילין אותה בחוץ, ושומחין אותה בחיל, ואם היתה חדשה שומחין אותה על נג האיצטבא, כדי שיראו העם את מלאכתן שהיא נאה.

פירוש רמ"ל

פרק שמיני.

(א) כל הרוקין, רוק חוב הנזכר בתורה (ויקרא ט"ו 8) ידוע היא שהוא פסא, ועין כי אי אפשר שלא היו זבין בין העם הרב שבא בירושלם יום יום, ואי אפשר שלא יגעו טחורים ברוקין של חוב בעת מהלכם ברחובות ירושלם, תשמיענו המשנה את המנהג, איככה נהגו בחיות ירושלם בשלוחה ובהמ"ק על סכנו. והנה ר"ם אמר שכל שמאי זיכה הלכו למו בשוק העליון ולא בשוקים וברחובות אחרים למען לא ישמאו את הטהורים, אבל חכמים אומרים, כי בשעת הרגל קבעו למהלך הפסאים את צדי הדרכים וכל הטהורים הלכו באמצע, ובחול להיפך, וסובן מאליו שאין לחוש להרוק שנמצאו במקום שהטהורים מהלכים, וכן אין ספק שהרוק הנמצא במקום שהפסאים מהלכים, שהוא פסא.

(ב) כל הכלים, מזהב המשנה למדנו כי שני דרכים היו לבית המבילה אחת ליירדה ואחת לעליה, שלא יגעו הטהורים בעת עלייתן את הפסאים והפסא שנית, ולכן הננו חולקים אחריו חרוב כלומר כל פריש מרובא פריש, ובירידה שהיו כל הכלין פסאין הנמצא פסא ובעליית שהיו מהורין הנמצא מהור, ואך על הכלים שמיחדין לפסמאה גזרו גם נמצאו בדרך העליה, מפני שאין מוציאין כל מחזקתה; והטעם הזה גם בסכין במשנה שלאחר זאת, ואך הקופץ שלא נהגו לשחוט בו שונה הוא, כי אינו פריש מרובא. הר"ר יאסא תרגם על פי פירוש המימוני את המשנה הזאת והוא דחוק מאד, ולכן פרשנו את המשנה כפשוטה, ואחריו כתבנו זאת ראינו גם בפירוש תפארת ישראל, שגם הוא מוכן כפירושנו.

(ד) פרוכת שנשמאה, ענין ולד השומאה שר"ל, ראשון לפסמאה יקרא מי שנגע באב השומאה, וסדר מחלקותם היא: גזית כה"ה היא נקראת, אבי אבות השומאה, הנוגע בה היא, אב השומאה והנוגע בו הוא, ראשון, והנוגע בראשון יקרא, שני לפסמאה, וכן, שלישי, וכן, רביעי, ופריש דינא יתבאר בסדר שהורות.

(ד) בהמה שנמצאת מירושלים ועד מגדל עדר, וכמידתה לכל רוח, זכרים ועולות, נקבות זכאי שדמים; רבי יהודה אומר, הראוי לפסחים פסחים, קודם לרגל שלשים יום.
(ה) בראשונה היו ממשכנין את מוצאייה עד שהוא מביא נסכיה, חזרו להיות מניחין אותה ובורחין, התקינו שיהו נסכיה באין משל ציבור.

(ו) אמר רבי שמעון, שבעה דברים התקינו בית דין, וזה אחד מהן: נכרי ששלח עולתו ממדינת הים, ושלח עמה נסכים, קריבין משלו, ואם לאו, קריבין משל ציבור; וכן גר שמת, והניח זכחים, אם יש לו נסכים קריבין משלו, ואם לאו, קריבין משל ציבור; ותנאי בית דין הוא על כהן גדול שמת שתהא מנחתו קריבה משל ציבור. רבי יהודה אומר, משל יורשין ושלמה היתה קריבה.
(ז) על המלח, ועל העצים, שיהו הכהנים נאותין בהן; ועל הפרה שלא יהו מועלין באפרה, ועל הקניין הפסולות שיהו באות משל ציבור; רבי יוסי אומר, המספיק את הקניין מספיק את הפסולות.

פירוש רמ"ל

עולה כליל על המזבח ולא היו מנחמים אותה לנתחים רק לאברים שלמים, לכן אם נמצא אבר שלם ידענו שהוא עולה, אבל החפצות, שממנה היו הכהנים אוכלין, היו מנתחין לנתחים ולכן חוששין שמא חפצות היא, ואם אמנם לא היו אוכלים כלל את הנמצאות מחשש נותר, היתה צריך להשמיענו את דין הבשר הנמצא, למען נדע הדיון אם עבר אחד ואכלו, שאז בירושלם לא היה חייב שום אדם על האכילה התיא, וכן בעזרה לא חיינו יכולים לחייב את הכהן בעד איזה חתיכת מפני שהיא היתה בודאי דבר הנאכל לכהנים, כי מחעולות לא היה חתיכות, אבל אם אכל אבר שלם, אז חייב שמא מעולה היא שמשפחה להיות כולה כליל. ואגב תבאר את הדיון בבשר חולין שנמצא בכל ערי ישראל שאם אך חתיכה היא ולא אבר, הולכין אחר הרוב שהוא מבשר שחושש, אך על אבר שלם יש לחוש שמא לא חששו לחתכו מפני שהיא נבלה ועזבו אותו לחיות חרוב כמו שהוא ולכן אסור בכל ימות השנה; אך בגדל, שתבשר מרובה, הולכין גם באברים אחר הרוב שהוא מבשר שחושש, במקום שרוב אנשי העיר ישראל המה.

(ד) בהמה שנמצאת זכר, ר' יהודה יצדק בהשקפתו על בהמות הזכרים שנמצאו קרוב לפסח, העת שכל ישראל מקריבין את פסחיתן שקרוב לזריא הוא כי הוא אחר מן הפסחים שנאבדו לבעליהן, אבל כונתו דוקא על זכר בן שנה ולא על בהמה שנראת שיש לו יותר מן שנה אחת, אך החכמים מחמירין גם בזה ואומרים כי יוקרב לעולה שהיא כולה כליל, מן מן העולות היא ומעלין בקודש ולא מורידין.

(ו) כהן גדול שמת, מנחת כהן היא הנאמר בויקרא ו, 13.

(ז) מועלין באפרה, אם כי מן התורה אין בה לא קדושה ולא מעולה גזרו חכמים, מפני שהיו הכהנים משתמשים באפרה, ועיקר הדבר שהמשנה מזכרת פה, חסר הקניין הפסולות, ר"ל אם נמצאו פסולות אחר שתגזר שלם בעדם ולקחם מהמזבח, שכלי ספק נפסלו בעת היותם כבר תחת יד הגזבר שאז אין אחריותה על המזבח ואחרים יקרכו תחתיה משל ציבור, ויען כי יד החקש תמיד על העליונה, והדבר הזה היה מן הדברים שרוב המוכרים לא יכלו לעמוד בו, לכן הוצרכו לחקן זאת בתקנה מיוחדת, ור' יוסי חולק גם בזה, אך אין הלכה כמותו. ופרשי חיינים מקנים יתבאר במקום.

פרק שביעי.

(א) **מעוֹת שֶׁנִּמְצְאוּ בֵּין הַשְּׁקָלִים לְנֹדֶבָה, קָרוֹב לְשְׁקָלִים יִפְלוּ לְשְׁקָלִים, לְנֹדֶבָה יִפְלוּ לְנֹדֶבָה, מִחֲצָה לְמִחֲצָה, יִפְלוּ לְנֹדֶבָה; בֵּין עֲצִים לְלִבְנוֹהָ, קָרוֹב לְעֲצִים יִפְלוּ לְעֲצִים, לְלִבְנוֹהָ יִפְלוּ לְלִבְנוֹהָ, מִחֲצָה לְמִחֲצָה יִפְלוּ לְלִבְנוֹהָ; בֵּין קִינִין לְנוֹזֵלֵי עוֹלָה, קָרוֹב לְקִינִין יִפְלוּ דְקִינִין, לְנוֹזֵלֵי עוֹלָה, יִפְלוּ לְנוֹזֵלֵי עוֹלָה; מִחֲצָה לְמִחֲצָה יִפְלוּ לְנוֹזֵלֵי עוֹלָה; בֵּין חוֹלִין לְמַעֲשֵׂר שְׁנִי, קָרוֹב לְחוֹלִין יִפְלוּ לְחוֹלִין, לְמַעֲשֵׂר שְׁנִי יִפְלוּ לְמַעֲשֵׂר שְׁנִי, מִחֲצָה לְמִחֲצָה יִפְלוּ לְמַעֲשֵׂר שְׁנִי. זֶה הַכֹּל, הוֹלְכִין אַחֵר הַקָּרוֹב לְהַקֵּל, מִחֲצָה לְמִחֲצָה לְהַחֲמִיר. (ב) **מעוֹת שֶׁנִּמְצְאוּ לִפְנֵי סוּחֵרִי בַּהֲמָה, לְעוֹלָם מַעֲשֵׂר; בַּהֲרֵי הַבַּיִת, חוֹלִין; בִּירוּשָׁלַיִם בְּשַׁעַת הָרִנָּל, מַעֲשֵׂר, וּבִשְׂאֵר כָּךְ יָמוֹת הַשָּׁנָה חוֹלִין.****

(ג) **כִּשֶׁר שֶׁנִּמְצָא בַּעֲזָרָה, אִיבְרִין עוֹלוֹת; חֲתִיכוֹת חֲטָאוֹת; בִּירוּשָׁלַיִם וּבְחֵי שְׁלָמִים; זֶה זֶה תַּעֲוֹבֵר צוּרְתּוֹ וַיֵּצֵא לְבֵית הַשְּׂרִיפָה, נִמְצָא בְּנִבְלוֹן אִיבְרִין נִבְלוֹת, חֲתִיכוֹת מוֹתָרוֹת; בְּשַׁעַת הָרִנָּל שֶׁהַבֶּשֶׂר מְרֻבָּה, אֵף אִיבְרִין מוֹתָרִין.**

פִּירוּשׁ רמ"ל

פרק שביעי.

(א) **מעוֹת שֶׁנִּמְצְאוּ, לִפְנֵי שֵׁשׁ הַבָּדֵל בֵּין קְדוּשָׁה לְקְדוּשָׁה בְּקִרְבָּנוֹת וּבְנִסְכִּים, וּמִדִּחוּבָה שֶׁלֹא יִחְלִיטוּ לִקְנוֹת מִן מַעוֹת שֶׁנִּתְרַמּוּ לְקְדוּשָׁה חֲמוּרָה דְּבָרִים שֶׁהֵמָּה רַק קְדוּשָׁה קֵלָה, לִכֵּן אוֹמֵר שֹׁאֵם מִצָּא הַכֹּסֶף בְּשִׁיעוֹר שׁוֹה מִשְׁנֵי הָרִבְרִים, הֵייוֹנוֹ שֶׁשֶׁשׁ הִרְצַפָּה מִן הַכֹּסֶף לְחִיבַת הַשְּׁקָלִים לְחִיבַת הַנֹּדֶבָה שׁוֹה הֵנָּה, אוֹ מִחֲשֵׁשׁ שֶׁמָּא הֵמָּה מַעוֹת נֹדֶבָה שֶׁמֵּהֶם קוֹנִין רַק עוֹלוֹת וְהֵמָּה קְדוּשָׁה חֲמוּרָה מִן כֹּסֶף הַשְּׁקָלִים שֶׁבְּרִמְיָהֶם קוֹנִין כָּל דָּבָר גַּם נוֹתֵנִין לְאוֹמְנִין, לִכֵּן יִקְנוּ בְּכֹסֶף הַזֶּה דָּבָר שֶׁבּוֹ קְדוּשָׁה חֲמוּרָה מִן כֹּסֶף הַשְּׁקָלִים, וְכֵן חֲדָבֵר עִם עֲצִים וְלִבְנוֹהָ שֶׁהַלְבוּשָׁה קְדוּשָׁה מִהַעֲצִים מִפְּנֵי שֶׁהַלְבוּשָׁה הִיא קָרֵב וְהַעֲצִים רַק מִכִּשְׁוִירֵי קָרֵב, וְכֵן הוּא הָדִין בְּכָל אֲשֶׁר תַּחֲזוּב מִשְׁשֶׁנָּה הֵלֵאָה שֶׁהַשְּׁנִית קְדוּשָׁה יוֹתֵר מִתְּרַאשׁוֹנָה, וְלִכֵּן בָּעֵת סֶפֶק תּוֹכָה תְּמִיד הַחֲמוּרָה מִן הַקֵּלָה. זֶה אוֹמֵר, לְהַחֲמִיר, ר"ל לִקְנוֹת בְּהַכֹּסֶף דָּבָר שֶׁבּוֹ קְדוּשָׁה חֲמוּרָה מִחֲצָד שֶׁכִּנְגָדָה, וּבְדָבָר עֲמִידָתָם שֶׁל הַשּׁוֹפְרוֹת וְשִׁטְחָם רָאָה בְּפִירוּשׁ תַּפְא"י.**

(ב) **לִפְנֵי סוּחֵרִי בַּהֲמָה, הַכֹּסֶף שֶׁנִּמְצָא בַּהֲרֵי הַבַּיִת שְׂרֹב הַחוֹלְכִים בּוֹ הֵמָּה כְּהִנִּים, יֵשׁ לִשְׂעֵר כִּי הַכֹּסֶף נִגַּל מֵאֲתָם וְהֵמָּה חוֹלִין, מִפְּנֵי כִי כֹסֶף הַקִּדְשִׁים לֹא יִשְׁאוּ הַכְּהִנִּים בְּצִלְתָּם וְאִם נִמְלִיחוּ מִן הַחִיבָה לְסִטְרַת הַקִּרְבָּן, בְּלִי סֶפֶק כִּבְרֵי הַלָּלוֹ אוֹתוֹ עַל הַבְּהֵמָה בְּעוֹדוֹ בְּלִשְׁכָּה, וּמִמִּילָא יֵצֵא הַכֹּסֶף לְחוֹלִין; מִשְׁא"כ אִם נִמְצָא הַכֹּסֶף בְּמִקּוֹם אַחֵר לִפְנֵי סוּחֵרֵי הַבְּתִּיכוֹת הִיא בְּלִחֵי סֶפֶק מִבְּעוֹת מַעֲשֵׂר שְׁנִי, אֲשֶׁר רֹב הַקּוֹנִים אֵף בְּכֹסֶף מַעֲשֵׂר שְׁנִי יִקְנוּ, וְלִכֵּן נִחָשֵׁב כֵּן בְּכָל יָמוֹת הַשָּׁנָה. וּמִשְׁעָם הַזֶּה הַכֹּסֶף הַנִּמְצָא בְּכָל מִקּוֹם בַּחֲצוֹת יִירוּשָׁלַיִם בְּשַׁעַת הָרִנָּל, שֶׁכָּל יִשְׂרָאֵל יַעֲלוּ שָׁמָּה לְרַגֵּל וְיִבְאוּ אֲתָם אֶת כֹּסֶף מַעֲשֵׂר שְׁנִי, הוֹלְכִים אַחֵר הָרֹב שֶׁנִּבְדָּר מֵאֲחֵר מֵהָאוֹרְחִים, אֲבָל בְּכָל יָמוֹת הַשָּׁנָה, זוֹלָת שׁוֹק הַבְּהֵמוֹת, הַכֹּסֶף חוֹלִין.**

(ג) **יֵקֵן כִּי זֶהוּ הַשְּׁלָמִים נִאֲכָלִין בְּכָל הַעֵיֶר לְכָל אָדָם, לִכֵּן אִם נִמְצָא בֶּשֶׂר בְּרָחוּב נִחָשֵׁב אֲחִיו לְשִׁלְמִים, וַיֵּקֵן כִּי יוֹכֵל לְחַיּוֹת שֶׁהוּא נוֹתֵר (ר"ל יוֹתֵר מִשְׁנֵי יָמִים וְלִילָה אַחֵד), לִכֵּן יִחַיֶּקְוָהוּ בְּסֶפֶק יוֹד לִילָה אֶחָד לְמַעַן יוֹכֵלוּ לְהוֹצִיאוֹ לְבֵית הַשְּׂרִיפָה כּוֹדָאֵי נוֹתֵר. וּבַעֲזָרָה שֶׁהָעוֹלָה הִיתָה**

פרק שקלים ששי

לנדבה. נדבה מה היו עושין בה? לוקחין בה עולות, הבשר לשם, העורות לכהנים; והו' מדרש דרש יהודיע כהן גדול: .אשם הוא אשם אשם לה' (יקרא ה') זה הכלל, כל שהוא בא משום חטא ומשום אשמה, ילקח בו עולות, הבשר לשם, והעורות לכהנים; נמצאו שני כתובים קיימים: אשם לה' ואשם לכהנים, ואומר .כסף אשם וכסף חטאות לא יובא בית ה' לכהנים יהו"י. (מלכים ב' י"ב)

פירוש רמ"ל

את נדרו אשר נדר קודם, אבל אם נדר ואמר הרי עלי איזה דבר, אז יש שיעור קצוב שלא יפחות מזה, ויאגב תשמיענו חכמה כי העורות של כל חקר בנות היו לכהנים, ובספרו של Buchler הנ"ל, ימצא תקורא כמה כהנים היו מתעסקים בזה ותעשיות הגדולה שהיתה לכהנים מהעורות, וכמה לשכות מיוחדות שהיו בשביל זה במקדש, וכן מתי נתחלקו לכהנים ושהכהנים בעלי הזרוע גזלו את הכהנים העניים בלקחם לעצמם בזרוע את החלק חיותר גדול, אם שהיו משמישים עצמם מעבודת הקרבנות שהיתה עבודה קשה מאד, וסכום העורות היה רב מאד, (עיי' ש ותחתום).

שער נשים, שער השיר. ולמה נקרא שמו שער יכניה? שבו יצא יכניה בגלותו. במזרח: שער ניקנור, ושתי פשפושין היו לו: אחד מימינו, ואחד משמארו, ושנים במערב, שלא היה להן שם. שלשה עשר שולחנות היו במקדש: שמונה של שיש בבית המטבחים, שעליהן מדיחין את הקרביים, ושנים במערב הכבש, אחד של שיש, ואחד של כסף; על של שיש, היו נותנים את האיברים, על של כסף, כלי שרת; ושנים באולם מבחוץ על פתח הבית: אחד שיש, ואחד של זהב; על של שיש, נותנין לחם הפנים בכניסתו, ועל של זהב, ביציאתו, שמעלין בקודש ולא מורידין; ואחד של זהב מבפנים, שעליו לחם הפנים תמיד.

ה) עזלשה עשר שופרות היו במקדש, וכתוב עליהם: תקלין חרתין, תקלין עתיקין, קינין, ונוזלי עולה, עצים, ולבונה, זהב לכפורת, וששה לנדבה. תקלין חרתין, שבכל שנה ושנה, ועתיקין, מי שלא שקל אישתקד שוקל לשנה הבאה; קינין, הן תורין, ונוזלי עולה, הן בני יונה, כולן עולות, דברי רבי יהודה; וחכמים אומרים: קינין, אחד חמאת ואחד עולה, ונוזלי עולה, כולן עולות.
ו) קאומר: יהרי עלי עצים, רא יפחות משני ניורין; לבונה, לא יפחות מקומץ; זהב, לא יפחות מדינר זהב, ששה

פירוש רמ"ל

וכתובים או לים רבים היו מתכנסין לפתוח או לסגור אחד הדלתות. וענין השולחנות מכאור, ואמרו: "מעלין בקדש" הוא, מפני שלחם הפנים היה מונח בפנים על שולחן של זהב, הצריכו לו שולחן כזה גם בצאתו מן הקודש.

ה) שלשה עשר שופרות, השופר הראשון היה כתוב עליו "תקלין חרתין" ר"ל בו צריכין לחשליך את השקלים מכנה זו בפני הגזבר, והשני היה כתוב עליו "תקלין עתיקין" לאמר: בו יושלכו השקלים שלא נגבו בשנה העברה ג"כ בפני הגזבר והוא מקבל מכנו קבלה, שיחזירו לו את עכשו. השלישי היה כתוב עליו קינין, לאמר כי תחפץ לנדב על "קינין" ישליך נדבתו בו. הרביעי, נזחלי עולה" ר"ל בו ישלכו המנדבים בעד תורים ובני יונה למזבח לצרכי עולה את נדבותיהם, תחמישי "עצים" בו יקובל נדבות על העצים למערכת, חששי כהוב עליו, "לבונה" בשביל המנדבים נדבות על הלבונה, חשמיני "זהב לכפורת" כי בו היו הנדבות שהתנדבו בשביל קדש הקדשים והכפורת שהיה שם. אלה המט השבעה שופרות הראשונים, והששה שהיו לכתם נדבה, גם עליהם היו תרומים שמות מיוחדים (לדעת הרמב"ם) והם: על הראשון "מותר חמאת", ר"ל מי שהקדיש מעות לחמאת ואחריו קנותו נשאר לו עוד מהם היה משלכם בשופר הזה למען שמן חככף הזה לא יוקח רק לצרכי חמאת, השני "מותר אשם", השלישי "מותר קיני זבין ויולדות", הרביעי "למותר קרבנות נזיר", והחמישי "מותר קרבן מצורע" שזהו כנ"ל, אם הפרוש מעות למזבח אחר כהם ונשארו בידו אחרי שהוציא מהם למזבח נדבתו יושל המותר כל אחד במקום המכוס למענו, ועל הששי היה כתוב "נדבה" סתם שמה חיו לזקחין לכל הנצרך למקדש או למזבח. ובדבר הפלותא שבין החכמים לר"י הוא כי החכמים סוברים שדעת המנדבים לקינין היא, שמכספם יקנו דבר שיעלה על המזבח כולו כליל, והרמב"ם אומר שההלכה כחכמים.

ו) האומר הרי עלי, אהרי שנתבאר ענין השופרות חשונים שהיו משתמשים לנדבות שונות תבאר, כי רק אז מותר לחשליך לחשופות כמה שיחפץ ואפילו כל שהוא, אם אינו משלם

פרק ששי.

- (א) שלשה עשר שופרות, שלשה עשר שולחנות, שלש עשרה השתחויות היו במקדש; של בית רבן נמליאל ושל בית רבי חנינא סנן הכהנים היו משתחווים ארבע עשרה; והיכן היתה יתירה? כנגד דיר העצים, שכן מסורת בידם מאבותיהם, ששם הארון נגנו.
- (ב) מעשה בכהן אחד, שהיה מתעסק, וראה הרצפה שהיא משונה מחברותיה, בא ואמר לחבירו, לא הספיק לנמור את הדבר עד שיצתה נשמתו, וידעו בייחוד ששם הארון נגנו.
- (ג) היכן היו משתחווים? ארבע בצפון, וארבע בדרום, שלש במזרח ושתיים במערב, כנגד י"ג שערים. דרומים, סמוכין למערב: שער העליון, שער הדלק, שער הבכורה, שער המים; ולמה נקרא שמו שער המים? שבו מכניסין צלחית של נסוך מים בחנו. רבי אליעזר בן יעקב אומר: בו המים מפכין, ועתידין להיות יוצאין מתחת מפתן הבית.
- (ד) קעומתן בצפון סמוכין למערב: שער יכניה, שער קרבן,

פירוש רמ"ל

פרק ששי.

(א) שלשה עשר שופרות, כבר אמרנו להתיבות שהיו בהם כסף השקלים או הנדבות נקראים שופרות מזני שהיו קצרים מלמעלה ורחבים מלמטה שלא תוכל יד לכנס בתוכה, וכן היו עוקמים משעם זה, והמשנה הזאת תספור את כל מה שהיה במקדש במספר שלשה עשר המספר הקדוש להם, (כנגד שלש עשרה מדות החרמים הנזכרים במקרא, ושכנגדם התקין ר' ישמעאל שלשה עשרה מדות לדרוש בהם את התורה), ובמשנה זו תפרש מה היו הי"ג שופרות משתמשים, וכן תפרש באיזה מקומן היו ההשתחויות. (מן תוכן המשנה הזאת נראה, כי ידעו מלימודי פישאגארוס דבר המספרים והמספר 13 היה נחשב לאי-צולח גם בימים הקדמונים, ולפיכך חסר מלכ החמון את האמנה הפסלה הזאת, תקנו דברים קדושים במספר הזה, או אולי כונו בזה לחמתיק רוע מזלו של המשתמש במספר 13 בזה שכונתו לדברים קדושים; וגם בזמננו נוסדה חברה בשם "Thirteen-Club" המשתמשים כל הדברים רק במספר 13 להראות להתמון שאין כל חשש וכחנה בו.) ובמס' מדות יתבאר איפוא היה דיר העצים.

(ב) מעשה בכהן, הכהן היה בעל סוס ופסל לעבודת הקרבנות ורק היה מתעסק לברר העצים שהמחולעים או הנרקבים היו פסולים; וכן היו מפצלין את העצים מן העור שעליהן למזבח; והארון נגנו עוד במקדש ראשון כאשר ראו שאין עוד תקנה שתנצל העור והמקדש מיר הכשרים, והכחן הזה מה, מפני שרצה לגלות את חסוד הזה; ועיין בספרנו The Peas tateuch etc., Chicago, 1894.

(ג) והיכן היו משתחווים, האומר כי י"ג שערים היו במקדש, הוא אבא יוסי בן יוחנן, נצר מן הכתנים הגדולים שהיו במקדש שני, אבל לדעת החכמים רק שבנה שערים היו והשתחויות היו כנגד י"ג פרוצות שפרצו היונים בבחמ"ק ובית חשמונאי גדרו; שלכן גזרו השתחויות כנגד הפרצות האלה כעין הודות, ואולם המשנה אשר תשוב תשעה בשמותם ושנים בלא שם מיוחד ואומרת איפוא היו בפרט, נראה כי כדבריה כן היה (והחכמים חלקו רק מהשערים ולא מחכבלה, וראה בתפא"ר על המשניות, ופירשו בשם אביו קשה לחלוטין).

(ד) משמשים, נקראים דלתות קטנות בתוך הגדולות, כי הגדולות היו כבדות וקשין לפתוח

(ה) מי שאבד ממנו חותמו, ממתנין לו עד הערב, אם מצאו לו כרי חותמו, נותנין לו, ואם לאו, לא היו נותנים לו, ושם היום כתוב עליהן מפני הרמאין.

(ו) שתי לשכות היו במקדש: אחת לשכת חשאים, ואחת לשכת הכלים; לשכת חשאים, יראי חטא נותנין לתוכה בחשאי, ועניים בני מובים מתפרנסין מתוכה בחשאי; לשכת הכלים, כל מי שהוא מתנדב כלי, זורקו לתוכה, ואחד לשלשים יום, נזכרין פותחין אותה, וכל כלי שמצאו בו צורך לבדק הבית, מניחין אותו, והשאר נמכרין בדמיה ונופלין ללשכת בדק הבית.

פירוש רמ"ל

(ה) מי שאבד ממנו חותמו, אם אבד חותם לא אמרו שיחיה יד הקדש על העליונה והמאבד הותמו לא יביג כלום, כ"א בקרת היו עושים בהכסף הנפרד ואם היה הכסף יתר על ההתמות שכיר הנותן נככים והסכום שלו שוח עם המעות שנתן תקנות בעד חותמו, היו נזכרין לו נככים ועל רחותם לא היו מקפידין אותו למצוא, כי היה כתוב עליו שם היום ואינו מועיל ליום אחר.

(ו) שתי לשכות, בחלמוד ירושלמי מביא ציורים ימים מן לשכת חשאים ויספר דברים רבים ממעשה הצדקה הזאת. וחנה לשכות רבות היו במקדש בשמות מיוחדים אשר לא יחשבו פה, ואך לחשיבות שתי לשכות הללו ינקבם.

(ג) אין פוחתין משלשה נזכרין ומשבעה אמרכלין, ואין עושין שררה על הציבור בממון פחות משנים, חוץ מכן אחיה, שעל חולי מעיים, ואלעזר שעד הפרוכת, שאותן קבלו רוב הציבור עליהן.

(ג) ארבעה חותמות היו במקדש, וכתוב עליהן: עגל, זכר, נדי, חוטא; בן עזאי אומר, חמשה היו וארמית כתוב עליהן: עגל, זכר, נדי, חוטא דל, וחוטא עשיר. עגל, משמש עם נסכי בקר, גדולים וקטנים וזכרים ונקבות; נדי, משמש עם נסכי צאן, גדולים וקטנים, וזכרים ונקבות, חוץ משל אילים; זכר, משמש עם נסכי אילים בלבד; חוטא, משמש עם נסכי שלש בהמות של מצורעים.

(ד) כפי שהוא מבקש נסכים, הולך לו אצל יוחנן, שהוא ממונה על החותמות, נותן לו מעות, ומקבל ממנו חותם; בא לו אצל אחיה, שהוא ממונה על הנסכים, נותן לו חותם, ומקבל ממנו נסכים, ולערב באין זה אצל זה, ואחיה מוציא את החותמות, ומקבל כנגדן מעות, ואם הותירו הותירו להקדש, ואם פחתו, ישלם יוחנן מביתו, שיד הקדש על העליונה.

פירוש רמ"ל

והנה המשנה אינה מזכרת אם היו הממונים כהנים, לויים, או גם ישראלים היו ביניהם, וכבר דברו בזה הרבה חכמי זמננו, ואולם חרצה לדעת את תכונת הכהנים והממונים האלו, פיעם וטבעם כפרושוש, עליו לעיין בספר Die Priester und der Cultus von Prof. Buchler, Wien, 1895 ושמה יראה כי מספר הכהנים לבר עלו לא למאה ולא לאלפים, כי אם לעשרות אלפים, וכן מספר הלויים היה רב מאד, וכן על איות דברים היו הממונים רק מהכהנים ועד איות דברים גם מלויים וישראלים, ראה שם מצד 47-67, ואנחנו דברנו עוד מזה בסוף מס' שבת בדבר ה"ח גזירות שגזרו חכמים על הכהנים ועל התרומה.

(ב) אין פוחתין, סדר הגשיאות במקדש היו כן: המלך ואחריו הכהן גדול, ואחריו חכנן, ואחריו הקתליקון שהיו שנים, אחריהם האמרכלין שהיו שבעה, ואחריהם הגזרין שהיו רבים וגם תחתיהם היו ממונים רבים. והנה משמרת כל אהר מהם מבואר במס' תמיד. יומא ובפרט בהספר הנזכר למעלה.

(ג) ארבעה חותמות, הנסכים לכל קרבן שונים היו כידוע, ולכל הנסכים היה תואר קצוב במקדש, והנה נכחי כבשים ועדים גם הזכרים שבהם שוים היו וחוחם, גר"ה היה מסזיק גם לחסכיו קרבנו כבש, אבל לאילים היה נסך מיוחד גדול ממנו ולכן השתמשו בחותם, זכר"ה שהיה סמן למי שקרבנו "איל", אבל בבקרים שוין חזכרים והנקבות הגדולים והקטנים ולכן השתמשו בחותם, עגל"ה למי שקרבנו מן הבקר. ועל קרבן המצורעים השתמשו בחותם, חוטא"ה (לרמז שהצרטת באה מפני החטא) שעד העצירים היה לחביא שני אלים וכבשה אחת ונסכיהם, היות היותם חוטא מכפיץ לתת להם את הנסכים שהחכרו בתורה, אבל על העניים המצורעים שלא היה להם לחביא רק כבש אחד ושתי תורים, ורק עשרון אחד סולת ולוג שמן בלא יין, אמרו החכמים, כי לא היה צריך לכסן מיוחד; ובן עזאי היה אומר, כי חמשה חותמות היו שעל תחמישי היה כתוב חוטא דל להבדילו משאר נדי הצריך גם יין ואומר שחיה כתוב עליון ארמית ולא ע:רית ובלי ספק היתה קבלה בידו, כי כל הסמנים שבמקדש היו ארמית וכן נראה מן המשנה עצמה בכל הסמנים (זמן רב אחרי עלותם מכל דברו חתנים רק ארמית וכן האשכולות נד: אחר הלל ושמואי, וגם בעדיות קבלו עדותם בארמית והציגו כדשונה, וראה בספר ביכנער חג"ל).

פרק חמישי.

(א) אלו הן הממונין שהיו במקדש : יוחנן בן פנחס על החותמות אחיה על הנסכים, מתתיה בן שמואל על הפייסות, פתחיה על הקינין. פתחיה זה מרדכי ; למה נקרא שמו פתחיה ? שהיה פותח בדברים ודורשן ויודע שבעים לשון. בן אחיה על חולי מעיים, נחוניא חופר שיחין, נביני כרו, בן גבר ער נעילת שערים, בן בכיי ער הפקיע, בן ארוא על הצלצל, הוגרוס בן רוי על השיר, בית גרמו על מעשה לחם הפנים, בית אבמינס על מעשה הקמורת, אלעזר על הפרוכת ופנחס על המלבוש.

פירוש רמ"ל

פרק חמישי.

(א) אלו הן הממונין, לא בזמן אחד היו הממונין שהוא חושב במשנה, כ"א דורות רבים הפירו בניהן, אבל המצנה מזכרת רק הטובים והתכירים שהיו ממונין בכל דור, וענין תחומות ויתבאר במשנה ר'. הפייסות, הן : שהיו הכהנים מטילין גורל ביניהם מי יעלה לעבוד עבודה זו ומי עבודה זו, והיו צריכין לממונה להתחזק הסדר ושתיה רשום אצלו מי יעלה לפי היום ומי למחר. קינין הן הקרבנות שכל איזה יולדת היתה צריכה להקריב ומפני שהיו רבות צריכין היו לממונין גם כזו להתחזק הסדר, שכל הבאה קודם תקריב קודם ושתנו לא את הקינין בכחיה הקצוב ולא ידבו עליהן, וגם היו מתערבין מפני ריבוי המביאין חכמה רבה נצרכה לחזרות דיני תערוכות האלה, עיין בפירוש תפארת ישראל. חולי מעיים היה דבר הרגיל מאד במקדש, מפני שהיו הכהנים נושאים עליהם בעת העבודה רק הארבעה בגדים קרים, והיו הלכים והפים על הרצפה של שיש ובין כת מוכרחים היו לאכול את בשר הקרבנות שלא יביאו קרעים ליד נות, ולכן נחלו תמיד בחולי מעיים, והממונים היו רואים על כל אחד שנחלה להביאו למקום הרצויא למנות אחרים תחתיהם, ולכן היו ממונים רבים לזה, ופה נחשב מכל הסדרגות רק הממונה הראשי שהכל היה נעשה תחת השגחתו. חופר שיחין, לא רק במקדש וירושלם כ"א בכל הארץ ובסוריא, להכין מים לעולי הרגל ולבאי מקדש. כרו, הוא הממונה שהיה מכריז בעצמו, או מצוה להכריז, כל עבודה ועבודה בזמנה. נעילת שערים, גם לזה היו ממונים הרבה, לנעיל כל שער ולשמור את המקדש, כי כן היה המצוה לשמור את המקדש אף שלא בית מלחנה וסכנה, כאשר יתבאר במס' תמיד, והממונים היו מעמידים כל שומר על מקומו שלא יישן ושיילך סביב סביב במקום שחוגג לו, ואם היו מוצאין את אחד מהם ישן, היו מלקין אותו ושושפין את כסותו וזה היה נקרא פקיע שהיו לזה ממונים אחרים לבד הממונים על נעילת שערים. צלצל, המה התופים שהיו מכים בהם להשמיע בעת הקרבת הקרבנות, וכן היו מלויים את אחיהם היום בנגנם בכל זמן את חסומורים הראויים בעת הקרבת הקרבנות, ואך חסנצח על חזירים, קאמל, מיכסער" היה ממונה אחר, לבד הממונים על התופים והמצלחיים, מעשה הקמורת, שהיה נצרכת שתי פעמים, בכל יום וחזקונה היתה ענין ועסק גדול להרכיבה ולערכבה מכמה סמנים ושיזור כל אחד ואחר, ואיך שיהיה ענין הקמורת עולה, וכן האומנין חסוניים בזה היו בית אבמינס, וכן לחם הפנים שהיו עושין י"ב הלות בכל שבוע היו צריכין לאומנין שלא יתקדשו מזה בעת שהיו מונחים על שולחן של שיש, וגם צורתם ותבניתם, המבואר במס' תמיד, ולזה היה הממונין בית גרמו דורות הרבה שהיו מוסרין את אומנתם לבניהם, גם להפרוכת שהיו מחליפין אותו תדיר היה ממונה מיוחד לקבל אותו מהמגדלים ולראות אומנתו ונכיתו ומלאכה. גם היו אנשים רבים עסקים בהלכשת הכהנים בבגדיהם ומשגיחים שיהיו נקיים מפני חולי המעיים הרגיל במקדש, וכוכסי הגגרים, שעל כולם היו ממונים מיוחדים. ולשכות רבות היו במקדש שהיו מיוחדות רק לבגדי הכהנים.

ונקבות ימכרו לצרכי זבחי שלמים, (ודמיהן יפלו עם שאר נכסים לבדק הבית); רבי יהושע אומר, זכרים עצמן יקרבו עולות, ונקבות ימכרו לצרכי זבחי שלמים, ויביאו בדמיהן עולות, ושאר נכסים יפלו לבדק הבית; רבי עקיבא אומר, רואה אני את דברי רבי אליעזר מדברי רבי יהושע, שרבי אליעזר השוה את מדתו, ורבי יהושע חלק; אמר רבי פפייס, שמעתי כדברי שניהן: המקדיש בפירושו, כדברי רבי אליעזר, והמקדיש סתם, כדברי רבי יהושע.

(ח) המקדיש נכסיו, והיו בהן דברים ראויין על גבי המזבח: יינות, שמנים ועופות, רבי אליעזר אומר, ימכרו לצורכי אותו המין, ויביא בדמיהן עולות; ושאר נכסים יפלו לבדק הבית.

(ט) אחת לשלשים יום משערין את הלשכה; כל המקבד עליו לספק סלתות מארבעה, עמדו משלש, יספק מארבעה; משלש ועמדו מארבעה, יספק מארבעה, שיד הקדש על העליונה; ואם התליעה סולת, התליעה לו, ואם החמיץ יין, החמיץ לו; ואינו מקבל את מעותיו, עד שיהא המזבח מרצה.

פירוש רמ"ל

כי דעת המקדיש הוא, אם גם סתם דבריו, כי למזבח יותר שוב מן בדק הבית שלכן חוזרים וקרבו לעולה בשם המנדר אבל נקבות הראויות רק לשלמים ואינו יכולין להקריב בשם המנדר, אם איננו בעת התקרבה, לכן ימכרו לצורך הזה לאחר ובדמיהן יקרבו עולות בשם המנדר. וה"ע שדעתו לענין סתם הקדש כר"א, יאמר כי הוא רואה את דברי ר"א, אבל ר' פפייס כמכרע יאמר שאם הקדש כל נכסיו סתם וכיניהם היו בהמות למזבח ולא קראם בשם, או כונתו כי כל אחד יקרב למקום הראוי לו, ויקרבו כדברי ר' יהושע, אבל אם פירש ואמר: "הנכסים והבהמות שלי כולם הקדש" ולא אמר מפורש כי תבהמות יוקרבו למזבח, גלה בזה דעתו שכל נכסיו קדושה אחת הן, לבדק הבית; כי אם לא כן, כיון שקרא תבהמות בשם, היה לו לחסוף עוד מלה אחת "למזבח". ובמשנה שאחריה סתם כר"א, מפני שיינות שמנים ועופות אין להם פדיון ולכן יקרבו בדמיהם עולות וכו'.

(ט) אחד לשלשים יום, ענין זאת המשנה, שכל חודש היו קורין את המוכרים שיכנסו את המחיר על כל דבר הנצרך למזבח ולבדק הבית על כל תחדש, ולכל המסמך מחדרו היו נותנין את הקדימה שיעמיד אותן למזבח ולבדק הבית; והמקחים שהיו קוצבים אותם היו על כל תחדש, באופן שאם נתקרו חדרים, היו סוכרים המוכרים את הנזק, אבל אם חזיל השער, יד ההקדש על העליונה; וחרשות היה לגבאים שלא לשלם רק כפי השער הזול, אם המוכרים העמידו להם בעת זול. ומה שאומרת ואם התליע, התליע לחמור, ר"ל אם גם קבלו את המעות היה עוד אחיותן עליהן, אבל בירושלמי אומר, כי חסה היו מקבלין את המעות מיד, והכהנים זריזין הם ולא הניחו את הסולת לתתליע ואת היין להחמיץ.

קדשי הקדשים; רבי ישמעאל אומר, מותר הפירות קיץ למזבח ומותר התרומה לכלי שרת; רבי עקיבא אומר, מותר התרומה קיץ למזבח, ומותר נסכים לכלי שרת; רבי חנינא סנן הכהנים אומר, מותר נסכים קיץ למזבח, ומותר התרומה לכלי שרת; זה וזה לא היו מודים בפירות.

(ה) מותר הקמורת מה היו עושין בה? מפרישין ממנה שכר האומנין, ומחללין אותה על שכר האומנין, ונותנין לאומנין בשכרן, וחוזרין ולוקחין אותה מתרומה חדשה; אם בא החדש בזמנו, לוקחין אותה מתרומה חדשה, ואם לאו מן הישנה.

(ו) המקדיש נכסיו, והיו בהן דברים ראויין לקרבנות הציבור, ינתנו לאומנין בשכרן, דברי רבי עקיבא; אמר לו בן עזאי אינה היא המדה, אלא מפרישין מהן שכר האומנין, ומחללין אותה על מעות האומנין, ונותנין אותן לאומנין בשכרן, וחוזרין ולוקחין אותן מתרומה חדשה.

(ז) המקדיש נכסיו, והיתה בהן בהמה ראויה לנבי המזבח, זכרים ונקבות, רבי אליעזר אומר, זכרים ימכרו לצרכי עזות,

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השנה, אם נשאר כסף משנה שצבר מה עושים בה? מותר הפירות, עתה ישא ויתן בדבר שאלה דרשה מה היו עושין בתרומה שתרומה מהנכסים כבמשנה הקדמות, ואומר ר' ישמעאל שהיו קונים קרבנות אם קרה כת שהיה המזבח עומד בשל באין קרבנות חיובים, אבל ר"ע האומר שצטור לתרומה ממעות הקדש אומר כי לקיץ המזבח היו לוקחין סמותר חכסף משנה שעברת, ומותר נסכים ר"ל מה שנשאר ממיצוי הסדות של נסכים, (כי היו לוקחין במדה גרומה ומקריבין מדה מתוקה) לכלי שרת, ור"ח סנן הכהנים דעת אחרת לו בזה. והנה סן המשנה הזאת (ורבות כדומה לה בכל המשניות) נראה כי בזמן המקדש היו הכהנים המסוגלים מהזיקים כל דבר בכדי ולא נודע דבר איך התבגרו, כי לולא זאת לא היתה המחלוקת מצויה תיכף אחר החורבן, ועוד יותר שר' ישמעאל היה כהן ואבותיו אלישע וישמעאל היו כהנים חשובים בזמן המקדש וכן ר' חנינא סנן כהנים היה סן הכהנים החשובים, וגם הם לא ידעו את המנהג ואך הלכו בסברות. ושמוי הכלל הזה בבואך לכמה משניות שחולקות בדבר המנהג ואין אהת מהן אומרת מצי הנסיון.

(ה) מותר הקמורת, ר"ל תגשאר בכסף חשנה משנה שעברת ומשנה החדשה היו משתמשים בקטורת הנקנות משקלים החדשים, וי"ן כי מרת הקטורת היא מלא חפניו ואין הידים בגדלן ורחבן שוות, וכהן שחיד שלו קטנת היה ג"כ נוטל רק מלא חפניו, היה נשאר בכל שנה איזה מדות סממני הקמורת.

(ו) כל המקדש נכסיו, כהם הקדש יאמר ר"ע הוא לבדק הבית ולכן מיקל אם גם היו בין חפצי ההקדש דברים הראוים למזבח, כמו כממני הקמרת ולא הצריכם לחיות קרבים על המזבח, ואולם בדברים חיים הראוים למזבח וכן גם יינות ידובר בהם במשניות לקמן, ואולם בן עזאי מחמיר גם כממני הקמרת. סדעתו, כי דעת המקדש נכסיו כדאי נושה יותר שיקרבן דברים הראוים למזבח, על המזבח עצמו; אשר לכן מכסף חילול על מעות האומנין וחוזרין ולוקחין אותה מתרומה חדשה שני"ו יכנו כדאי לדעת המקדש.

(ז) זכרים ימכרו לצרכי עזות, גם ר"א סובר כי כהם הקדש הוא לבדק הבית, אבל עכ"ז ידמה כי הדברים עצמם הראוין למזבח לא יצאו מיד המזבח אם גם שוים יעלה לבדק הבית שלכן מצריך למכרם לצורך המזבח עצמו. ואך ר' יהושע חסובר כן עזאי בזה, יאמר

פרק רביעי.

(א) הַתְּרוּמָה מֵהָהוּ עוֹשִׂין בָּהּ? לֹקְחִין בָּהּ תְּמִידִין, מוֹסְפִין וְנִסְכֵּיהֶם, הָעוֹמֵר, וּשְׁתֵּי הַלֶּחֶם, וְלֶחֶם הַפָּנִים, וְכָל קֶרְבָּנוֹת הַצִּיּוֹר. שׁוֹמְרֵי סְפִיחִים בַּשְּׁבִיעִית, נוֹמְלִין שִׁכְרָן מִתְּרוּמַת הַלֶּשֶׁכָּה; רַבִּי יוֹסִי אֹמֵר, אֵף הָרֹצֶה מִתְּנֵדֵב שׁוֹמֵר חֲנָם; אִמְרוּ לוֹ, אֵף אַתָּה אֹמֵר שְׂאִין בְּאִין אֵלָּא מִשַּׁל צִיּוֹר.

(ב) פֶּרֶה וּשְׁעִיר הַמִּשְׁתַּלַּח וְלֶשׁוֹן שֶׁל זְהוּרִית בְּאִין מִתְּרוּמַת הַלֶּשֶׁכָּה. כֶּבֶשׂ פֶּרֶה, וְכֶבֶשׂ שְׁעִיר הַמִּשְׁתַּלַּח, וְלֶשׁוֹן שֶׁבִין קֶרְנָיו, וְאֵמַת הַמִּים, וְחוֹמַת הָעִיר וּמִגְדָּלוֹתֶיהָ, וְכָל צוּרֵי הָעִיר בְּאִין מִשִּׁירֵי הַלֶּשֶׁכָּה; אֲבָא שְׂאוֹל אֹמֵר: כֶּבֶשׂ פֶּרֶה כֶּהָנִים גְּדוּלִים עוֹשִׂין אוֹתָן מִשַּׁל עֲצָמָן.

(ג) מִתֵּר שִׁירֵי הַלֶּשֶׁכָּה מֵהָהוּ עוֹשִׂין בָּהֶן? לֹקְחִין בָּהֶן יֵינּוֹת שְׂמִנִּים וְסִלְתוֹת, וְהַשְׁכֵּר לְהַקְדֵּשׁ, דְּבִרֵּי רַבִּי יִשְׁמַעֵאל; רַבִּי עֲקִיבָא אֹמֵר, אֵין מִשְׁתַּכְּרִין בִּשַׁל הַקֹּדֶשׁ, וְלֹא בִשַׁל עֲנִיִּים.

(ד) מִתֵּר הַתְּרוּמָה מֵהָהוּ עוֹשִׂין בָּהּ? רְקוּעֵי זֶהָב צִיּוּי לְבִית

פִּירוּשׁ רַמְ"ל

פרק רביעי.

(א) שׁוֹמְרֵי סְפִיחִים בַּשְּׁבִיעִית, הָעוֹמֵר וּשְׁתֵּי הַלֶּחֶם אֲשֶׁר דִּנְגָם, כִּי יִבְאוּ רַק מֵאֶרֶץ יִשְׂרָאֵל וְרוֹקֵץ מִן תְּבוּאָה תַּחֲדָשָׁה שְׁגֻרָּלָה כּוֹז הַשָּׁנָה, מֵאִין הָיוּ לֹקְחִים אוֹתָם בִּשְׁנַת הַשְּׁבִיעִית שְׂאוֹ לֹא זָרְעוּ וְלֹא קָצְרוּ? הָיוּ שׁוֹלְחִים תְּרִים לִרְאוֹת בְּאִיּוֹת מִקּוֹם גְּדוּלִים תְּבוּאָה מֵה שְׁנוֹרֵעָה בִּשְׁנַת הַקְּדוּמָּה שְׁנִקְרָאת כְּלֶשֶׁן הַמִּקְרָא (וְיִקְרָא כ"ה) סְפִיחַ וְלִשְׁמֹר אוֹתָהּ שְׂאוֹת תְּשֻׁלּוּשׁ בְּה יָד אַחֵר לְעִקְרָה קֹדֶם שִׁיבֹא הַקֶּרֶן מִמֶּנָּה, מִפְּנֵי שֶׁבִּשְׁנַת הַשְּׁבִיעִית הַכֹּל תּוֹא הַפֶּקֶר וְאִין רְשׁוֹת לְבַעַל הַשָּׂדֶה לְבַלִּי לְהַנִּיחַ אַחֵרִים לְתִלּוֹשׁ אֶת הַצִּמְחִים וְהַתְּבוּאָה. הַהֲרִים וְהַשּׁוֹמְרִים חָלְלוּ הָיוּ מִקְבִּלִים שִׁכְרָם מִתְּרוּמַת הַלֶּשֶׁכָּה, וְכִסָּף הַזֶּה נִחְשָׁב כְּאִלּוּ קִנּוּ בּוֹ אֶת תְּבוּאָתָהּ שִׁישׁ לְבַל אֶחָד חָלַק בָּהֶם. וְר' יוֹסִי הָאֹמֵר שֶׁמִּתְּנֵדֵב אִדֵּם לְחִיּוֹת שׁוֹמֵר חֲנָם מִכֵּר שְׁקֶרֶן יָחִיד מִשְׁתַּנֵּה לְחִיּוֹת שֶׁל צִיּוֹר אִם תּוֹעַ מִנְדֵּב אוֹתוֹ אֲבָל אֵין הַלֶּכֶת כְּמוֹתוֹ כְּעוֹמֵר וּשְׁתֵּי הַלֶּחֶם, אִם כִּי בִשְׂאֵר קֶרְבָּנוֹת מוֹתֵר לְקַתֵּת מִשַּׁל יָחִיד אִם הוּא מִנְדֵּב אוֹתָם לְצִיּוֹר בְּעִין יִפְתָּ (רֵאשִׁי ר"ה).

(ב) פֶּרֶה וְלֶשׁוֹן שֶׁל זְהוּרִית, מוֹתֵר הַכֶּסֶף שֶׁלֹּא הָיָה נִכְנָס לְשַׁלֵּשׁ הַכִּיּוֹת חֲגֻרֹלוֹת שׁוֹכְרֵנוּ לְמַעַלָּה, נִקְרָא שִׁירֵי הַלֶּשֶׁכָּה וְהָיוּ נוֹתְנִין אוֹתוֹ בְּמִקְוֵי גְבוּהָ, שְׁחִיזוּ עוֹלִים עָלָיו ע"י אֱלִימָנָאָק בְּלֹא מַעֲלוֹת; וְהַכֶּסֶף הַזֶּה הָיוּ עוֹשִׂים כֶּבֶשׂ לְפֶרֶה אֲדוּמָה, שְׁטִיבּוֹ יִתְבָּאֵר בְּמִשְׁנֵת פֶּרֶה אֲדוּמָה, וְכֵן הִכְבֵּשׁ לְשִׁירֵי הַמִּשְׁתַּלַּח לְעֻזְאוֹל וְלֶלֶשׁוֹן שֶׁבִין קֶרְנָיו שְׁטִיבּוֹ יִתְבָּאֵר בְּיוֹמָא, וְכֵן לְאֵמַת הַמִּים לְחֻמַּת הָעִיר יִרְשָׁלַם אִם הָיוּ צִרְכִּים תִּיקוֹן.

(ג) מוֹתֵר שִׁירֵי הַלֶּשֶׁכָּה, ר"ל אִם אַחֵר כָּל אֵלֶּה עוֹד נִשְׂאָר כֶּסֶף תּוֹץ לְלִישְׁכָּה מֵהָהוּ הָיוּ עוֹשִׂין בּוֹ? לֹקְחִין יֵינּוֹת, כָּל מִי שֶׁמִּבִּיא קֶרֶבֶן, עָלָיו לְקִנּוֹת יֵין לְנֶכֶד עַל חֲמוּזָה וְסוּלַת וְשִׁמּוֹן לְמִנְחָה, וְכָל אֵלֶּה הָיוּ קוֹנִים בְּעֻזָּה בְּכֶסֶפָם, וְהַמִּשְׁנֵה הַזֹּאת אֹמֵר, כִּי בְּעַד מוֹתֵר הַכֶּסֶף שֶׁל שִׁירֵי הַלֶּשֶׁכָּה, הָיוּ קוֹנִין יֵין שְׂמִנִּים וְסִלְתוֹת לְמִכִּידָה לְהַמְקִיבֵם, לְמַעַן יִרְיִחוּ מִצִּיּוֹת לְהַקְדִּישׁ, אֲבָל ר"ע חֹלֵק וְאֹמֵר, שֶׁצִּיּוֹר לְעִשׂוֹת סְחוּרָה בְּמַעֲוֹת הַקֹּדֶשׁ וְכֵן בְּמַעֲוֹת שֶׁל עֲנִיִּים, וּבִירְשָׁלַם חֲשָׁב דְּבָרִים רַבִּים מֵה שִׁעֲשׂוּ בְּמוֹתֵר כֶּסֶף הַשְּׁקָלִים כְּמוֹ שֶׁכָּר לִסְדּוֹר הַלְבוּשׁ הַשִּׁישִׁי, הַלְבוּשׁ קֶרְבָּנוֹת, וְכֵן לְבָקֵר אֶת מוֹמֵי הַקֶּרְבָּנוֹת שֶׁכָּל אֵלֶּה הָיוּ לֹקְחִין מִמַּעֲוֹת שִׁירֵי הַלֶּשֶׁכָּה; וְעוֹד כְּמוֹ אֵלֶּה, (רֵאשִׁי שֶׁל הַלֶּכֶת ד' בְּהָ הַמִּקֵּץ).

(ד) מוֹתֵר הַתְּרוּמָה, ר"ל אִם הִנֵּה אֶחָד בְּנִיטָן שֶׁכָּבֵר יֵשׁ תְּרוּמָה חֲרָשָׁה מִשְׁקָלִים שֶׁכּוֹ

ויאמרו מעון הלשכה העני, או שמא יעשיר, ויאמרו מתרומת הלשכה העשיר, לפי שאדם צריך לצאת ידי המקום, כדרך שצריך לצאת ידי הבריות, שנאמר: 'והייתם נקיים מה' ומישראל. (במדבר ל"ב) ואומר: 'ומצא חן ושכל טוב בעיני אלהים ואדם' (מש"ג). (ג) ע"ל בית רבן נמליאל נכנס, ושקלו בין אצבעותיו, וזרקו לפני התורם, והתורם מתכוין ודוחפו לקופה. אין התורם תורם, עד שיאמר להם: אתרום? והן אומרים לו: תרום! תרום! תרום! שלש פעמים.

(ד) תרם את הראשונה ומחפה בקטבלאות, שניה ומחפה בקטבלאות, שלישית לא היה מחפה, שמא ישכח את התרום ויתרום את דבר התרום. תרם את הראשונה לשם ארץ ישראל, והשניה לשום כרכים המוקפין לה, שלישית לשום בבכ, ולשום מדי, ולשום מדינות הרחוקות.

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(ג) של בית ר"ג נכנס, כלומר כל אחד מבית ר"ג בעת שהיה נותן שקליו היה מתנהג כן. (ד) ויתרום את דבר התרום, כלומר מן הקופה הראשונה שכבר תחיל ממנה בפעם הראשונה.

פרק שלישי.

(א) בשלשה פרקים בשנה תורמין את הלשכה, בפרוס הפסח בפרוס עצרת, בפרוס החג, והן גרנות למעשר בהמה, דברי רבי עקיבא; בן עזאי אומר בעשרים ותשעה באדר, ואחד בסיון, ובעשרים ותשעה באב, רבי אלעזר ורבי שמעון אומרים באחד בניסן, באחד בסיון, בעשרים ותשעה באלול. מפני מה אמרו בעשרים ותשעה ולא אמרו באחד בתשרי? מפני שהוא יום טוב, ואי אפשר לעשר ביום טוב לפיכך הקדימוהו לעשרים ותשעה באלול.

(ב) בשלש קופות, של שלש שלש סאין תורמין את הלשכה, וכתוב בהן: אלת, בית, גימל; רבי ישמעאל אומר, יוניח כתוב בהן: אלפא, ביתא, נמלא. אין התורם נכנס, לא בפרגוד חפות, ולא במנעל, ולא בסנדל, ולא בתפילין, ולא בקמיע, שמא יעני,

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פרק שלישי.

(א) בשלשה פרקים ב', ענין הפרק הזה הוא סדר תוצאות השקלים על הקרבנות שהיו משתדלים לערבב את כסף השקלים שהיה לכל אחד מישראל חלק בקרבנות ציבור לבר התנאי שהותנה כדלעיל, וכן היו עושין: שאחרי שכבר גבו את כל השקלים בתחילת ניסן היו מטלאים מתכסף הזה שלש חביות גדולות, ערך חשעה סאין כל אחת, והיו מכסין אותן במספחות, ואח"כ היו מביאין שלש קופות קטנות כל אחת ג' סאין והיו מטלאין את הקופות הקטנות שהיו מסומנות בשלש אותיות א. ב. ג. בעברית או ביונית, כל אחת ואחת מתחתיות הגדולות, ומתקופות הקטנות היו מוצאין את הכסף לקנות בהן קרבנות ציבור; והמילוי פעם הראשונה היתה בפיו בניסן שהוא חצי חודש קודם הפסח, וכן היו עושין ש"ו ימים לפני חג השבועות, אך בעת אשר מלאו אותם שנית התחילו מן התביות האחרונה שמעם מלאו בפעם הראשונה את הקופה המסומנת באות ג', מלאו עתה את הקופה המסומנת באות א, ואח"כ מלאו מן השניה שהיתה קודם ראשונה לקופה המסומנת באות ב. ומן השלישית שהיתה מקודם שניה לקופה המסומנת באות ג. ועשו זאת כדי לערבב חכמים ושיחיה לכל אחד חלק בקרבנות ציבור או בבדק הבית, שכלן בכל פעם בבואו לשלישית לא היה מכסה אותה לסימן, שממנה יתחיל לעתיד, ותרם את הראשונה לשם ארץ ישראל הקרובה יותר לירושלם והשניה לשם הכרכים הסוקפות חומת הרחוקות מארץ ישראל, והשלישית בשביל כל סדינות הרחוקות מפני שכל הקרוב קרוב קודם; אך עכ"ז היו המעות מעורבין והיה לכ"א מישראל חלק בהם, וכ"ז היו עושים בהסוס גדול למען לא יהיה שום חשד על הגבאים, והתורם או גם כל הנכנס ללשכה שבת היה מכסף, היו מחיבין להסיר מתם כל חבגים שיש בהם איזה כים וגם לא במנעל וסנדל או פוטמקאות מ"קום שיכולים להכתיר הכסף ולא גם בתפילין ובקמיע שיש בהם קמכים וחיכות קטנות שישמה יכולים להסתיר הכסף, והכל בשביל הכתוב והייתם נקיים גו'. בפרוס עצרת בפרוס החג, מפני שהקרבנות בשבעת ימי הפסח רבו לכן היו מוכרחים לפתוח את הקופה השניה בש"ו באייר, אבל חג השבועות שחור רק יום אחד ולא רבו הקרבנות מכסף הצבור, לכן היו סעות הקופה השניה מספיקות עד חצי אלול שאך אז פתחו את הקופה השלישית, והן גרנות למעשר בהמה, כלומר הזמנים הללו והולדות של הבמות הם כמו עומדות בגורן ואסור לשחטן ולאכול מהן טרם תופיש המעשר, אבל בין הזמנים הללו רשאים היו לאכילה גם קודם תפישת המעשר. והפגם שקבעו את אלו הזמנים למעשרות, הוא מפני שאז תחלו עורי רגלים לעלות לירושלם וראגו בשבילם שיחיו הבמות מצוים לתם לקניה. בן עזאי אומר, בן עזאי ור"ש חולקים בזה רק מפני גרנות המעשר, שלדעתם המעשר ינתן רק אז.

להן קצבה, לחטאת אין לה קצבה; רבי יהודה אומר אף לשקלים אין להן קצבה, שכשעלו ישראל מן הגולה היו שוקלין דרכונות, חזרו לשקול סלעים, חזרו לשקול טבעין, ובקשו לשקול דינרין; אמר רבי שמעון, אף על פי כן יד כולן שוה, אבל חטאת, זה מביא בסלע, זה מביא בשתיים, וזה מביא בשלש.

(ה) מותר שקלים חולין, מותר עשירית האיפה, מותר קיני זבין, קיני זבות וקיני יולדות וחטאות ואשמות, מותריהן נדבה. זה הכלל, כך שהוא בא לשם חטא ולשם אשמה מותריהן נדבה, מותר עולה לעולה, מותר מנחה למנחה, מותר שרמים לשלמים, מותר פסח לשלמים, מותר נזירים לנזירים, מותר נזיר לנדבה, מותר עניים לעניים, מותר עני לאותו עני, מותר שבויים לשבויים, מותר שבוי לאותו שבוי, מותר המתים למתים, מותר המת ליורשיו. רבי מאיר אומר מותר המת יהא מונח עד שיבא אליהו; רבי נתן אומר מותר המת בונין לו נפש על קברו.

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והעשיר לא ירבת כתיב, ור' יהודה חולק ואומר שגם לשקלים אין להם קצבה כי הכל לפי כסף המדינה ואם תחליטו בדעתם לשקול דרכון תחת חצי שקל הרשות בידם, אבל ע"ז השיב ר' שמעון טענה נכוחה, שגם אז יש להם קצבה כי כולם אינן רשאים לשקול רק במטבע שהחליטה, משא"כ חטאת שאין לו כל מטבע, ובעד כמה שירצת יקריב.

(ה) מותר קיני כו', אחרי שהביא המסדר את חמשה את דעת ב"ה וב"ש וידוע הוא שהחליטה כב"ה, יביא את המשנה הזאת שסתמה כב"ה שמותר חשקלים הוא חולין; ומפרש הרין כן הנותר על כל דבר שבנדקה שכולם מסכימים ורק על מותר המת, ר"ל מה שהקרישו בעדו לקבורתו, יקריע ר"ם ויאמר כי יתא מונח עד שיבא אליהו, מצינו כי חכסף הזה לא נתן בשביל היורשים והמת כבר נקבר; ור"ג אומר כי בנין הציון הוא ג"כ כבוד המת, ואולם כל הדברים הללו המה אם היה חכסף של יחיד, אבל אם היה מסעות הציר, הפרנסים ברוב דעות, יוכלו לשנות את חכסף הצדקה כמו משבויים לעניים ולהיפך.

פרק שני.

- (א) מצרפין שקלים לדרכונות מפני משוי הדרך. כשם שהיו שופרות במקדש, כך היו שופרות במדינה. בני העיר ששקלו את שקליהן ונגנבו או שאבדו, אם נתרמה תרומה נשבעין לנוברים ואם לאו נשבעין לבני העיר, ובני העיר שוקלין תחתיהן. נמצאו, או שהחזירים הגנבים, אלו ואלו שקלים ואין עולין להם לשנה הבאה.
- (ב) קנותן שקרו לחבירו לשקול על ידו, ושקלו עד ידי עצמו, אם נתרמה תרומה מעל; השוקק שקלו ממעות הקדש, אם נתרמה התרומה וקרבה הבהמה מעל, מדמי מעשר שני ומדמי שביעית יאכל כנגדן.
- (ג) קמכנס מעות ואומר: הרי אלו רשקלי, בית שמאי אומרים מותר נדבה, ובית הלל אומרים מותרן חזין; שאביא מהן לשקלי, שוין שהמותר חולין; אלו לחסאת, שוין שהמותר נדבה, שאביא מהן לחסאת, שוין שהמותר חולין.
- (ד) אמר רבי שמעון מה בין שקלים לחסאת? לשקלים יש

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פרק שני.

- (א) מצרפין שקלים לדרכונות, הדרכון חיה מבעי של זהב משקל שני סלעים ונקרא בל"ו יון "דארייקאס", ותחיבות היו כעין שופרות קצר מצד אחד והחב מצד השני, מפני שהיו נותנין להם את תחיבות סגורות ובצד העליון היה רק נקב כגודל הדרכון בעביו ולא ברחבו והיו משליכין שם הדרכונות אך לא היו יכולים לקחתם משם כעת שהיו סגורות. ואמרו "מצרפין" ר"ל שאם בני העיר החליטו את שקליהם בדרכונות אינם חייבים בקלונות; כי מפני משוי הדרך היו הגזברים מחויבים לעשות כן ולכן אין מזה נזק להקדש. אם נתרמה תרומה, ר"ל אם כבר הוציאו חלק מכסף השקלים על קרבנות או בדק הבית, שאז נחשבו גם אלו השקלים כאלו היה בין אלה שהוציאו (כי כן היה תחבאי ביניהם שכל שקל יש חלק מכל אחד ואחד הנותן שקלים למען יהיה לכל אחד חלק בחקירון או בדק הבית), ולכן אם כבר הוציאו מכלל השקלים שהיו מתחלקים לשדש קופות והיו משחמשים בקופה אחת לכל דבר הצריך עד שתתם תקופה כדלקמן, אז נשבעים לנוברים, כי השקלים כבר המה שייכים להם גם אם לא הגיעו לידם, אבל אם לא נתרמה התרומה, אז יחשבו השקלים של בני העיר עד שיגיעו ליד הגזברים, והשעם הזה הוא גם במשנה שלאחרית שאם נתן לו חברו לשקול ושקל על ידי עצמו מעל בהקדש, מפני שהיו מקריבין גם על העתיד לבנות כי היו ממשכנין על השקלים אף את העניים שבישראל, (רמב"ם).
- (ב) יאכל כנגדן, ר"ל יקח מכסף החולין שלו את הסכום מעות שהיו בידו מהמעשר ואמר: הרי אלו תחת אלה השקלים שלקחתי מהם למחצית חשקל, ויעשה בהם את חובתו.
- (ג) המכנס וכו', תוכן המשנה הזאת הוא: במי שמתחיל לקבץ פרושות על יד, ואומר "מחכספ הזה אקח לשקלי" שלדעת בית הלל אחרי שכבר שקל את המחויב מהסכום הנקבץ, הסותר חולין; ודעת ב"ש גם אז אם רק יחד אותם לברית משאר הכסף, מותר נדבה, אבל במי שאחזו בידו כסף רב ואומר הרי אלו לשקלי, מותר נדבה אפילו לבית הלל, (ירושלמי רמב"ם).
- (ד) אמר ר' שמעון, נותן שעם לדברי ב"ה שגם לדעתם חסאות אם גם קובץ על יד מותר נדבה, מפני שאין קצבה לחסאת וכול לקנות גם במאי סלעים, משאי"כ שקלים יש להם קצבה

בהמה, וכשחייבין במעשר בהמה פטורין מן הקלבון; וכמה הוא קלבון? מעה כסף, דברי רבי מאיר, וחכמים אומרים חצי (מעה.).

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ולדות מאדם אחר, או גם אם חלק בנכסי אביו וקבל את הולדות מעזובו אינו חייב במעשר מפני שאנו חושבין את הולדות כאלו כל אחד מהאחים קנה אותם מאחיו, (כן חשונתפים רק אז חייבים במעשר בהמה בעת שהמה שותפים אבל כאשר נתחלקו יחשבו חולדות כאלו כל אחד קנה אותם משותפו), ומובן מאליו שבעת שהאחים המה ביחד יחשבו כאדם אחד, שעל כן אינם חייבים בקלבון אם נותנים סלע בעד שניהם, מפני כי כספם הוא של אביהם ולא של עצמם כ"ז שלא חלקו ויחשב פה כאלו אביהם שוקל בעדם, שאז הוא פטור מקלבון.

וחמשה ישובו במקדש. משישבו במקדש התחילו רמסכן. את מי ממסכנין? לויים וישראלים, גרים ועבדים משחררים, אבל לא נשים ועבדים וקמנים. כל קמן שהתחיל אביו לשקול על ידו, שוב אינו פוסק, אין ממסכנין את הכהנים מפני דרכי שלום.

(ד) אמר רבי יהודה העיר בן בוכרי ביבנה: כל כהן ששוקל אינו חוטא, אמר לו רבי יוחנן בן זכאי לא כי, אלא כל כהן שאינו שוקל חוטא, אלא שהכהנים דורשים מקרא זה לעצמן (ויקרא ו): "וכל מנחת כהן כליל תהיה לא תאכלי, הואיל ועומר ושתי הלחם ולחם הפנים שלנו, היאך נאכלים?"

(ה) אף על פי שאמרו אין ממסכנין נשים ועבדים וקמנים, אם שקלו מקבלין מידן, העכוים והכותים ששקלו אין מקבלין מהן, ואין מקבלין (מידן) קיני זבים וקיני זבות וקיני יולדות וחטאות ואשמות, (אבל נדרים ונדבות מקבלין מידן), זה הכלל: כל שנידר ונידר מקבלין מידן, כל שאין נידר ונידר אין מקבלין מידן, וכן הוא מפורש על ידי עזרא, שנאמר (עזרא ד): "לא לכם ולנו לבנות בית לאלהינו".

(ו) ואלו שחייבין בקלבון: לויים וישראלים, גרים ועבדים משחררים, אבל לא כהנים ונשים ועבדים וקמנים. השוקל על ידי כהן, על ידי אשה, על ידי עבד, על ידי קמן פטור, ואם שקל על ידו ועל יד חברו, חייב בקלבון אחד; רבי מאיר אומר שני קלבנות. הנותן סלע ונוטל שקל חייב שני קרבנות.

(ז) השוקל על ידי עני ועל יד שכנו ועל יד בן עירו פטור, ואם הלוון חייב. האחין והשותפין שחייבין בקלבון פטורין ממעשר

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(ד) שלנו, כלומר יש לנו חלק בהם, היאך חיינו יכולים לאכול אותם? ובאמת היתה הטענה הזאת שווא, מפני שהכל חולץ אחר הריב ורובא דעלמא אינם כתינים; אבל הסתיו המושלים ודרשו לטובת עצמם ומפני דרכי שלום הניחו אותה.

(ה) ואין מקבלין מידן קיני זבים, כלומר על הכותים (שמרונים) לבד (כן יפרש בירושלמי ורמב"ם). לא לכם ולנו לבנות בית לאלהינו, ומפני שהשקלים היה גם לבדק הבית לא רצו כי יהיה לחם חלק בבית המקדש, אבל נדרים, עולות לקרבן, או חטאות ואשמות שמקריבין אותם בשבילם לכפרת לחם, מקבלין מהם, שבות אין הבדל בין איש לאיש.

(ו) סלבון, השקל הנזכר בתורה הוא הכלע הנזכר במשנה, והיה שוה שני שקלים הנקראים במשנה, ומפני שתחית יד הקדש תמיד על העליונה, והששו שטא אין משקל השקל של המשנה שוה למשקלו של חצאי שקל האמור בחזרה (לדעת הרמב"ם לא פחות מן 192 גרעיני שעורה) לכן הצריכו שיתן הכרע מעט לכל חצי שקל, וההכרע הזה נקרא קלבון מן יוגית "קלאבוס", וכל השוקל רק ממדות חסידות ולא מפני שהוא חייב עפ"י דין, אינו נותן אותו קלבון, והכהנים שהיו אומרים שאינם חייבים בשקלים, החסידים שבהם שהיו נותנים, לא היו לוקחין מהם את הקלבונות, מפני דרכי שלום.

(ז) השוקל על ידי עני, ר"ל נותן מתנה בשבילו, שהוא רק מדת חסידות ולא חיוב, לכן פטור מקלבון. האחין והשותפין וכו', מעשר בהמה יותן אך מהנולד אצלו, אך אם קנה

מסכת שקלים.

(א) באחד באדר משמיעין על השקלים ועל הכראים, בחמשה עשר בו, קורין את המנילה בכרכין ומתקנין את הדרכים, ואת הרחובות ואת מקואות המים, ועושין כל צרכי הרבים, ומציינין את הקברות ויוצאין אף על הכלאים.

(ב) אמר רבי יהודה, בראשונה היו עוקרין ומשליכין לפניהם, משרבו עוברי עבירה, היו עוקרין ומשליכין על הדרכים, התקינו שיהיו מפקירין כל השדה כולה.

(ג) בחמשה עשר בו, שולחנות היו יושבין במדינה; בעשרים

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(א) באחד באדר משמיעין על השקלים, שיתרמו אותם באחד בניסן, זמן נתינת השקלים, שנאמר, ויהי בתחדש הראשון באחד לחודש חוקם המביא (שמות ט'), והני עלה (בירושלמי), ביום שהוקם המשכן בו ביום נתרמה תרומה. ועל הכלאים, מכריון להזהר מתעורבות, משום שבעת הזאת זמן חזריתה קרוב לבוא. בט"ו בו קורין את המנילה בכרכים, אבל בפרות קורין ב"ד, ולא היה צורך להזכיר זאת במשנה מפני שרוב הערים אינן מוקפות חומה ולא חיישינן לשכחה, אבל בערים המוקפות חומה שחנה מעטות וקרוב לשכחה, לציבך הזכיר זאת במשנה שידעו בכרכים את זמן קריאת המנילה, כי אם גם קראו אותה ב"ד חייב לקרותה עוד הפעם בט"ו כאשר כן היא תהליכה מסוקת בירושלמי, אמר ר' מני ויאות"ו, ואולם אחרי כל הדיוקים שדחקו עצמם המפורשים החדשים לפרש את מאמר התלמוד בירושלמי שהמשנה באה ללמדנו, שכל המצות הנחגגות באדר שני, אינן נחגגות באדר ראשון, איני יודע איכנה מוכח זאת מהמשנה. ומתקנין את הדרכים, אחרי שעברו ימות הגשמים ונתקלקלו, ובפלישתיהם זמן גשמים הוא רק עד אדר, והוא הטעם לרחובות ומקואות, שהרחובות נתקלקלו ובמקואות נפל הרפס, וצייכין דנקות, למען יוכלו לשהר עצמם לפני הרגל. ועושין כל צרכי הרבים, אומר בירושלמי שבעת היתה הב"ד מתאסף לדון דיני ממונות, דיני נפשות, דיני מכות, ופדין ערכין, תרומות הקדשות, ומשקין את הסושה, ועורפין עגלה ערופה, ושורפין את הזרע, ורועין עבד עברי ומשהרין את המצורע, ועוד כמו אלה שנחגגו בעת התיא. ומציינין את הקברות, שנתקלקלו בימות הגשמים, בסיר; ובירושלמי אומר שמציינין את הקברות למען לא יסמאו בהם העוברים, ומוכיח זאת מקרא (ויקרא י"ב) ושמא כמא יקרא, שתתא הטובאה קוראת ואומרת, פרוש ממני". ויוצאין אף על הכלאים, משום חומר האיסור לא היו מסתפקין בחכמה בלבד, כי אם היו שולחים לבקר את השדות,

(ב) ר' יחזקאל בא לבאר מה שהיו עושין השלוחים אם מצאו כי לא נחתו בכלאים; ובירושלמי מוכיח מנין לתפקיד ב"ד שהיה הפקר מן עזרא (י' 8), וכל אשר רא יבא לשלש הימים יחרם". לפניהם, על השדה משרבו עוברי עבירה, שהשחמשו בהם.

(ג) שולחנות, משני שהחלפנים היו נושאים אתם שולחנות להניח עליהם את המסבעות, אמר, כי היו משימים השולחנות עד חמשה ועשרים באדר במדינה, להקל על העם שחילפו את סעותיהם על חצי השקל הכתוב בתורה, שמחויב כל אחד להח; ואך מן חמש ועשרים בו היו יושבין במקדש להמציא שם את התצי שקל לכא מכוון וידו לא שקלו את שקליהם; ומשישבו במקדש, התחילו למשכן גם בחוץ לצרף את אלה אשר לא תביאו שקליהם, למען יביאו את תרומתם שם יבוא אחד בניסן, כי גם במדינה היו עופרות למסרה הזאת. וגם חכמים חייבים היו בשקלים אשר עקרו לקרבנות ציבור, אבל הם מצאו עליה להפטר מזה כדלקמן, ומפני שהיו ההקפים בזמן המקדש יצאו לא היו משכנים אותם, מפני דרכי שלום.

בכל מקום בש"ס שהנמרא תפרש את המשנה ותדקדק אחריה בכל מלה וגם בכל אות, הנה המשניות מבוארים והנמרא במקום שפירושה צריך ביאור ולא יובן בלעדיו, אפרשנו בפירוש רש"י על מקומו בפנים, שכמעט בכל מקום דבריו אשר יוסיף, הגם לא בתור "פירוש" ורק כמשלים את החסר בפנים למען יובנו דבריהם, אבל מה שאין נמרא כלל וישנם מקומות במשניות הללו הצריכים פירוש וביאור ולא רק להשלים את החסר, ולכן הביאור נחוץ מאד להיות ל ב ד ו למען תובן כונת המשנה.

מובן מאליו, כי חרושים משלי בביאורי, מעמים המה, וכולו מיוסד על פירוש הנמרא הירושלמית, המיוסד והברמנורא, הר"ר ישראל ליפשיץ, וגם על הפירושים הנמצאים מה ושם בש"ס הבבלי (כמו בביאור ענין הקלבון אחזתי פרוש רש"י בחולין ונתתי לו היתרון נגד שארי הפרושים אשר נמו ממנו, וכמיהם עוד באיזה מקומן) ובכן אחשוב למותר לבקש חסר מאת המבקרים, כי לא ימחרו להוציא משפט טרם יתבוננו היטב בכל הפרושים הנ"ל ובטרם יעסיקו נ"כ בפירושי שצריך התבוננות מפני קיצורו; כי הישרים בלבותם והחכמים המבינים, יעשו כזאת מבלעדי אבקשם, ולהחצופים, הבורים ועמי הארץ, הרגילים לקרא תנ"ך דברי, קזיף, ולהניד בשמי או ספי כתבי, דברים אשר לא עלו על דעתי לעולם, הלא לא יתילו בקשותי; וכשם ש ר ק ד ו כנגד כל מה אשר כתבתי ותרבתי עד כה, ולא נגעו ולא פגעו בכבודי ובכבוד מלאכתי אפילו כמלא נימה, כן ירקודו, ינחמו יכרכרו ויגעו כנגד מלאכתי החדשה הזאת, ואקוה כי גם עתה לא יפגעו בי לרעה, ולא אשים לב לדבריהם, חלומותיהם ונביחתם, כאשר כן עשיתי עד כה, כי באמת אני בתומי אלך, אינע ולא אי עף למצא חן בעיני אלהים ואדם אך לא בעיני בורים חצופים, ועמי הארץ, אשר כל מנמתם בנעייתם נגדי היא, רק למען יודע כי בראים כמותם עוד נמצאים בעולם, ומה איפוא לי ולחם?

קראתי לפרושי הזה "פירוש רמ"ל" שהיא הראשי חיבות משמי ראדקינסאן מיכאל ל. ולא ר' מיכאל ל. והנני מודיע זאת מפורש, לבל יאשימוני כי לקחתי לעצמי תואר "רבי", כי כשם שאיני מתגדר במלאכת אחרים כן איני חפץ שתהיה מלאכתי בת כלי שם, כי הודות לה' לא אבוש בשמי ואקוה כי לא יכלמו בי אוהבי גם מפרושי החדש.

ובה' הנותן ליעף כח אבטח ולא אפחד, כי הוא יאזוני חיל, ינחני במעגלי צדק ויעזוני לגמור את המלאכה הגדולה והכבדה הזאת להגדיל תורת התלמוד להאדירה ולתרנמה כיד ח' הטובה עלי, ומשנאי ומשניאי יראו ויבושו, אמן.

גוי א ר ק, בחדש אייר, תרנ"ו.

מיכאל ל. ראדקינסאן.

הקרמת העורך והמפרש.

בשם השם!

מלאכתי הכבדה, ההערכה וההוצאה החדשה של החלמוד בבלי ותרומו בשפת אנגליז, הביאתי למלאכה חדשה אשר לא נסיתי עד כה והיא, לחיות גם מפרש את המשניות של המסכתות שהגמרא הבבלי חסרה להן; כי לחסר את המסכת הזאת מן סדר מועד לא יתכן, מפני שכל המשניות הללו יסודתן בהררי קודש, קורות תהיכל ועבודת חבונים בו. בזמן שהיה קים, דבר הצריך לימוד, ידיעה וקריאה, כמו במקורן העברי כן בתרגומן, אבל לתרגם את המשניות הללו על פי אחד הפירושים שכבר נדפסו הוא כמעט דבר שאי אפשר, כי שונים המה הפירושים זה מזה וכולם ארוכים ומפולפלים, ואם אמנם טובים המה ורצויים לעם לא יכולתי להשתמש בהם בתרגומי, הנקי מכל פלפול צדדי, זאת פלפולי הגמרא בעצמה. ובאמת עד כמה שלא יהיו טובים ומתוקנים כל הפירושים למס' הזאת, לא נוכל בשום אופן לדמותם עם פירוש רש"י ז"ל כמו בקצורו, כן בסגנון לשונו, המפרש כל דבר על מקומו בלי שום פלפול צדדי, ומבלי שום נטיה לענין אחר וזאת הענין שהוא עסוק בו; ואף פירוש כזה מוכשר ומתוקן לתרגם בשפה חיה. ואני נזהר מאד בהוצאה הזאת שיביא התרגום את המקור הנדפס ולא יגרע ממנו ולא יוסיף עליו, למצער במקום שאפשר, ולא יהיה באה מה שאין בזה. שעל כן עמלתי לי לפרש את המסכת הזאת בפירוש קצר, היינו לבאר כל משנה העריכה פירוש גביאור, והשייך רק למסכת הזאת; מבלי כל פירושים לדברים שנשנו ותפרשו במסכתות אחרות, ומבלי כל נטיה צדדית ופלפול זר בהלכה או בסברה. כאשר כן דרכי בכל ההוצאה הזאת, וינעתי ומצאתי תאמין.

כמדומה לי, אחי הקורא, שעלתה בידי לפרש את כל המסכת, במלות קצרות ומובנות, עד שגם הקורא שיטרא את המשניות האלו בפעם הראשונה, לא יחסרו לו ביאור המלות וכן הבנת הענין הדק היטב בכל שמונה פרקים; ולכן שמתי לו מקום במדור התחתון לכל צד במקום הצריך ביאור ופירוש, ובה עשיתי גם בתרגום האנגלי הרפסתי את הפירוש מלמטה בציונים, לא כמו שאני עושה בתרגומן של מסכתות אחרות עם פירוש רש"י שהנני מסביר בפנים בשני חצאי לבנה, כמעט פשוט מאד, והוא:

(III)

סלמ
אמא

הוצאה החדשה
של
תלמוד בבלי

חוק מחדש, נסדר ונסמן בסמני הנקודות של השפות החיות
ונתתרגם בשפת אנגליש

מאת

מיכאל ל. ראדקינסאן.

מסכתות

שקלים עם פירוש רמ"ל

וראש השנה עם פרש"י ותורה אור.

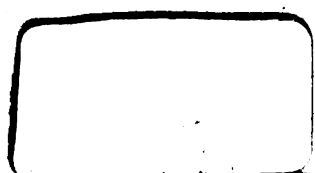
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בהוצאה החברה מדפיסי התלמוד

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THIS volume is designated the fourth (IV.) because the Tract Erubin (Commixture on Sabbath) is now in press and is the third volume of the Section Moed, which in our edition contains eight volumes: namely, Vols. I. and II., treating of Sabbath; Vol. III., of the Commixture; IV., of Head-duties and New Year; V., of Pesachim (Easter) and Betza (Feast-days); VI., of Yoma and Sukkah (Day of Atonement and Tabernacles); VII., of Megillah and Taanith (the Book of Esther and Fast-days), and VIII., of Hagigah and Moed-Katan (Feast Offerings and Minor Feasts).

The third volume will appear in August next, and the fifth volume in September; and the last three volumes, one every three months thereafter.

As the copper plates of Tract Rosh Hashana (Hebrew and English) were stolen and only a few copies remain for subscribers, we could only furnish for the press Tract Shekalim. The Synopsis of Subjects and the Introduction to Rosh Hashana will nevertheless give an idea of this tract.

In the near future we will give a second edition of Rosh Hashana, which will be revised and enlarged.

The price of each volume to subscribers, from whom advance money will no longer be received, is \$2.50.

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NEW EDITION

OF THE

BABYLONIAN TALMUD

Original Text, Edited, Corrected, Formulated, and
Translated into English

BY

MICHAEL L. RODKINSON

SECTION MOED (FESTIVALS)

TRACTS SHEKALIM AND ROSH HASHANA

HEBREW AND ENGLISH

Volume IV.

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EXPLANATORY REMARKS.

In our translation we adopted these principles :

1. *Tenan* of the original—We have learned in a Mishna; *Tania*—We have learned in a Boraitha; *Itemar*—It was taught.
2. Questions are indicated by the interrogation point, and are immediately followed by the answers, without being so marked.
3. When in the original there occur two statements separated by the phrase, *Lishna akhrena* or *Waibayith Aema* (literally, "otherwise interpreted"), we translate only the second.
4. As the pages of the original are indicated in our new Hebrew edition, it is not deemed necessary to mark them in the English edition, this being only a translation from the latter.

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MICHAEL L. RODKINSON.

TO
ERASMES GEST, ESQ.
OF CINCINNATI, OHIO
MOST RESPECTFULLY DEDICATED BY THE
EDITOR

TRACT SHEKALIM.

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* By these three entrances the editor illustrates his reasons for this enterprise and his method of correcting and translating the original. This has not been translated into English, for the reason that it would be of but little interest to the English reader who does not understand the Hebrew ; it is, however, hoped that the reader of Hebrew will find great interest in the matter.

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PREFACE TO TRACT SHEKALIM.

AMONG the treatises contained in the Section Moed of the Babylonian Talmud is to be found that of Shekalim, which consists, however, only of Mishnas, the Babylonian Talmud having no Gemara. The Palestinian Talmud contains a Gemara for this tract also, and there is an additional commentary by Maimonides. While we are translating only the Babylonian Talmud, we would not care to omit Shekalim, which is of peculiar historical value and may prove quite interesting to the reader. But the Mishna, without any explanation whatever, would naturally seem obscure, and in some instances would be absolutely incomprehensible; and, the Gemara of the Palestinian Talmud, as well as the commentary of Maimonides, consisting of very complicated and intricate series of arguments, inferences, and explanations, which would be not only difficult of translation but also immaterial to the subject, the insertion of which would be a deviation from our method, and unnecessary, as would explanations of Barthanora, Tosphath-yomtabh, etc., we were forced to provide the text with a commentary of our own, drawn from the most authentic sources. This, we trust, will serve to elucidate any obscure passages not quite comprehensible to the general reader. Accordingly, every sentence or word in the Mishna requiring an explanation is distinguished by a number or an asterisk, and has a corresponding reference in the commentary printed below the text. We may add that, for our personal satisfaction and to guard against any possible errors, we have given this tract for revision to some noted Russian scholars who are competent to judge upon it, and they find it very intelligible.

As stated above, we have taken our commentary from the most authentic sources we could find. We do not, therefore, solicit leniency on the part of worthy critics, but ask them to restrain their criticisms until they shall have carefully studied the commentaries mentioned, as well as *our* commentary, with proper consideration; for ours is derived from the Palestinian Talmud, Maimonides, etc. Conscientious critics will do so without our

solicitation; and as for others, who are ready to criticise everything impromptu as soon as it leaves our pen, such a request would be of no avail. We nevertheless will be grateful to any one who will call our attention to things which are not comprehensible in the commentary, this being our first venture of the kind, more especially as we think we shall be compelled to do the same with other Mishnayoths to which the Babylonian Talmud has no Gemara. A separate introduction to Tract Shekalim we think unnecessary, as the contents of this speaks for itself. We nevertheless will return to this when we come to Tract Midoth (Measures).

In compliance with our promise in our prospectus, we add to this volume the Hebrew text of the Tracts Shekalim and Rosh Hashana of our new edition, for the benefit of students and scholars who may desire to compare the translation with it.

M. L. RODKINSON.

NEW YORK, May, 1897.

SYNOPSIS OF SUBJECTS
OF
VOLUME IV.—TRACT SHEKALIM.*

CHAPTER I.

MISHNA *a* treats of: What were the duties of the Beth Din in the month of Adar in the time of the second Temple. When the Megillah (Book of Esther) was to be read in the fortified cities. For what purpose messengers were sent out, and what were the things to be heralded.

MISHNA *b* treats of: What was the punishment for not obeying the commandments of Kelayim in the former times and later.

MISHNA *c* deals with: When the money-changers, with their tables, began their work in the countries of Judea and in Jerusalem. The time for pledges which were taken for not paying the Shekalim. From what persons the pledges were to be taken. If a father might pay the Shekalim for his children.

MISHNA *d* treats of: What ordinance Ben Buchri proclaimed in Jamnia in behalf of the priests, and what R. Johanan b. Zakkai rejoined. The defence of the priests, with their interpretation of biblical passages, which was accepted only for the sake of peace.

MISHNA *e* treats of: The voluntary payment of Shekalim from women, slaves, and minors being accepted, but not from the heathens or Samaritans. Bird-offerings not accepted from persons affected with venereal diseases or from women after confinement. Sin and vow offerings, however, were accepted from the Samaritans. The vow-offerings were also accepted from heathens. The general rule concerning this.

MISHNA *f* deals with: The premium one had to pay in addition to the half-shekel. Who was obliged to do so? The different opinions of the sages and R. Meir. How much one had to pay if given one Selah and taking a shekel in exchange.

* See introduction to synopsis in Tract Sabbath, Vol. I., p. xxix. This tract has no Gemara. The synopsis contains the Mishnas, with their commentaries.

MISHNA *g* treats of: The law concerning one who pays for a poor man, for a neighbor, and for a countryman. Law concerning brothers and partners paying together; also, law regarding cattle-tithe. How much was the premium.

CHAPTER II.

MISHNA *a*. One may put together the Shekalim and exchange them for a gold coin called Darkon. Concerning the chests which were given to the collectors in the country and at Jerusalem. What is the law if money were stolen or lost by the messengers of a city, when a portion of the Shekalim was already expended; what is the law if not expended.

MISHNA *b*. Concerning the law when one gives his shekels to another to pay his head-taxes for him; if he pays his shekels from the money of the second tithes or from the money of the fruit of the Sabbatical year. Concerning how he shall replace it and use it for the same purpose.

MISHNA *c*. The law concerning one who gathered single coins little by little and said: "With this money I shall pay my shekels." The different opinions of the schools of Hillel and Shammai in this matter. Concerning the same case when one gathers money for sin-offerings. What shall be done with the eventual remains of such money.

MISHNA *d*. Concerning the explanation of R. Simeon of the teachings of the school of Hillel. The discussion of the former with R. Jehudah. The claims of the latter that the coins of the Shekalim were also changed in times and places. The rejoinder of R. Simeon to this.

MISHNA *e*. The law concerning the remainder of money intended for Shekalim when considered to be ordinary. Regarding the remainder of the tenth part of an ephah, bird-offerings, and guilt-offerings: what shall be done with it. A rule concerning this matter. Also, regulations concerning the remainder of Passover sacrifices, Nazarite offerings, the remainder of moneys for the poor in general and individuals, of money for prisoners, for burial of the dead, and R. Meir and R. Nathan's opinions regarding this matter.

CHAPTER III.

MISHNA *a*. Regarding the appointed periods of the year when the money was drawn from the treasury. The different opinions, concerning this matter, of R. Aqiba b. Asai, R. Eliezer, and R. Simeon. The same time appointed for cattle-tithes.

MISHNA *b*. Concerning the ceremony of drawing the money at all periods of the year. The law regarding measures of the boxes in which the coins of the Shekalim were filled, and the numbers of the chests in which the money was drawn from the boxes for the expenses of the Temple. Which box must be opened first, and which last. What garments the person drawing the money must wear. How a man must stand unblemished before his fellow-man and before his God.

MISHNA *c*. Concerning the custom of the house of Rabban Gamaliel, when the members of the house had paid their Shekalim. The law regarding

one who drew money did not commence until he had said to the bystanders, "I will now draw," and they answered, "Draw, draw, draw," three times.

MISHNA *d*. Concerning the covering of the boxes after drawing the money. For which countries the drawings were performed in the first period, the second, and the third.

CHAPTER IV.

MISHNA *a*. What was done with the money drawn? Concerning the watchmen that were sent out to guard the after-growth of the Sabbatical year, of which the Omer and two loaves were taken for sacrifice. The opinion of R. Jose in this matter, and what the rabbis answered.

MISHNA *b*. Concerning the red heifer, the goat that was to be sent away, the strip of scarlet, the bridge for the cow, the bridge for the goat, the canal, the city wall, the towers, and other necessities of the city: all were paid for out of the Shekalim money. What Abba Saul said.

MISHNA *c*. What was done with the balance of the money left over in the treasury. The discussion of R. Ishmael and R. Aqiba in this matter. Some of the many things which are enumerated in the Palestinian Talmud and which were done with this money. Among them was the hiring of teachers for priests to teach them the laws of the sacrifices.

MISHNA *d*. What was done with the remainder of the moneys of the chest. The different opinions of R. Ishmael, R. Aqiba, and R. Hanina, the assistant chief of the priests, concerning profit: if it might be raised from the remaining money or not, and of what money the gold plates for the decorations of the Holy of Holies were made. Also, concerning the benefit of the altar.

MISHNA *e*. What was done with the remainder of the incense (as the incense of the New Year must be bought with the new Shekalim money). The sanctification of the incense on hand then transferred to that money, and then redeemed with the money of the new revenue.

MISHNA *f*. Concerning the law when one devoted his entire possessions in honor of the Lord: what should be done with them. The discussions of R. Aqiba and Ben Asai regarding this matter.

MISHNA *g*. Concerning the law when one devoted his possessions, and among them were cattle, male and female, fit for the altar. The discussions of this matter between R. Eliezer and R. Jehoshua. R. Aqiba is inclined to the opinion of R. Eliezer, which seems to him to be more proper, but adds that he had heard that both opinions were right according to circumstances.

MISHNA *h*. If one devote his possessions, and among them are things fit for the altar, such as wines, oils, and birds, what should be done with them. R. Eliezer decreed it, and no one opposed him.

MISHNA *i*. Contractors, for the delivery of all things for the altar and the improvements of the Temple, were appointed every month; but if the

prices changed during the thirty days, the Sanctuary must not suffer any injury. Such was the agreement made between them. The illustration of this.

CHAPTER V.

MISHNA *a*. Concerning some names of the offices and the heads of them in the Sanctuary during the entire period when the second Temple was in existence. What were the officers' duties, and how they officiated.

MISHNA *b*. Concerning the order of the head officers ; namely, the king, the high priest, his assistant, two catholicoses, and seven chamberlains, not less than two officers being put in charge of public moneys.

MISHNA *c*. Regarding the seals that were in the Sanctuary, serving for the beverages and meat-offerings which must be brought, according to the Bible, with every sacrifice. Concerning the inscription on the seals and their usage. Ben Azai added one seal for the poor sinner. The names of the officers, of the seal-keeper and the officer who sells the above offerings.

MISHNA *d*. The date must be put on every seal. The law regarding surplus money being found in the treasury of the seal-keeper : to whom it belongs ; and if a deficit, who must supply it.

MISHNA *e*. The law concerning one who lost his seal ; what must be done.

MISHNA *f*. Concerning the two chambers in the Sanctuary, of which one was called "Chamber of Silence" and the other "Chamber of Utensils," What was done there, during what time they were investigated, and what was done with the presented utensils which were useless for the Temple.

CHAPTER VI.

MISHNA *a*. Concerning the thirteen covered chests and thirteen tables which were in the Sanctuary. How many prostrations took place in the Sanctuary. How R. Gamaliel and R. Hanina, assistant chief of the high priest, added one in the place where the ark was hidden.

MISHNA *b*. Relates how a blemished priest who was engaged in selecting and peeling wood had noticed the place where the ark was hidden, but before he had time to tell it to the others he expired.

MISHNA *c*. Concerning the directions where the prostrations were made. How many gates were in the Temple : their names, and why they were so named ; also, different opinions of the sages concerning this. There were two gates which were nameless.

MISHNA *d*. Of what material the thirteen tables were made, where they stood, for what purpose they were used. Concerning the golden table in the Temple itself, upon which the showbreads were constantly lying.

MISHNA *e*. Concerning the inscriptions on the thirteen covered chests in the Sanctuary, and what was done with them. The different opinions of R. Jehudah and the sages as to using certain money put in some chests.

MISHNA *f*. Concerning the amount of articles to be furnished in payment of a vow one made, who did not explain how much he intended to give; for instance, wood, incense, gold coins, etc. A rule that was made concerning this. The hides of all sacrifices belong to the priest.

CHAPTER VII.

MISHNA *a*. If money was found in between the differently marked chests, to which chest the money belonged. Concerning this the rule was: One must be guided by the proximity, even in the case of the less important, etc.

MISHNA *b*. Concerning money found in Jerusalem, in the court of the Temple, in the times of the Festivals and in the ordinary times.

MISHNA *c*. Concerning meat found in the court of the Temple, in the city, and any place where Israelites resided and where Gentiles and Israelites together resided.

MISHNA *d*. Concerning cattle found between Jerusalem and Migdal Eder, and in the vicinity of the city in all directions: what the law prescribes. The different opinions of some sages.

MISHNA *e*. Relates how, in former days, the finder of such cattle was pledged to bring drink-offerings, and how afterwards the high court decreed to furnish them from the public moneys.

MISHNAS *f* and *g*. R. Simeon named seven decrees which were promulgated by the high court, and the above decree was one of them. R. Jehudah, however, does not agree on some points with him. R. Jose has also something to say about this.

CHAPTER VIII.

MISHNA *a*. Concerning streets in which people must walk during the time of the Festival in Jerusalem, for the sake of cleanness. The different opinions, in this matter, of R. Meir and the sages.

MISHNA *b*. Regarding utensils found on the way towards the plunge-baths: if they are clean or not, and the different opinions of R. Meir and R. Jose.

MISHNA *c*. Regarding the butcher-knife, if it was found in the street on the 14th of Nissan; and what is the case if the 14th falls on a Sabbath.

MISHNA *d*. Concerning where the curtain of the Sanctuary must be submerged if it become defiled. The first time it was submerged it was spread out for the people to admire the beauty of the work.

MISHNA *e*. What Rabban Simeon b. Gamaliel had to tell in the name of Simeon, the son of the assistant high priest. How the curtain was made: the great amount of the cost and how many hundred priests were required to submerge it.

MISHNA *f*. If meat of the Holy of Holies became defiled, where it must be burned. The different opinions of the schools of Shamai and Hillel on this point.

MISHNA *g*. The different opinions of R. Eliezer and R. Aqiba concerning anything that had become defiled through a principal uncleanness.

MISHNA *h*. The joints of the daily sacrifices, where they were laid down ; the sacrifices of the new moon, where they were placed. The payment of Shekalim, if it was obligatory after the destruction of the Temple. The same law regarding cattle-tithe, tithes of grain, and deliverance of the firstlings. The law if one sanctified Shekalim or firstlings after the destruction of the Temple.

TRACT SHEKALIM.

UNDER this heading the payment of a head-tax is treated of, which amounted to one-half of a shekel (in the Mishna always referred to as a *shekel*) and which had to be paid by every Israelite (see Exodus xxx. 12) upon the completion of his twentieth year. In the times of the existence of the Temple, the proceeds of this tax were applied for communal sacrifices and for the needs of the capital. The manner of collection, investment, and application of this money forms the subject of this treatise. It contains, in addition, many other historical regulations, most of which, however, only held good during the existence of the second Temple.

CHAPTER I.

MISHNA: (*a*) On the first day of the month of Adar, warnings are heralded (from Jerusalem) concerning Shekalim¹ and Kelayim² (the prohibition concerning the use, for ploughing to-

EDITOR'S COMMENTARY.

CHAPTER I.

MISHNA *a*. ¹Warnings were heralded from Jerusalem concerning Shekalim on and after the first of Adar, in order to prepare for the first of Nissan, before which day the final settlement of Shekalim had to be made. This was inferred by the Palestinian Talmud from the following passage [Exodus xl. 17]: "And it came to pass in the first month in the second year, on the first of the month, that the tabernacle was reared up." This was commented upon by a Boraitha, which stated, that on the day on which the tabernacle was reared up, the entire sum of the Shekalim collected was ready for disbursement.

²Warnings were also heralded concerning Kelayim, because that month was the time when ploughing and sowing commenced in Palestine.

gether, of an ox with an ass, and the sowing together of different kinds of seeds). On the fifteenth day of that month the Megillah Esther³ is read in the fortified cities; and the same day the improvement of country roads,⁴ market-places, and legal plunge-baths is proceeded with. Public affairs are again taken up⁵; at the same time, graves are marked with lime,⁶ and messengers are sent out on account of possible Kelayim.⁷

³ The Megillah (Book of Esther) was read on the fifteenth day of this month only in such cities as were fortified since the time of Joshua the son of Nun; but in such as were fortified after his day, and in the open cities, it was read on the fourteenth of the month. No mention is made in the Mishna concerning the reading on the fourteenth, because, the majority of the cities being open, or fortified since the time of Joshua ben Nun, it was generally known, and there was no fear of it being forgotten. In the few fortified cities, however, it was necessary to remind the inhabitants that the day on which *they* were to read the Megillah was the fifteenth. The Palestinian Talmud (Chapter I., Halakha 2) states, that we are taught by this Mishna that all commandments which are to be fulfilled on a leap year in the second Adar should not be fulfilled in the first Adar; but we cannot see how that can be inferred from this Mishna, although some commentators have tried to explain it.

⁴ The rainy season ended by the first of Adar, and in consequence of the heavy rains the country roads and market-places were in bad condition. In the month of Nissan, travel towards Jerusalem was very heavy; hence the warning to improve the roads, etc., was heralded. The public plunge-baths were also injured by the rains and had to be repaired, for the sake of the public, to whom the law prescribes the taking of a legal bath on or before the holidays.

⁵ The Palestinian Talmud states, that at that time the courts of law (Beth-din) would meet in session for the trial of civil suits, criminal cases, and crimes involving the punishment of stripes; for the redemption of such as had devoted all their possessions in honor of the Lord, and such as had given the estimated value of their person, etc.; also for the performance of the rite of the bitter water (see Numbers v. 12-31), and for the performance of the rite of breaking the calf's neck (see Deut. xxi.), and for the rite of the red heifer (see Numbers xix.), and for the ceremony of piercing a serf's ear (see Exodus xxi.). For all this, and any other matters that came up before them, the courts of law assembled in that month.

⁶ Such graves as had been injured during the rainy season, and

(b) R. Jehudah says: At one time the messengers used to pull out the Kelayim (illegally mixed seeds) and throw them at the feet of the owners! The number of the transgressors, however, being constantly on the increase, the Kelayim were pulled out and thrown into the roads. Finally, it was determined that the entire fields of such law-breakers were to be confiscated.*

(c) On the fifteenth of this month (Adar) the money-changers outside of Jerusalem seated themselves at their tables.¹ In the city of Jerusalem, however, they did not do this until the twenty-fifth of the month.² As soon as the money-changers seated themselves also in the city, the taking of pledges from

were not marked, had to be restored and marked, in order that a man be saved the annoyance of becoming unclean by stepping on a grave. The Palestinian Talmud infers this from the passage [Leviticus xiii. 46]: "Unclean, unclean, shall he call out," and interprets it to signify that the uncleanness itself should call out "unclean" and keep men away from its vicinity. For this reason it was heralded, that the graves were to be marked in order to be a warning to passers-by that such places were unclean.

¹ On account of the severity of the law concerning Kelayim and the frequency with which that law was infringed, it was deemed insufficient merely to herald the prohibition, and messengers were sent out to see the law enforced (Maimonides).

MISHNA b. * R. Jehudah's dictum does not intend to dispute the foregoing, but merely supplements it with the statement that the messengers sent out were for the purpose of punishing the infractors of the law of Kelayim. The Palestinian Talmud adduces the right of the Beth-din to confiscate property from the passage [Ezra x. 8]: "And that whosoever should not come within three days, etc., all his substance should be devoted." Whence it may be seen, that a Beth-din has such power.

MISHNA c. ¹ It was the custom for money-changers in those days to carry their tables with them, and hence they were called "the men of the tables." The Mishna relates, that on the fifteenth of the month the money-changers were ordered to go out into the rural districts with their tables, in order to provide the people with the necessary half-shekels; for the tax had to be paid in half-shekels only.

² On the twenty-fifth, when it was high time for payment and the people commenced flocking into the city of Jerusalem, the money-changers returned and sat in the court of the Temple.

the tardy ones commenced.³ But from whom were pledges taken? From Levites, Israelites, proselytes, and freedmen; but not from women, slaves, and minors. If a father, however, commenced to give a pledge for a minor, he was not allowed to stop. From priests no pledges were taken, for the sake of peace (and the dignity of the priests themselves).⁴

(*d*) Said R. Jehudah: Ben Buchri proclaimed the following ordinance in Yavne (Jamnia): "Any priest paying his shekel commits no wrong." R. Johanan ben Zakai, however, rejoined: "Not so! (The ordinance should read:) 'Any priest not paying his shekel, commits a sin.'"¹ But the priests used to interpret the following passage to their advantage: It is written [Leviticus vi. 16]: "And every meat-offering of a priest shall be wholly burnt, it shall not be eaten." (They said therefore:) Were we obliged to contribute (our shekels) how could we eat our² Omer

³ The taking of pledges commenced immediately upon the departure of the money-changers from the rural districts, because, if a man had not paid his half-shekel while the money-changers were still within his reach, it was obvious that he either would not or could not pay it, and in consequence a pledge was taken.

⁴ According to law, the priests were also in duty bound to pay the half-shekels, the collection of which was mainly intended for the purchase of communal sacrifices, and the priests were naturally included in the community. They, however, found a defect in the law, and held themselves exempt. In consequence of their being in authority during the existence of the second Temple, they were not forced to pay or give pledges, for the sake of harmony.

MISHNA *d*. ¹ The difference of opinion between Ben Buchri (who was a priest himself) and R. Johan ben Zakai is, as can be plainly seen, that Ben Buchri holds, that according to law the priests are not in duty bound to pay the half-shekel; but if they do it, they may nevertheless partake of their Omer, two loaves, and showbread, while R. Johan ben Zakai says, that they are in duty bound to pay the half-shekel.

² The priests claim, that if they were to pay the half-shekel with which the Omer, etc., is bought, they would naturally have a share in it, and they would eat their share, which, as a priest's offering, must not be eaten by any one. This is, however, an unjust claim; for the majority is considered, and the priests were by far in the minority. As the priests, however, were in charge of the affairs of state, they interpreted the law to suit themselves, and for the sake of peace they were not disturbed.

(first sheaves harvested) and the two loaves and the showbread (which were procured with the shekels of the head-tax) ?

(e) Although it was ordained that no pledges were to be taken from women, slaves, and minors, if they offered to contribute, their money was accepted. From heathens and Samaritans it was not accepted. Nor were bird-offerings, for men or women afflicted with venereal disease and for women who had recently been confined, accepted; nor sin and guilt offerings.¹ Vowed and voluntary offerings, however, were accepted.² The following is the rule: Everything which was vowed as an offering and all voluntary offerings were accepted. Anything not vowed for offering or given voluntarily was not accepted from them (heathens and Samaritans). So it is explicitly declared in Ezra, for it is written [Ezra iv. 3]: "It is not for *you* and us (both) to build a house unto our God."

(f) The following are obliged to pay a premium¹ (in addi-

MISHNA e. ¹ This clause of the Mishna refers, according to the Palestinian Talmud and Maimonides, to Samaritans only and not to heathens, while the sin and guilt offerings were accepted from Samaritans but not from heathens, because the latter had not the same laws as the Israelites as regards sin-offerings. The Samaritans, however, claiming to be Israelites, were allowed to bring their sin and guilt offerings. The reason, however, that bird-offerings were not accepted from the Samaritans was because, in the first place, an offering for a person afflicted with venereal disease had to be brought in the form of a sheep; but if the person could not afford a sheep, birds answered the purpose. The Samaritans, however, were not considered trustworthy, and it was feared that they might bring a wrong offering (*i.e.*, an offering of less value than they could afford).

² These were accepted from heathens also, because such offerings were for forgiveness of sins in general, and in that respect all men are equal.

MISHNA f. ¹ The shekel mentioned in the Bible is equivalent to the Sela mentioned in the Mishna, and is worth two shekels of the Mishna. The half-shekel of the Bible was worth (according to Maimonides) the weight of 192 grains of barley in silver, and, for fear that the shekel of the Mishna of that time was perhaps a trifle less than the above weight, a small coin was prescribed to be paid in addition to the above shekel, and which was named from the Greek Colobbus (χόλλυβος). He who gave the half-shekel voluntarily, and not because he was obliged to pay it, was exempt from paying the above "Colobbus." Those of the priests who, regardless of the

tion to the half-shekel): Levites, Israelites, proselytes, and freedmen; but not (priests,) women, slaves, and minors. If one pay (the half-shekel) for a priest, woman, slave, or a minor, he is exempt (from paying the premium); if he pay for himself and another, however, he must pay a premium for one. R. Meir says: "(He must pay) two premiums. One who pays a Sela (whole Bible shekel) and receives in return a half (Bible) shekel must pay two premiums."¹

(g) If one pay for a poor man, for a neighbor, or for a countryman, he is exempt from a premium (because it is charity); if he only advances them the money, he is not exempt. Brothers who (after dividing their inheritance) have their business in common, or partners, when they become obliged to pay a premium, are exempt from cattle-tithe.* As long, however, as they must pay cattle-tithe, they are exempt from a premium. How much does the premium amount to? According to R. Meir, to one silver Meah (one twenty-fourth of a shekel); but the sages say, to one-half of a Meah.

claim that they were not obliged to pay the half-shekel, paid it nevertheless, were exempt from the above premium for the sake of peace.

¹ One in addition to the half-shekel and one for the exchange.

MISHNA g. * Cattle-tithe must be paid by a man only from such young as his own cattle calve, but not from the calves which he purchases elsewhere. If two brothers inherit cattle or calves from their father, they must pay cattle-tithe, because the cattle are regarded as still their father's. If they have divided their inheritance, even though they shared alike, they are both exempt from payment, because it is regarded as if one brother had bought the cattle from the other. (The same refers to partners. As long as they are in partnership they are liable for cattle-tithe from such young as is calved by their own cattle, but if the partners dissolve even after the cattle had calved, they are exempt, because it is regarded as if one partner had purchased his share from the other.) Now, it is obvious that when the two brothers are still partners and liable for cattle-tithe they are regarded as one, and by paying one Sela for both are exempt from premiums, because the money is still considered as their father's. (This explanation is taken from Rashi in Tract Chulin.) As soon, however, as they are exempt from cattle-tithe, they have nothing more in common, hence must pay a half-shekel each, and thus must also pay the premium.

CHAPTER II.

MISHNA: (*a*) One may put together the Shekalim and exchange them for Darkons¹ (Greek coins of permanent value), in order to be able to carry them more readily. Just as the money-chests were on the order of horns in the city of Jerusalem, so were they also in the country.² If the inhabitants of a town sent their Shekalim (to the city of Jerusalem) by messengers, and the money was stolen from them or was lost by accident, if the treasurers had already drawn their share (from the communal Shekalim), the messengers of the city must swear to the fact before the treasurers. If the share had not yet been drawn, they (the messengers) must swear to the facts before the inhabitants of the town, and the latter must make the amount good.³ If the money was recovered or returned by the

CHAPTER II.

MISHNA *a*. ¹ The Darkon (Greek *Δαρεινός*; or *drachm*, biblical term, Ezra viii. 27) was a Persian gold coin worth two Selas, or four half-shekels.

² The money-chests were narrow on one side and broad at the bottom, and had a slot through which a Darkon on edge only could be passed, and were given to the messenger locked.

³ If a portion of the amount of Shekalim collected had already been spent for sacrifices or for the improvement of the Temple, all the Israelites who were bound to pay their Shekalim had a share in such disbursement, and the amount sent by the town, although lost or stolen, was counted as if it had been included in the amount spent, because it was the express understanding that in every shekel spent for sacrifices, etc., all Israelites had a share, in order that they might have a share in the sacrifices. Therefore, the messengers of the city had simply to swear that they had taken the money, and it was considered received by the treasurers. If, however, no portion of the Shekalim had yet been expended, the share of the inhabitants of the town, whose money had been stolen or lost, was not included in the amount on hand, and hence the representatives of the city were obliged to make it good (Maimonides).

thieves, both amounts are considered as Shekalim, and nothing is credited to next year's account.

(*b*) If one give his shekel to another to pay (his head-tax) for him, and the man appropriates it to pay his own tax, he (the latter) commits embezzlement if the share had already been drawn; the same is the case with one who pays his shekel with sanctified money, after his share had been drawn and an animal was sacrificed for it.¹ If he took the money from the second tithes or from the Sabbatical year fruit, he must eat the full value of same in the city of Jerusalem.²

(*c*) If one gather together single coins and say: "These shall serve for my Shekalim," the eventual remainder is, according to the school of Shamaï, a voluntary gift; according to the school of Hillel, it is not sanctified. If the man say, however: "Out of these I shall pay my Shekalim," the eventual remainder is, according to both schools, not sanctified. If he say: "These shall serve me for a sin-offering," the eventual remainder is, according to both schools, a voluntary offering. If he say: "Out of these will I bring a sin-offering," the eventual remainder is, according to both schools, not sanctified.*

MISHNA *b*. ¹The same reason as stated in note 3 of the preceding Mishna applies also to this clause; and, besides, everybody had a share in the sacrifice of the animal, even if the sacrifice were made on the strength of future receipts, for pledges were on hand insuring the payment by the delinquents.

²If the money was taken from the second tithes, the value of which had to be consumed in the city of Jerusalem, he must replace it by an equal amount and proclaim that this money is in exchange for the money taken from the second tithe, and then consume it accordingly. If the money was taken from the Sabbatical year fruit, he must replace it and proclaim the same as above and make it public property, as is the law of Sabbatical years.

MISHNA *c*. *The meaning of this Mishna is as follows: If a man gathered money little by little, with the express intention of paying his shekalim tax out of such money, and separated it from other moneys, any remainder which he may have left over after such payment is, according to the school of Shamaï, to be devoted for a voluntary offering, because it was separated; and according to the school of Hillel, it is ordinary money, that may be used at will, because it was gathered only for the purpose of paying the amount due, which was already paid. If a man, however, had a sum of

(d) R. Simeon says: "What difference is there here between the Shekalim and the sin-offerings? Shekalim have their fixed value, but sin-offerings have not."¹ R. Jehudah says: "Even Shekalim have no fixed value; for when Israel returned from captivity, (half-) Darkons were paid; later (half-) Selas were paid; again, Tabas (half-shekels) were current (but not accepted), and finally people would only pay with Dinars."² Rejoined R. Simeon: "Nevertheless, the Shekalim were all of like value at one and the same time, while as for sin-offerings, one brings one Sela's worth, another two, and a third three Selas' worth."³

(e) The remainder of moneys intended for Shekalim is not

money, and declared that he would use *this* sum for the payment of his shekalim tax, the remainder which he may have after such payment is, even according to the school of Hillel, to be devoted for a voluntary offering. With money devoted for a voluntary offering, whole-offerings only were to be bought.

MISHNA *d.* 'By his teaching in this Mishna, R. Simeon wishes to explain the reason of the decree of the school of Hillel concerning the remainder of money which had been gathered little by little for the purpose of paying the Shekalim, or for the bringing of a sin-offering, and says: "Because it is written [Exodus xxx. 15], 'The rich shall not give more, and the poor shall not give less, than the half of a shekel,' a man when gathering money for the payment of Shekalim knows exactly how much he will need; hence, although he separated the amount gathered, the remainder is ordinary money; but if he gathered money for a sin-offering, which has no fixed value, and for which he did not know exactly how much he would have to pay, his intention in separating the money was evidently to use the entire amount for such purpose, and hence the eventual remainder, which cannot be used for a sin-offering, as it is already sacrificed, should be used for a voluntary offering."

¹ R. Jehudah differs with R. Simeon, and states, that the reason given by the latter for the decree of the school of Hillel cannot be correct, for even Shekalim had not always a fixed value, and when a man commenced to gather money for the payment of his Shekalim he also may not have known how much he would have to pay when the time came, because the value of the coin might be changed in the meantime.

² R. Simeon answered R. Jehudah very properly: "Even if the value of the coin was changed, the man knew well that he would pay a certain sum equal to that paid by all others, and the entire amount

sanctified.¹ The remainder of moneys intended for the offering of the tenth part of an ephah [Lev. v. xi.] (sin-offering of the poor), for bird-offerings of men or women afflicted with venereal disease and of women that had been recently confined, and for sin and guilt offerings, are considered voluntary offerings. Following is the rule: The remainder of everything designated for sin and guilt offerings is considered as a voluntary offering.² The remainder of whole-offerings is applied to whole-offerings,³ of food-offerings to food-offerings, of peace-offerings to peace-offerings; that of the Passover-offerings to peace-offerings, and that of Nazarite-offerings to Nazarite-offerings. The remainder of such (offering) as is designated for a certain Nazarite is a voluntary offering. The remainder of moneys for the poor in general, belongs to the poor; of money collected for a certain poor man belongs to that same poor man. The remainder of ransom moneys for prisoners is applied to (the ransom of) other prisoners; of moneys collected for a certain prisoner belongs to that prisoner. The remainder of burial moneys is applied to (the burial of) other dead; of money collected for a particular dead (man) belongs to

that he had gathered would not be consumed; as for a sin-offering, however, he never knew exactly just what amount he would need for its purchase, because it had no fixed value; therefore, when he separated the money from other moneys his intention was to use the entire amount."

MISHNA *e.* ¹ After explaining the opinions of both schools (Shamai and Hillel) in the preceding Mishna, and the Halakha, as usual, prevailing according to the school of Hillel, this Mishna states the final Halakha anonymously, and then cites the subsequent ordinances, concerning which there is no difference of opinion.

² The reason for this rule is: A sin or guilt offering must be brought for each sin separately. If money was designated for one sin-offering, the remainder cannot be applied to another offering for the same sin, nor for another sin which one might commit in the future, hence the remainder must be a voluntary offering.

³ The remainder of whole-offerings may be used for more whole-offerings, because the quantity of whole-offerings, which are voluntary, is not limited. The same applies to food and peace offerings. The remainder of Passover-offerings, however, which cannot be used for the same purpose again, and should, however, be used for an eatable sacrifice, cannot be used for a voluntary offering, which is a whole-offering, but for a peace-offering, which is eatable.

the legal heirs. R. Meir says: "The remainder remains intact until Elijah comes again" (as the herald of the resurrection).⁴ R. Nathan says: "It should be applied to the building of a gravestone for the departed."

⁴The reason for R. Meir's dictum is: He holds, that if money is collected for a certain dead man, the remainder belongs virtually to him, *i.e.*, should be applied only for the use of the corpse; hence the heirs have no share in it. R. Nathan, however, says, that the setting up of a gravestone is for the use of the corpse, it being in his honor and not of any benefit to the heirs.

CHAPTER III.

MISHNA: (*a*) At three periods of the year money is drawn from the treasury (of the Shekalim); viz.: Half a month before Passover, half a month before Pentecost, and half a month before the Feast of Booths. The same dates are also the terms for the obligation of cattle-tithing, so says R. Aqiba. Ben Azai says: "The dates for the latter terms are the twenty-ninth of Adar, the first of Sivan, and the twenty-ninth of Abh." R. Eliezer and R. Simeon both say: "The first of Nisan, the first of Sivan, and the twenty-ninth of Elul." But why do they say the twenty-ninth of Elul, why not the first of Tishri? Because that is a feast-day, and it is not allowed to tithe on a feast-day; therefore they ordained it for the preceding day, the twenty-ninth of Elul.*

(*b*) The money drawn from the treasury was brought in three chests, each of three Saahs' capacity. On these chests was written: Aleph, Beth, Gimmel. R. Ishmael says: "They were marked in Greek: Alpha, Beta, Gamma."—The one that drew the money was not allowed to enter (the treasury) with a turned-up garment, nor with shoes nor sandals, nor with Tephilin, nor with an amulet, in order that, in the event of his becoming impoverished, it should not be said that he was thus punished on account of transgression against the treasury; or if he became rich, that he enriched himself by means of money drawn from the treasury. For a man must stand as unblemished before his fellowman as before his God, as it is written [Numbers

CHAPTER III.

MISHNA *a*. * The dates of the time for cattle-tithing have nothing to do with the time for drawing the money; for as to that time, all agree upon the dates stated in the Mishna, and the difference of opinion concerning the time of cattle-tithing is explained in the Palestinian Talmud and in Tract Rosh Hashana of the Babylonian Talmud.

xxxii. 22]: "And ye be thus guiltless before the Lord and before Israel"; and [Proverbs iii. 4]: "So shalt thou find grace and good favor in the eyes of God and man." *

(c) The members of the family of R. Gamaliel used to enter, each one with his shekel between his fingers, and throw it before the one who drew the money from the treasury, and the latter immediately placed it into the chest (which he took out).—The one who came in to draw the money did not proceed before he had said to the bystanders: "I will now proceed to draw," and they had answered: "Draw, draw, draw," three times. *

MISHNA *b*. * In this Mishna the manner of drawing the money from the treasury is described: how it was accomplished, that the Shekalim for which communal sacrifices were bought should be taken from the treasury in such a manner that all the contributors should have a share in them. The mode of procedure was as follows: About the middle of the month of Nissan, when the money from all Israel had been collected, the treasurers, amid great ceremony, would open the rooms where the boxes in which the money had been deposited by the collectors were situated, and bring out all the boxes contained in the rooms. These boxes were in turn opened, and their contents thrown into three cases, each of which had nine Saahs' capacity, and were covered with a cover. The remainder, after filling the three cases, was called the remainder of the room (and what was done with this will be told later). After the performance of this ceremony one man was selected, while the others withdrew, and he was to transfer the money to be expended, from the cases into three small chests, each having three Saahs' capacity and marked with three letters: Aleph, Beth, Gimmel; or, Alpha, Beta, Gamma.

MISHNA *c*. * After this ceremony, the man, being almost nude—for he had no garments on in which he could conceal a coin, no shoes, no sandals, no hat, no hose; in fact, nothing that would afford a hiding-place for money—would take the chest marked Aleph and bring it up to the first case, and fill it up, after which he would cover the case. Then he would take the chest marked Beth, fill it from the second case, cover the case, and proceed in the same manner with the chest marked Gimmel, from the third box, which contained nine Saahs' capacity; but in the last instance he would leave the case uncovered, as a sign whence to commence filling the chests at the second drawing of money in the same order as before, using the third case first, then the second, and lastly the first. This was done in order that the money should be thoroughly intermingled

(d) After the man had completed the first drawing, he covered the balance with a cover (of fur); the same was done after the second drawing; after the third drawing the balance remained uncovered; for (the covering in the first two instances) was done only in order not to draw by mistake again what had already been drawn from. The first drawing was performed in the name of the whole land of Israel, the second in the name of the cities near the boundaries, and the third in the name of the inhabitants of Babylon, Media, and all distant lands in general.

and everybody have a share in the sacrifices bought with it. The first drawing took place on the fifteenth of Nissan, and sacrifices were purchased for the Passover. The next drawing was held fifteen days before Pentecost; and Pentecost only lasting one day, not so many sacrifices were needed, and the money lasted until fifteen days before the Feast of Booths, when the last lot of money was withdrawn from the cases and placed in the chests. The expenditure of the money was also made in the order of chests, chest Aleph being emptied first, etc.; and the intention was to place Jerusalem first, the surrounding territory next, and all the other places where Israelites dwelt last.

CHAPTER IV.

MISHNA: (a) What was done with this money drawn? The daily sacrifices, the additional sacrifices, and the drink-offerings belonging to them were bought therewith; also the Omers¹ (sheaves), the two loaves, the showbreads, and communal sacrifices in general. The watchmen who had to guard the after-growth on the Sabbatical year were paid out of this money. R. Jose says: "One who so desired could undertake the guarding (of the after-growth on Sabbatical years) without pay."² The sages answered him: "Thou wilt admit thyself, that the sacrifices (from the after-growth on Sabbatical years) must be bought only from communal property."³

CHAPTER IV.

MISHNA a. ¹ The Omers and the two loaves, which had to be made of Palestinian grain and of the new crop only, were bought out of the Shekalim during the six ordinary years, but in the Sabbatical year, where neither sowing nor reaping was done, where were they obtained? Men were sent out to discover where grain was growing as an after-growth, that had not been sown, and then watchmen were placed there to see that no one disturbed the crop; for it being public property, the possessor of the soil where the grain grew could not prevent its being taken. The men who discovered the grain and the watchmen were paid for their services out of the Shekalim, and such payment was regarded as the price of the grain, so that the grain again became communal property.

² R. Jose, in making this statement, holds, that one may present the community with a thing intended for a voluntary offering, and thus the man who guards the after-growth gratuitously, thereby acquiring a right to it, may donate it to the community for a communal sacrifice.

³ The sages mean to say that the Omer, the two loaves, the showbreads, and the communal sacrifices must be taken from articles that were communal property from the beginning, while other sacrifices may be offered from things donated by a man who does so with a good will. (See Rosh Hashana.)

(*b*) The red heifer, the goat that was to be sent away (on the Day of Atonement), the strip of scarlet, were paid for out of this money. The bridge for the cow, the bridge for the goat that was to be sent away, and the scarlet strip tied between the latter's horns, the canal (at the Temple), the city wall, the towers and other necessities of the city, are paid for out of the remainder of the treasury-money.* Abba Saul says: "The costs of the building of the bridge for the red heifer were defrayed by the high priests themselves."

(*c*) What was done with the balance left over in the treasury (after all the things in the preceding Mishna had been procured)? Wines, oils, and fine meal were bought with it to the profit of the sanctuary (for the purpose of selling it again to those who brought sacrifices).* So said R. Ishmael. R. Aqiba, however, says: "Sanctified moneys or contributions for the poor are not dealt with for profit."

(*d*) What was done with the remainder of the money (taken from the chests)? It is used for gold plate for the decoration of the Holy of Holies. R. Ishmael says: "The mentioned fruit (profit of the wines, oils, and fine meal sold in the Temple) was for the benefit of the altar, and the remainder of the money drawn was for service-utensils." R. Aqiba says: "The remainder of the money drawn was for the benefit of the altar and that of the drink-offerings was for service-utensils." R. Hanina, the assistant chief of priests, says: "The remainder of the drink-

MISHNA *b*. *The remainder of the Shekalim, left over after the three cases had been filled, which was called "remainder of the room," was stored in a high place, access to which was very difficult, no ladder being permitted to be used. Out of this money all the accessories for the sacrifices, as enumerated in the Mishna, were procured. The details of these accessories are explained in Tracts Para and Yuma.

MISHNA *c*. *It is known that all those who brought sacrifices were obliged to purchase wine, oil, and fine meal for meal-offerings, and all this was purchased in the court of the Temple. In the Palestinian Talmud many things are enumerated, for which purposes the balance of the money was used; for instance, the hiring of teachers to instruct the priests in the art of slaughtering, in the halakhas pertaining to such matters, etc., also for the payment of those who investigated blemishes in the sacrifices, and a great many other things to be found in that chapter (Halakha 4).

offerings was for the benefit of the altar and that of the money drawn was for service-utensils." The two latter would not admit of the alleged gain from fruit * (profit).

(e) What was done with the remainder of the incense?¹ At first the remuneration of the preparers of the incense was set aside from the treasury; the sanctification of the incense on hand was then transferred to that money, and the former was then given to the preparers in lieu of compensation²; it is then bought back from them with the money of the new revenue: providing the new revenue was on hand in time, it was bought back with such money; otherwise, the old revenue was used for that purpose.

(f) If one devote his entire possessions in honor of the Lord, and among them are things which are fit for communal sacrifices (*e.g.*, incense), the preparers of the incense should be paid therewith. So teaches R. Aqiba. Ben Azai answered him *: "Such is not the right mode of procedure. The compen-

MISHNA d. * In the preceding Mishna, R. Ishmael declares, that the balance of the money in the treasury is used to purchase wines, oils, and fine meal, to be resold to those bringing sacrifices, and in this Mishna he relates what is done with the profits accruing from such sales. R. Aqiba, however, who would not permit of selling the things mentioned for profit, declares that the money for the altar is taken directly from the balance left over in the treasury; and R. Hanina holds, that the balance of the money drawn is used for the service-utensils.

MISHNA e. 'The remainder of the incense refers to the amount of incense left over at the end of the year. A quantity of incense was prepared for the whole year, and every priest would use a handful at a time; but, as handfuls are not all alike, no fixed amount could be prepared: hence the remainder.

¹ Compensation for labor must not be made with sacrificed articles, for the sanctification cannot be transferred to labor that had already been performed; it can be transferred, however, to actual money, and in consequence the subterfuge for the payment of the preparers of the incense was resorted to as stated in the Mishna.

MISHNA f. * R. Aqiba and Ben Azai differ in this Mishna as to whether sanctification can be transferred to labor or not. R. Aqiba holds, that labor can be compensated with sanctified articles; but Ben Azai holds, that it cannot. According to Maimonides the Halakha prevails according to Ben Azai, because in the previous Mishna there is a concurrent opinion.

sation of the preparers must first be separated from such possessions, then the sanctification of those possessions transferred to money; then give the separated things to the preparers for compensation; and, finally, buy them back from them with money of the new revenue."

(g) If one devote his possessions, and there are among them cattle fit for the altar, male or female, the male, according to R. Eliezer, shall be sold for whole-offerings and the female for peace-offerings to such as are in need of them; and the proceeds of such sale, together with the other possessions, shall be devoted to the treasury for the maintenance of the Temple. R. Jehoshua says: "The male are sacrificed as whole-offerings, the female are sold to such as are in need of peace-offerings, and the proceeds used for the sacrifice of whole-offerings. The balance of the possessions is devoted to the maintenance of the Temple."¹ Said R. Aqiba: "The opinion of R. Eliezer seems to me to be more proper than that of R. Jehoshua; for R. Eliezer has an even procedure, whereas R. Jehoshua divides it."² R. Papeos says: "I have heard that it is done according to both teachers; viz.: According to R. Eliezer if the owner who devotes his possessions explicitly mentions his cattle, and according to R. Jehoshua if he silently includes his cattle in his possessions."³

MISHNA g. ¹The point of difference between R. Eliezer and R. Jehoshua is this: The former holds, that if a man devoted all his possessions, his intention was to devote them for the maintenance of the Temple only; while the latter holds, that the intention was to devote the possessions according to their adaptability. Hence if, among the possessions, there were objects adapted for the altar, they should be devoted to the altar; if, however, these were female cattle, which could not be brought as a whole-offering, nor, by reason of the absence of the owner, even as a peace-offering, such cattle should be sold and the proceeds applied to the purchase of whole-offerings.

²R. Aqiba holds with R. Eliezer, because, in his opinion, a man who devotes all his possessions does so with but a single intention; and this is what he terms an even procedure.

³R. Papeos said, that if the man devoted all his possessions to the honor of the Lord, R. Jehoshua would be correct, for his possessions can be used in honor of the Lord in various ways; but if he explicitly stated that he devoted his possessions for the maintenance of the Temple, R. Eliezer's opinion is proper.

(*h*) If one devote his possessions, and there are among them things fit for the altar, such as wines, oils, and birds, says R. Eliezer, the latter things should be sold to such as need offerings of these kinds, and the proceeds used for the sacrificing of whole-offerings; the balance of the possessions goes toward the maintenance of the Temple.*

(*i*) Every thirty days the prices paid by the treasury are determined. If one contract to furnish flour at the rate of four Saah (for one Sela), and the price is raised to three, he must nevertheless furnish the same at four Saah (for one Sela).¹ If he contract at the rate of three and the price fall to four, he must in that case furnish four, for the Sanctuary always has that prerogative. If the flour become wormy, it is the loss of the contractor; and if the wine become sour it is also his loss, and he does not receive the money for his wares until the purchased wares have been favorably accepted as sacrifices at the altar.²

MISHNA *h*. * The reason that R. Eliezer decrees that wines, oils, and birds should be sold, and whole-offerings brought in their stead, is because the articles mentioned cannot be redeemed with money.

MISHNA *i*. ¹ Every month, bids were received from contractors for the furnishing of the necessities for the Temple and altar for one month. The lowest bidder received the contract, and it was distinctly understood that, even if prices were raised during the month, his prices were to remain as originally contracted for.

² The Palestinian Talmud states, that the money due the contractors was paid them by the priests immediately upon the latter receiving the wares, for the priests were very careful, and never allowed flour to become wormy or wine to spoil.

CHAPTER V.

MISHNA: (a) The following were the heads of offices¹ in the Sanctuary: Johanan, son of Pinchas, keeper of the seals²; A'hia, (superintendent) of drink-offerings; Mathia, son of Samuel, (superintendent) of the casting of lots³; Petha'hia, (superintendent) of bird-offerings.⁴ Petha'hia is Mordecai, but why do they call him Petha'hia? Because he used to expound and interpret scriptures, and was master of seventy languages. Ben A'hia was (superintendent) of the cures of priests suffering with abdominal diseases.⁵ Ne'huniah was master of the well.⁶

CHAPTER V.

MISHNA *a.* ¹ The list of officers enumerated by the Mishna were not all officers at the same time, but served at different periods, and the Mishna merely names the most important and pious among them.

² See Mishna *d*, same chapter.

³ Lots were cast for the determination of the turn of the priests for each particular service. The superintendent would keep a record of such as were eligible for duty, and then cast lots for the priest who was to serve.

⁴ Petha'hia was superintendent-in-chief of all those who had charge of the bird-offerings; these bird-offerings were brought by women who had recently been confined; and there were so many of them that a record had to be kept, who came first, whose time was nearly expired, and how much was to be charged for the offerings. Besides this, it often happened that the birds became mixed and required great wisdom to separate them and recognize to whom every bird belonged, as the changing of the birds would make the offering invalid. (See commentary of Israel Lipshuetz.)

⁵ Such diseases among priests were of very frequent occurrence and inevitable; for they were dressed during services very lightly, being allowed to wear only four articles of apparel; viz., a linen shirt, linen pantaloons, a linen cap, and a girdle. Besides, they had to walk barefoot on the marble floor, and were constantly eating meat of the sacrifices, which had to be eaten during a specified time. Hence

Gebini was herald.⁷ Ben Gabhar was turnkey of the gates.⁸ Ben Bebai was master of the temple-guard.⁹ Ben Arzah was master of the kettledrums (which were beaten as a signal for the Levites to commence their chant). Higros, son of Levi, was (leader) of the singing. The family of Garmo (superintended) the making of the showbreads.¹⁰ The family of Abtinos (superintended) the preparing of the incense.¹¹ Elazar (superintended) the making of the curtains.¹² Pinchas superintended the vestments.¹³

they needed many attendants, in order that, as soon as one priest took sick, a substitute was brought in his place and he was removed to the sick ward. Ben A'hia was the superintendent-in-chief of these matters.

⁸ On account of the immense influx of people into Jerusalem three times a year, the wells for the supply of water, both on the roads and in the city, had to be looked after, and Ne'huniah had charge of this.

⁷ The commencement of all services had to be heralded, and many heralds were employed. Gebini was herald-in-chief, and his duty was mainly to call out in the morning: "Priests, to your duties! Levites, to your chants! Israelites, to your places!" He had so powerful a voice that it could be heard eight miles.

⁸ He had charge of the keys of the gates and of the men who stood at the gates.

⁹ The gates of the Temple had to be guarded day and night, even in times of peace. To properly care for the guard and to punish all negligence in guarding the gates was the duty of Ben Babai.

¹⁰ For showbreads, twelve loaves had to be made every week, and had to be made so that they would keep fresh the entire week. For further details, see Tract Tamid. The family of Garmo had charge of this work for generations.

¹¹ The incense, which was used twice a day, had to be prepared with especial skill from many different spices, and in proper proportions. Further details are also to be found in Tract Tamid. The family Abtinos had charge of this branch for many generations.

¹² The curtains, which were frequently changed, had to be inspected as to workmanship, cleanliness, etc., and this duty devolved upon Elazar.

¹³ The vestments of the priests had to be carefully examined as to cleanliness, and had to be sent out to be laundered regularly. Many rooms in the Temple were devoted to those vestments, and Pinchas had charge of them all.

Much has been said as to the character of the men enumerated in

(b) No less than three treasurers and seven chamberlains must be appointed,* and no less than two officers were put in charge of public moneys. Exceptions were made in the cases of Ben A'hia, superintendent of the cures of the sick, and Elazar, superintendent of the preparation of curtains, because they were unanimously elected by the community.

(c) There were four seals in the Sanctuary, inscribed with the words Egel (calf), Sachar (ram), Gdi (kid), and 'Houte (sinner, meaning here one covered with sores). Ben Azai says, that there were five (seals), and the inscriptions were in Aramaic, meaning: calf, ram, kid, poor sinner (one afflicted with sores), and rich sinner (one afflicted with sores). The one inscribed with "calf" was used for drink-offerings brought with offerings of the herds, large or small, male or female; the one inscribed with "kid" was used for drink-offerings brought with offerings of the flocks, large or small, male or female, with the exception of rams; the one inscribed with "ram" served for drink-offerings brought only with rams; the seal inscribed with "sinner" served for drink-offerings brought with the three cattle-offerings of those afflicted with sores.*

the Mishna, whether they were priests themselves, Levites, or ordinary Israelites. For particularized information regarding this subject, we would refer to "Die Priester und der Cultus," by Dr. Adolf Büchler, Vienna, 1895. It is estimated that the priests in Jerusalem approached the enormous number of twenty thousand. Besides, there were numbers of Levites.

MISHNA b. * The officers of the Temple ranked as follows: The king, the high priest, the assistant high priest (Sagan), two catholicoses,† seven chamberlains (Amarkolins), three treasurers (Gisbars), and, finally, many smaller officials; e.g., inspectors, officers of the guard, etc. (See "Die Priester und der Cultus," pp. 90-117.) The duties of each officer are described in Tamid and Yuma.

MISHNA c. * With every sacrifice that was offered, wine and meal

† "Catholicos" is here used in the sense of patriarch or head, which term still retains a similar meaning in the "Ecclesiastical History of the Armenian Church," deriving its original meaning from the Greek καθολικός—general or universal. In the latter sense it was adopted at a very early period by the Christian church. In the exclusive sense of denoting the church as the "depository of universally received doctrine in contrast with heretical sects" it is still improperly retained by the Roman Catholic Church. I am surprised to find no mention of the officers of this name and function under the appropriate title anywhere in the "Encyc. Brit."

(d) One who desired to bring drink-offerings, for instance, went to Johanan, who was keeper of the seals, paid his money, and received a seal; he then went to A'hia, who had charge of the drink-offerings, gave him the seal, and received the drink-offering. In the evening the two officers came together, when A'hia turned over the seal and received instead the money. If there was too much money, it belonged to the Sanctuary; if too little, Johanan had to supply the deficit: for the sanctuary had that prerogative.

(e) One who lost his seal had to wait until evening. If there was a surplus sufficient to cover the seal,* he was given the drink-offering for that amount; otherwise, he did not receive it. The date of the day was on the seal to prevent fraud.

(f) There were two chambers in the sanctuary. One was

were brought in accordance with the biblical commandment to that effect, and in quantities prescribed by the ordinances. As the drink and meal offerings were bought in the Temple, the person bringing the sacrifice would receive a seal from the priest which he would exchange for the necessary quantity of wine and meal. The drink-offerings with goats and sheep were the same, hence the seal inscribed "kid" served for both. One who brought a ram, however, which required a larger quantity of wine and meal, would receive a separate seal, inscribed "ram." As for offerings of the herds, they were all equal, small or large, male or female; hence the seal inscribed "calf" sufficed for all. Those who were afflicted with sores, and had to bring two rams and one sheep, received a seal inscribed "sin" (which had the hidden purpose of signifying that sores were the consequence of sin). The poor sinners, who had only to bring one sheep, two doves, and one-tenth of an ephah of meal and one lug of oil, without any wine, were, according to the opinion of the sages, not in need of a seal, because the seal inscribed "kid," which they received when bringing the sheep, was sufficient for the other purpose. Ben Azai, however, says, that another seal was necessary, and that an extra seal marked "poor sinner" was given, which was intended as a sign that no wine was necessary. The tradition of Ben Azai, that the seals were inscribed in Aramaic characters, is also true, because, prior to the introduction of the Greek language, all the writing in the Temple was done in Aramaic. (See the mentioned work of Büchler.)

MISHNA *c.* *Providing only the surplus amounted to exactly the amount paid for the seal.

called chamber of the silent, the other chamber of utensils. In the former, devout men secretly gave charitable gifts, and the poor of good family received there secretly their sustenance. In the other chamber, every one who desired to offer a utensil voluntarily, laid it down. Every thirty days the treasurers opened the chamber, and every utensil found to be fit for the maintenance of the Temple was preserved, while the others were sold and the proceeds went to the treasury for the maintenance of the Temple.*

MISHNA f. * In the Palestinian Talmud in this chapter (Halakha 15), many legends are related illustrating this Mishna.

CHAPTER VI.

MISHNA: (*a*) There were thirteen curved chests¹ and thirteen tables in the Sanctuary, and thirteen prostrations took place in the Sanctuary. The family of R. Gamaliel and of R. Hananiah, chief of the priests, made fourteen prostrations; this extra prostration was made towards the wood-chamber,² because, according to an ancestral tradition, the ark was hidden there.

(*b*) Once a priest¹ was engaged there, and he noticed that one of the paving-stones on one place appeared different from the others. He went out to tell others of it; but he had not yet finished speaking, when he gave up the ghost; thereby it was known to a certainty that the ark of the covenant² was hidden there.

(*c*) In what direction were the prostrations made? Four towards the north, four towards the south, three towards the east,

CHAPTER VI.

MISHNA *a*. ¹ The thirteen chests were used as explained in Mishna *e*, and they were shaped like horns, so that a hand could not be inserted from the top. This Mishna places the number of everything at thirteen (on account of the thirteen kinds of mercy attributed to God). R. Ishmael composed the thirteen rules with which the Law is expounded.

² The location of the wood-chamber can be determined in Tract Midoth.

MISHNA *b*. ¹ The priest was a man of blemish (deformed), and could not take part in the sacrifices, but was allowed to select and peel the wood used at the altar.

² The ark was hidden during the existence of the first Temple in order to save it from the Babylonians, after all hope had been abandoned, and its hiding-place was underground. The priests who subsequently took charge probably noticed some sign made by the former generation when the ark was hidden, and this particular priest died as a consequence of his attempt to reveal the secret.

and two towards the occident; *i.e.*, towards the thirteen gates.¹ The southern gates were near a corner of the western. These were: The upper gate, the fire gate, the firstling gate, and the water gate. Why is it called water gate? Because a glass of water was carried through it for the sprinkling of the altar on the Feast of Booths. R. Eliezer son of Jacob says: At that gate the waters (flowing from the Holy of Holies) commence to flow rapidly downwards, until they again flow out under the threshold of the Temple. Opposite there were the northern gates, near the other corner of the western. These were: The door of Jekhaniah, the gate of sacrifice, the women's gate, and the music-gate; and why is the first one called the gate of Jekhaniah? Because Jekhaniah went through it, when he went into exile. In the east was the gate Nikanur, which also had two small doors,² one to the right and the other to the left; lastly, there were two in the west, which were nameless.

(*d*) Thirteen tables were in the Sanctuary: Eight marble ones in the slaughter-house, on which the entrails were washed. Two to the west of the altar-sheep, one marble and one silver: on the marble one the sacrificial pieces were placed, and on the silver table the utensils were placed. Two in the corridor on the inside of the Temple entrance, a marble table and a golden one: on the marble one the showbreads were placed at the time they were brought in, and on the golden one when they were taken out; because the principle is, that the veneration of the

MISHNA *c.* ¹That there were thirteen gates in the Temple is vouched for by Abba Jose ben Johanan; but the sages declare, that there were only seven gates and that the thirteen prostrations were made in the direction of the twelve breaches made by the Greeks in the walls of the Temple at the time of the Maccabees, and towards the altar; the twelve breaches had been repaired, and each prostration was a mark of gratitude for the good fortune. From the fact, however, that the Mishna cites nine of the gates by their names and describes their location, it seems that Abba Jose ben Johanan was correct, and had his knowledge of the matter from tradition.

²Concerning the gate Nikanur, it is said that the two doors were made in the gate proper, because the gates were very heavy and it required a number of priests and Levites to open them (as explained in Tract Tamid). Hence, in order to facilitate entrance and egress, the two doors were added.

sacred must be heightened and not lessened.* Lastly, there was one golden table in the Temple itself, upon which the show-breads were constantly lying.

(e) Thirteen curved chests were in the Sanctuary.¹ On them was written: *Old shekalim*, *new shekalim*, bird-offerings, doves for whole-offerings, wood, incense, gold for the cover of the Holy of Holies. Six were for donations in general.² The term *new shekalim* is used for those paid annually. *Old shekalim* were those which were paid by men who had failed to pay them in the year when they were due, and paid them in the following year. "In those marked 'bird-offerings,' the money for turtle-doves was deposited; in those marked 'doves,' money for young doves was deposited: but they were all whole-offerings." So says R. Jehudah. The sages say: "In the former, money for both sin-offerings and whole-offerings was placed, and in the latter only for whole-offerings."³

MISHNA *d.* * Because the showbread was lying on a golden table in the Temple, they were not to be placed on marble tables when taken out.

MISHNA *e.* ¹ When a man paid his half-shekel in Jerusalem, he would go to the Temple and throw his half-shekel into the chest marked *new shekalim*. Into the chest marked *old shekalim*, such as had not given pledges for the payment of the Shekalim, and came voluntarily to pay same, would throw their half-shekel. One who wished to donate money for specific purposes, *e.g.*, for bird-offerings, etc., would deposit the money in the respectively marked chests.

² Only one of these chests was for donations in general. The other five were marked as follows: One, "For the remainder of a sin-offering," *i.e.*, money left over from a sum originally intended for the purchase of a sin-offering, was thrown into this chest and was used only for sin-offerings; the second, "for the remainder of guilt-offerings"; the third, "for the remainder of bird-offerings of women who had been confined and of persons suffering from venereal diseases"; the fourth, "for the remainder of Nazarite-offerings"; and the fifth, "for the remainder of offerings of those afflicted with sores." If any one had money left over from such offerings, he deposited it in the respectively marked cases. The contents of the chest marked "for donations in general" were used for the maintenance of the Temple. (Maimonides.)

³ R. Jehudah means to say, that a man who throws money into the chest marked "for bird-offerings" intends that his offerings

(*f*) If one vow, "I will furnish wood for the altar," he must not furnish less than two cords. If one vow (to furnish) incense, he must not furnish less than a handful. If one vow (to furnish) gold coin, he must not furnish less than a Dinar.¹ Six (chests) were for voluntary offerings. What was done with these? Whole-offerings were bought for these, the meat of which was sacrificed to God, but the hides belonged to the priests.² The following explanation was made by Jehoiada the high priest, of the expression [Lev. v. 19]: "It is a trespass-offering; he hath, in trespassing, trespassed against the Lord": The rule is: With everything coming in under the name of sin or guilt offering, whole-offerings are bought, the meat of which is offered up to God and the hides of which belong to the priests; hence the two expressions: A guilt-offering for God and a guilt-offering for the priests, as it is written [II Kings xii. 16]: "The money for trespass-offerings and the money for sin-offerings was not brought into the house of the Lord: it belonged to the priests."

should be for the altar only, and not for the benefit of those who eat sacrifices, while the sages differ with him, as stated in the Mishna.

MISHNA *f*. ¹ In the preceding Mishna the remainder of offerings is treated of, and it made no difference how little the remainder was, it could be thrown into the chest. In this Mishna, the case of a man who vows to bring an offering is spoken of, and a minimum value is placed.

² Incidentally we are told that the meat of the sacrifices belonged to the Divinity, while the hides belonged to the priests; and what immense sums were realized from the sale of such hides may be gleaned from the mentioned "Priester und Cultus," by Büchler.

CHAPTER VII.

MISHNA: (*a*) If money is found between the chest marked "Shekalim" and that marked "voluntary offerings," it belongs to the chest marked "Shekalim" if it lies nearer to the same, and to the one marked "voluntary offerings" if it be nearer *that*. So also does it belong to the voluntary offerings if it be found midway between the two chests. Money found lying between the chests marked "wood" and "incense" belongs, if it be nearer the former, to the former; if nearer the latter to the latter, and also to the latter if found midway between the two. Money found lying between the chest marked "bird-offerings" and the one marked "doves" for whole-offerings belongs to the former if it be nearer the former; and if nearer the latter to the latter, and also to the latter if midway between the two. Money found between ordinary moneys and the moneys of the second tithes belongs, if nearer the former to the former; if nearer the latter to the latter, and also to the latter if found midway between the two.* The rule is: One must be guided by the proximity, even in the case of the less important; but in the event of equidistance, (one must be guided) by the greater importance (of the moneys).

(*b*) Money found (in Jerusalem) on the place of the cattle-dealers is regarded as second tithe.¹ Money found on the Tem-

CHAPTER VII.

MISHNA *a*. * There are different degrees of sanctification attached to the several kinds of offerings, some greater and some lesser. In order not to appropriate money belonging to an offering of a greater degree of sanctification to one of a lesser degree, it was decided that proximity of the stray coins should govern the disposition of such money. Where, however, the money was equidistant, it was appropriated to the offerings of a greater degree of sanctification, and the degree may be determined from the Mishna itself.

MISHNA *b*. ¹ Because it was rare for priests to visit the cattle-market, but the Israelites who at any time came to buy cattle for

ple-mount is ordinary.² Other money found in Jerusalem generally, during the festivals, is regarded as second tithe; at other times of the year as ordinary.³

(c) Meat found in the outer court (of the Temple) is considered whole-offering if in complete joints; if cut in pieces it is sin-offering.¹ Meat found in the city is considered peace-offering.² All such meat must be laid aside for putrefaction, and then be burned in the crematory. Meat found anywhere else in the land is prohibited (to be used) as carrion, if found in whole joints; if found cut in pieces, it may be eaten; and during the festivals, when a great deal of meat is on hand, even whole joints may be eaten.³

(d) Cattle found all the way from Jerusalem to Migdal Eder, and in the same vicinity in all directions, are considered, if male, as whole-offerings, and if female as peace-offerings. R. Jehudah

sacrifices generally bought the same with the money exchanged for their second tithes.

¹ Money found on the Temple-mount was presumably dropped there by priests. It never occurred that a priest should carry money belonging to the treasury about with him; for even if he drew some money for the purpose of purchasing necessities, he immediately turned it over to the vender. Hence, any money which a priest may have lost was his own, and ordinary.

² During the festivals, when all the Israelites congregated in Jerusalem, they brought money only to expend for their second tithes, hence money found in any place is considered as second tithes.

MISHNA c. ¹ Because whole-offerings were sacrificed in complete joints, but sin-offerings, which were eaten by the priests, were usually cut in pieces. Neither must be eaten, because it might be that the latter had been left over from the preceding day and should be burned; but the distinction is made simply in case one had eaten of the meat that was cut up. If he had eaten of the complete joint, he was certainly guilty, but if he had eaten of the cut meat, it could not be said positively that he was guilty.

² This must also not be eaten, because it may have lain more than two days and a night; but if it is eaten, no one is guilty.

³ Incidentally the rule is laid down as to meat found anywhere in Palestine. If the meat is found in whole joints, it is presumed to be carrion left for dogs, and must not be eaten. During the festivals, when meat is plentiful, it is presumed to be slaughtered meat, and may be eaten.

says: "If they are fit for Passover-offerings they may be used for such purpose, providing Passover is not more than thirty days off." *

(e) In former days, the finder of such cattle was pledged until he brought the drink-offerings belonging to such sacrifices; every finder, however, letting such cattle stand and going on his way, the high court decreed, that the costs of the drink-offerings belonging thereto be defrayed out of the public money.

(f) R. Simeon says: Seven decrees were promulgated by that court, and the latter was one of them. Further: If a non-Israelite send whole-offerings with the necessary drink-offerings from over the sea, they are offered up; but if sent without the necessary drink-offerings, the costs of the latter are defrayed from public money. If, again, a proselyte died and left offerings, the drink-offerings, if also left by him, are offered up with the others; if not left, the costs of same are defrayed out of public money. It was also a decree of the court, that in the event of a high priest dying, the necessary meat-offering [Leviticus vi. 13] should be paid for out of the public treasury. R. Jehudah, however, declared, that this should be done at the expense of the heirs. In both cases a tenth of an ephah should be offered.

(g) Further, that the priests may (at the sacrificial meals) make use of the salt and the wood (from the sanctuary); that the priests do not commit a breach of trust when misusing the ashes of the red heifer¹; lastly, that the public treasury reimburse

MISHNA d. * R. Jehudah states, that if the animal found was a yearling and a male, it is considered a Passover-offering, but may be sacrificed only as a peace-offering, because a Passover-offering must be intended for a stipulated number of persons. (See Exod. xii. 4.) The sages, however, say, that on account of the number of whole-offerings which were brought at the time, the animal found must not be eaten, for fear lest it be intended for a whole-offering and a grave offence be committed. Hence it should be sacrificed as a whole-offering only.

MISHNA g. ¹ It was not allowed to appropriate any part of a sacrifice designated for some special use for any other purpose. If this was done, however, (unintentionally,) it was considered a trespass, and a trespass-offering had to be sacrificed as expiation for the sin. The ashes of the red heifer did not come under the above ruling

for paid bird-offerings that had become unfit.² R. Jose, however, says: "He who contracts for the furnishing of the bird-offerings must reimburse for the spoilt."

previously (for reason, see Siphri), but on account of the frequent misuse of those ashes a decree was promulgated placing them under the same ruling as other parts of sacrifices, which were not to be misappropriated. Subsequently, this Mishna teaches that, there being no further necessity for the precautionary measure, the decree was reversed and the ashes restored to their former insignificance. This was included among the seven decrees.

² A special decree had to be promulgated to cover this case. Had this not been done, contractors would have refused to furnish birds for offerings, because there were very many birds used, and it was burdensome to properly care for them. Still, R. Jose does not agree to this, claiming that the contractor might use it for other purposes and thus save the Sanctuary the loss. According to Maimonides, the Halakha prevails according to R. Jose.

CHAPTER VIII.

MISHNA: (*a*) All spittle¹ to be found in Jerusalem is considered clean, except such as is found at the upper market (for this place was secluded and those afflicted with venereal diseases were in the habit of going there). Such is the teaching of R. Meir. The sages say: In the middle of the street it is at ordinary times unclean, and at the sides of the streets, clean. During the festivals, spittle found in the middle of the street is clean; at the sides it is unclean, because such as are unclean on account of their minority usually walk at the sides of the street.

(*b*) All utensils found on the way towards the plunge-bath, in Jerusalem, are unclean; those found on the way from the plunge-bath are clean: for they were not carried down to the plunge-bath the same way that these were carried up from the plunge-bath. So teaches R. Meir. R. Jose says: "All are clean, with the exception of such baskets, spades, and pickaxes as are used for the bones of the dead." *

CHAPTER VIII.

MISHNA *a*. ¹ Concerning this spittle, see Leviticus xv. 8. It being impossible that, of all the people congregated in Jerusalem at the times of the festivals, there should not be some who had running issues and whose spittle was unclean, regulations were made where such men were to walk and where not. These regulations are cited by the Mishna. R. Meir said, that the upper market was the place designated for them, but the sages differ with him, and say, that the regulation was for the healthy men to walk in the middle of the street and the unclean at the sides during the festivals; but the whole year, the order was reversed. It is therefore self-evident, that, wherever the unclean walk, one is liable to contract uncleanness.

MISHNA *b*. * This Mishna is explained by Maimonides and translated by Yost in a different manner than we have rendered it; namely: "All utensils found wrong side up on the way to the plunge-bath are unclean, and those found right side up are clean." This

(c) If a butchering-knife be found on the fourteenth day of Nissan, a Passover-offering may be slaughtered with it forthwith. If it be found on the thirteenth, it must be again submerged.* A severing-knife must be submerged both if found on the thirteenth or fourteenth. If the fourteenth, however, fall on a Sabbath, it may be used for slaughtering forthwith; so also if it be found on the fifteenth: if it be found together with a butchering-knife, it is treated just like the latter.

(d') If a curtain in the Sanctuary become defiled through some minor uncleanness,¹ it is submerged on the inside of the outer court, and may be put back in its place; if it become defiled through a principal uncleanness, it must be submerged on the outside and then stretched on the rampart, because sunset must be awaited. At the time it is submerged for the first time (when new), it should be spread out on the roof of the gallery, in order that the people may see the beauty of the work.

(e) R. Simeon, son of Gamaliel, says in the name of R. Simeon, son of the assistant high priest, that the curtain was one

explanation is very complicated, and not in accordance with the literal text and other sources of explanation. Hence we simply translated the literal text and deem it correct. As for the last three articles, they are always unclean, on account of being used for bones of the dead; hence, in our opinion, they were never submerged. (See also commentary of Israel Lipshuetz, who also interprets it according to our explanation.)

MISHNA c. * A butchering-knife, being in constant use, is always considered clean, and hence there is no necessity of submerging it. If, however, it be found on the thirteenth, when there is still one day's time, it should be submerged for the sake of precaution. A severing-knife, however, is considered the same as any other vessel, and is treated accordingly.

MISHNA d. ¹ For the explanation of the term "minor uncleanness," as used in this Mishna, it is necessary to state the different degrees of uncleanness, which are as follows: A corpse is called "the grand-parent of uncleanness." One who touches a corpse becomes "a father of uncleanness"; anything touching the latter is, in turn, "a child of (or first of) uncleanness"; anything touched by this latter is a "second of uncleanness"; and so forth, "a third" and "a fourth." (See Tract Taharoth.) In this Mishna a minor uncleanness refers to a first of uncleanness, and a principal uncleanness to a father of uncleanness.

span thick, woven on seventy-two warp-cords, each cord twisted out of twenty threads; it was forty ells long and twenty ells wide, and made (worth) of eighty-two myriads (Dinars).^{*} Two such curtains were made yearly: three hundred priests were required to submerge it.

(*f*) If meat of the Holy of Holies^{*} became defiled, be it through a minor or a principal uncleanness, in the corridor or on the outside, according to the school of Shamaï it must all be burnt in the court (in a place appointed for that purpose), except such as had been defiled by a principal uncleanness on the outside (of the court); according to the school of Hillel, everything is burnt on the outside except such as had been defiled by a minor uncleanness on the inside.

(*g*) R. Eliezer says: "Anything that has become defiled through a principal uncleanness, on the outside or on the inside, is burnt on the outside; anything that has become defiled through a minor uncleanness, either on the inside or the outside, must be burnt on the inside." R. Aqiba says: "In the place where a thing became defiled, there must it also be burnt."

(*h*) The joints of the daily sacrifice were laid down underneath the half of the altar-stairs on the westerly (according to others on the easterly) side; those of the additional offerings on the easterly (others say on the westerly) side. The sacrifices of the new moon were placed above the railing (others say beneath) on the altar.¹ The payment of Shekalim was only obligatory during the time that the Temple stood; the tithes from grain, cattle, and the deliverance of the firstlings were in force during the existence of the Temple and even after the Temple.²—If

MISHNA *e*. ^{*}The Palestinian Talmud asserts, that the amount of the cost of and the number of priests required to submerge the curtain is somewhat exaggerated; but, according to Dr. Büchler's "*Priester und Cultus*," the number of priests is not an exaggeration; and as for the cost, if the smallest existing coin be used for calculation (as in former times the sou in France, so also was the myriad mentioned in the Mishna), not even the sum will be exaggerated.

MISHNA *f*. ^{*}For instance, the meat of the sacrifice mentioned in Leviticus vii. 6.

MISHNA *h*. ¹This will be explained in Tract Midoth.

²Because the Levites received their sustenance from this source, and having inherited no land from their ancestors, they were sup-

one sanctify Shekalim or firstlings, they are considered sanctified. R. Simeon says: "If one say, firstlings shall be holy, they are not sanctified (because no Temple exists)."

ported even after the destruction of the Temple by the same means. The details will be found in Tracts Becharath, Maasroth, etc.

APPENDIX TO CHAPTER VI., MISHNA *a*.

FROM the teaching of this Mishna, we may conclude that the number system of Pythagoras was known and prevailed in the times of the Sages of the Mishna, and accordingly the number 13 was deemed inauspicious even in the earliest days.

Therefore many religious ceremonies were established with the express view of convincing the people of the absurdity of their belief.

It also seems probable that the Sages themselves entertained the superstition, and that they adopted the number 13 in the religious ceremonies as a cure for the mischief believed to have been produced by the inauspicious number.

TRACT ROSH HASHANA
(NEW YEAR).

OPINIONS.

Des Kaiserlichen Rath,
Prof. M. Lazarus, Ph. D., D. D.

Berlin, Koenigsplatz 5.
July 20, 1885.

Dear Mr. Rodkinson:—

In reply to your kind favor of the 14th inst., I wish to say that I read your editorial in No. 298 of *Shema* with attention and pleasure, but it left me with a regretful feeling. I am delighted to see an idea expressed which affects a great and highly important concern of Judaism, and am saddened by the reflection that in all probability, I shall not live to see its realization.

At some time or other your plan must and will be executed, but only by means of the union and cooperation of a number of competent scholars, who in turn must have the necessary financial support of a large circle of well to do Jewish patrons. Unfortunately, Jews of both circles are possessed of deplorable indifference, while, on the other hand, those that regard the Talmud as a source of knowledge, or use it as such, are dominated by a petty spirit—they lack the broad, liberal conception of historical development which is a prime qualification for success in planning and executing a work of the kind suggested.

However, I shall greet with delight any contribution to its ultimate realization. But I am forced regretfully to decline to take interest or active part in any new undertaking. As it is, I am groaning

under a burden of public duties, which I can in no wise lessen. Courage and inclination, fail me for new projects, more particularly in cases when the participation of scholars is a highly improbable contingency.

With best wishes for your recovery,

Respectfully,
LAZARUS.

Rev. Dr. M. Jastrow,
Rabbi of "Rodeph Shalom" Cong.
of Philadelphia.

Germantown, October 5, 1894.
Dear Sir!

At your request I take pleasure in stating my opinion that your planned edition of an abridged Talmud will be a great benefit to students who will be spared the wading through the intricate discussions frequently interspersed without direct bearing on the subject treated. An English translation of the book so abridged will then be, though not an easy, yet a possible labor.

Wishing your enterprise the full success it deserves, I am

Very Respectfully Yours,
M. JASTROW.

To Mr. Michael L. Rodkinson.

Prof. Dr. M. Mielziner
of Cincinnati.

Having perused some advance sheets of a part of the abridged Talmud edition which Mr. Michael

L. Rodkinson is about to publish. I find his work to be very recommendable. Such a Talmud edition in which all unnecessary digressions and all disturbing interpolations are judiciously omitted and in which the text is provided with punctuation marks, will greatly facilitate the study of the Talmud especially for beginners.

I trust that the friends of our ancient literature will liberally support this scholar, and enable him to complete this useful work.

Dr. M. MIELZINER,

Prof. H. U. College.

Cincinnati, November, 1894.

Rev. Dr. Isaac M. Wise,
President of the Hebrew Union
College of Cincinnati. Editor of
"American Israelite" & "Deborah".

Cincinnati, Ohio, Jan. 14, 1895.

Rev. *)

Dear Sir:—

The bearer of this letter is the well known Mr. M. L. Rodkinson, whom I would recommend to your special attention.

The work which Mr. Rodkinson is doing, correcting the text of the Talmud and translating it into English is a gigantic enterprise which only such a man would and could undertake. If he succeeds it will give another life to American Judaism both here and abroad.

The question can only be, will he succeed? can he accomplish it?

*) We heartily thank the venerable writer of this letter for his kind permission to publish same, but the name of the gentleman to whom it was addressed need not be mentioned.

As far as his learning is concerned I am positive he can, and as to his energy I dare say he will; he is an indefatigable worker. We have the duty to afford him the opportunity to publish one volume, as a sample copy, to convince the world whether he is or he is not the man to accomplish this task.

To get him at present the financial support to publish Vol. I is what I ask of you for him. If this volume is what he promises, he will be the man to accomplish the task.

Yours,

ISAAC M. WISE.

Rev. Dr. B. Szold,
Rabbi of the Cong. "Oheb Shalom"
of Baltimore.

Baltimore, Jan. 16, 1895.

To all whom it may concern. *)

Rev. M. L. Rodkinson, a renowned Hebrew scholar of repute and ability happening to be in Baltimore called on me in connection with his project of editing his work to be known as the "Ancient short Talmud". He laid before me a number of Hebrew proof sheets of the Treatise "Berechoth" and the whole of the Treatise "Sabbath" in Manuscript, and asked me to read with an eye of a critic his work, to the end that if it appeared to me valuable I should testify to the its merit and its purpose.

I very carefully read 16 chapters of the M.S. of treatise Sabbath and it affords me the greatest pleasure that I not only conscientiously consider the work of extraordinary

*) Extract from the Original in Hebrew.

merit and value at this time, but that I was exceedingly pleased to find that the editor has carefully arranged the text of the Talmud most consecutively and logically.

He facilitates the reading of the Talmud considerably on account of this excellent orderly arrangement. The commentary of Rashi was also arranged to meet the requirements suiting this edition and the editor has not added any explanations of his own, nor altered the wording of the text.

Although the contents of the Talmud were familiar to me from my youth, yet this new arrangement makes delightful reading and brought new light. The reader can now read the text intelligently, for it seems as if the waters of the Talmud flow directly from their source, and therefore it is with the sincerest pleasure that I hope the work will meet with the greatest success.

Every scholar will readily understand the necessity of such an admirable work at the present time, when the study of the Talmud in its voluminous shape will not without deep and difficult study infuse the student with a knowledge of all its intricacies and fine points. In the Talmud as formulated and abridged by Mr. Rodkinson, however, where all unnecessary repetitions and dispensable debates are discarded, the student will be able to gain a fair knowledge of all desirable and attractive points at the cost of very little time and trouble.

These considerations have constrained me to overstep my well

defined limitations, and to beg all friends of our nationality and its estimable old literature to encourage and aid this able author to the end, that success may crown his valuable and much desirable efforts in this direction.

Let this tribute of mine to truth and righteousness be a testimonial for the coming generations of the high esteem felt by our contemporaries of the 19th century, toward the Talmud and our National traditions and how ready we were to encourage those who made the Talmudical study the aim of their existence.

With the assurance of the satisfactory results which will obtain to all Talmudical students by a perusal of this abridged Talmud.

I am very respectfully,

B. SZOLD.

Rev. Dr. K. Kohler,
Rabbi of the Cong. "Beth-El" of
New York.

New York, Febr. 12th, 1895.
Dear Sir!

I gladly and heartily indorse the opinion expressed by Prof. Lazarus and the Rev. Drs. Jastrow, Mielziner and Szold, as to the merits of your planned edition of the Talmud. I also consider an abridged edition of the Talmud while omitting the many interpolations which tend to confuse the reader and facilitating the study by the addition of modern punctuation marks, would render the reading of the difficult passages a pleasure rather than a task, a benefit for the scholarly world both

Jews and Gentiles, and I can only recommend the undertaking of the work to the support of generous-hearted patrons of our so little subsidized Jewish literature.

Dr. K. KOHLER.
To Michael L. Rodkinson.

Rev. Dr. Felsenthal,
Rabbi of the Cong. "Zion" of
Chicago.

Chicago, Febr'y 14, 1895.
Mr. Michael L. Rodkinson,
New York City.

Dear Sir:—

The fact cannot be denied that the Talmud, as it has been handed down to us, is very voluminous, and that furthermore, by the intricacies of the dialectics prevailing therein and by the labyrinthical methods pursued in the same, it cannot be fully mastered except by scholars who devote their lives, their days and their nights, almost exclusively to the study of this grand branch of ancient literature. In our present times and in countries where of necessity all students, rabbis included, have to pursue other branches of learning also, such an exclusive devotion to Talmudical studies is out of the question. For the majority of the students, and especially for those who, in colleges or in other ways, begin to study the Talmud, an abridgment of the same — such an abridgment by which the more important parts of the Talmud would be contracted into a narrower compass and many of its difficulties would be avoided — will be very desirable, especially if by the inserting of punctuation marks into the text and by explanatory notes at the bottom of its pages or at the end of the various volumes the reading and the understanding of the talmudical extracts will be facilitated.

I would recommend therefore your intended publication of an epitomized Talmud to all friends

of Jewish literature in general and to students of Theological Colleges especially. And may the wealthier ones among our coreligionists, even if they themselves are personally unable to read and enjoy such literature, nevertheless patronize your great undertaking and follow the example given by the wealthy merchants among the Zebulunites who supported the less wealthy students of our sacred literature belonging to the tribe of Issachar.

May you then succeed in furnishing us with an abridged Talmud in which especially the pedagogical requirements of a work of this kind will have been satisfied!

Respectfully,
B. FELSENTHAL.

Rev. M. Friedman,
Lector of the "Beth Hamedrash" of Vienna.

The Rev. M. L. Rodkinson,*)

Yours to hand, and I take this opportunity to inform you that I have read your article and heartily agree with you in most of your conclusions, although I beg to differ in regard to some omissions you made from my text, which I consider valuable and should have been left intact. However, the subject is of no importance and more of an academical than practical merit. As a rule, those who are rich in material wealth are poor in educational resources, and the rich in knowledge are poor in wordly possessions in verification of the Prophecy: for the wisdom of their wise men shall perish, and the understanding of their men shall be hid. (Isaiah, XXIX, 14.) and although you are not well versed in sacred mysteries (your own confession) yet you will I surmise readily understand the secret of "hid"

Yours very truly,
MEYER FRIEDMAN.

*) Translated from Hebrew which was published in the "Call" July 16, '85

As I am a stranger in America, I deem it advisable to give the opinion on my work expressed by European scholars ten years ago.

M. L. RODKINSON.

Letters from the celebrated physicist, Dr. A. Bernstein, founder of the Reform Congregation, and of "Das Volksblatt."

Dear Mr. Rodkinson:—

Accept my cordial thanks for your valuable work "Tefilla Lemoshe," which in many respects has given me valuable explanations of the development of the laws on "The wearing of the Tefillin."

I was exceedingly interested in your view on the influence of the Jewish Christian sect on the form of the "Tefillin," and the presentation of the laws relating to them. You would be doing signal service to science, if you were to continue your research on the Ebionites incidentally mentioned. The treatment of this theme would earn for you the gratitude of all men of science, and every layman should consider it a privilege to contribute to an undertaking of the kind.

Sincerely yours,

DR. A. BERNSTEIN.

Gr. Lichtenfeld, near Berlin,
23, 10, 1883.

Have you finished my "Abraham, Isaac and Jacob?" I should like to hear your opinion of it.

To Dr. Ritter, preacher of the Reform Congregation in Berlin.
Esteemed Sir:—

Many thanks for your New Year's sermon, the receipt of which pleased me the more, as I am unfortunately prevented by illness from leaving the house, and cannot hope to enjoy your addresses at first hand at the proper time and place. Permit me to address a question to you.

I have read "Tefilla Lemoshe," by Mr. Rodkinson, which you sent

me, and find that since our Holdheim's most productive time no polemic work of such learning and judgment has appeared against orthodoxy. The author has planned other works of similar character, and I beg leave to ask you whether you do not consider it the duty of our congregation to support him in their execution.

It is a fact, of which I have been painfully aware since the last twenty years, that our congregation subsists on the "works of our fathers," without bearing in mind that our reason for existence is the promotion of the reform of Judaism. If we have come to a standstill in this endeavor, it continues to be our duty to support men who, like Mr. Rodkinson, fulfill their original mission by the aid of varied attainments and talents.

Were I not hindered by illness, I would plead his cause personally. At the end of my life I feel it more keenly than ever that I who was active in the matter from the first, must remember the saying, "To him who begins a work, we say, finish it."

I cherish the hope that you will succeed in obtaining at the proper place a realization of my wish.

With kindest regards,

Sincerely yours,

DR. A. BERNSTEIN.

Letter from the Rev. Dr. N. Brüll,
Rabbi at Frankfort-on-the-Main,
Frankfort-on-the-Main,
August 4, 1883.

To Mr. M. L. Rodkinson, at Ems.
Esteemed Sir:—

I am in receipt of your valued letter addressed to me and my brothers, and take pleasure in saying the following in reply:

I have finished reading your valuable works on "Tefillin" from cover to cover with great attention. The novel and surprising views it contains will not fail to meet with careful consideration from the learned. It is a subject which latterly has been extensively treated by archæologists and historians, but by none so comprehensively and exhaustively as by yourself. Your plan and its mode of execution, your cautious use of the critical method, your precise analysis and profound understanding of the Talmudic passages and Mediæval literature applicable to the subject, the convenient arrangement of the material and the clear, excellent manner, might serve as models, for similar works. At present I must deny myself the pleasure of a detailed review, as I am very busy with literary work of different kinds. You may expect to see an exhaustive criticism of your book in the seventh volume of my "Jahrbuch" to appear early in 1884. In my brother's journal there will be a long notice in September or October, as all his space until then is occupied.

We have received Mr. L. Bing's work; it will receive a deserve by favorable notice.

I am with high regard,
DR. N. BRÜLL.

Letter of the Rev. Mr. Isidore,
Chief Rabbi of France.

My dear Co-religionists:—

Mr. Rodkinson is a man of real merit, worthy of interest. His past and his present alike speak in his favor. He has written two works of permanent value, which throw light on two questions of prime importance to Judaism.

I should be glad to have him meet with a favorable reception at Paris.

ISIDORE,
Chief Rabbi of France.

P. S.—I have read with deep pleasure your work "Tefilla Lemoshe," and have taken three copies.

Letter of the learned philosopher and scholar, Dr. Steinthal, professor at the University of Berlin.
Berlin, W. Blumeshof 8,
21, 10, 1888.

Dear Sir:—

You wish to have my opinion on your work "Tefilla Lemoshe." I herewith give it to you gladly, and in so doing I do not believe myself guilty of judging matters with which I am not familiar.

I am particularly fond of works like yours, works, I mean, in which the meaning and history of religious thoughts and ceremonies are presented in a strictly scientific way. Such investigations are not only attracted from a psychologic, but also of the highest importance from a religious, point of view; they protest, or liberate us from superstition, and strengthen true religiousness.

Your work appears to me to be thorough; it shows how the Tefillin arose in the course of centuries, develops their history, and their changes in form. Whether you have quoted all the passages in our literature relating to Tefillin, I cannot say. But, in my opinion there are passages of such indisputable importance, that the meaning of all others depends upon theirs. A passage of that kind is the one you quote from the "Semag."

I wish to make one remark. According to my view, also, the "Tefillin" can be derived from no Biblical passage. The well-known verses supposed to refer to the Tefillin have only a symbolic meaning. The argument that *Uqshartem* is followed by *Ukthabhtem* is not valid, for the latter is also to be taken symbolically. Or, has the law ever been written on doorposts in its entirety, or even Deuteronomy?

On doorposts as little as on hearts,
but in hearts!

I wish your work this success :
that henceforth a Jew who uses the
phylacteries will not call one who
does not use them an atheist; that
he who obeys this custom hallowed
by tradition does it, not as the ful-
fillment of a command, but as a

voluntary clinging to a ceremony, by
which he wishes to remind himself
most impressively of the religious
and moral principles that are to
guide him.

May this, as well as all hopes
cherished by you and me and all
good Jews, be realized. Yours,

PROF. STEINTHAL.

NAMES OF SUBSCRIBERS.

We feel, at this issue, that we should publish a list of names
of all who have thus far given us their aid, in the form of subscrip-
tions to our undertakings. We cannot but feel that this edition of
the Talmud is destined to become historic, and we are proud to per-
petuate the names of those who extended us their warm support at
the beginning of our vast enterprise. We regret that time has not
permitted us to visit even our friends in New York, much less seek
subscriptions there. The subscribers to date follow here, but sub-
sequently we shall publish the names of all who contribute to this
work.

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We are also glad to be afforded a long awaited opportunity to express our heartfelt gratitude to the reverend gentlemen of the several cities visited by us during the year 1893, for their generous efforts in our behalf, both for their own subscriptions and also for soliciting the aid and support of their friends for our forthcoming works. In this connection we wish to inform our subscribers to the second revised edition of our History of Amulets that, owing to circumstances beyond our control, we are compelled to delay its publication for the present, although it is already in the hands of the printer, and shall, in its stead, forward to our subscribers this edition of the Talmud, subject, however, to their approval.

We take the pleasure to record the names of the following Rabbis and gentlemen with accounts received from them, with the assurance that we shall ever remember them with gratitude and thanks.

Rev. Dr. J. L. Leucht (New Orleans) and ten subscribers	\$110.00
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The address of the Editor is:

399 W. Sixth Street, CINCINNATI, O.

A FEW WORDS TO THE ENGLISH READER.

BY

MICHAEL L. RODKINSON.

The Hebrew edition of this work contains an elaborate introduction in three chapters, the translation of which does not appear here. Its contents include many important rules which we have followed in this work, but we do not feel called upon at this time to engross the time of the English reader by reciting them. We, however, deem it a duty to say a few words so that the reader may understand our position, and the reason that we have undertaken a work that cannot prove financially profitable, and that will probably be productive of much adverse criticism in certain quarters.

The fate of the Talmud has been the fate of the Jews. As soon as the Hebrew was born,* he was surrounded by enemies. His whole history has been one of struggle against persecution and attack. Defamation and deformation have been his lot. So, too, has it been with the Talmud. At the beginning of its formative period it was surrounded by such enemies as the Sadducees, the Boëthusians, and other sects. When its canon was fixed the Karaites tried to destroy or belittle its influence, and since that time it has been subjected to an experience of unvarying difficulty. Yet, with remarkable truth the words of Isaiah [xlili. 2] may be applied to both, "When thou passest through the waters, I will be with thee; and through the rivers, they shall not overflow thee; when thou walkest through the fire, thou shalt not be burned; neither shall the flame kindle upon thee." There is, however, one point concerning which this simile is not true. The Jew has advanced; the Talmud has remained stationary.

Since the time of Moses Mendelssohn the Jew has made vast strides forward. There is to-day no branch of human activity in which his influence is not felt. Interesting himself in the affairs of the world, he has been enabled to bring a degree of intelligence and

* Vide Genesis xliii. 32.

industry to bear upon modern life, that has challenged the admiration of the world. But with the Talmud, it is not so. That vast encyclopedia of Jewish lore remains as it was. No improvement has been possible; no progress has been made with it. Reprint after reprint has appeared, but it has always been called the Talmud Babli, as chaotic as it was when its canon was originally appointed.* Commentary upon commentary has appeared, yet the text of the Talmud has not received that heroic treatment that will alone enable us to say that the Talmud has been improved. Few books have ever received more attention than this vast storehouse of Jewish knowledge. Friends and enemies it has had. Attack after attack has been made upon it, and defence after defence made for it; yet whether its enemies or its defenders have done it more harm, it would be hard to tell. Not, forsooth, that we do not willingly recognize that there have been many learned and earnest spirits who have labored faithfully in its behalf, but for the most part, if the Talmud could speak it would say, "God save me from my friends!" For the friends have, generally, defended without due knowledge of the stupendous monument of Rabbinical lore; and the enemies have usually attacked it by using single phrases or epigrams disconnected from their context, and which could be used to prove anything. In both cases, ignorance has been fatal. For how many have read all the Talmud through and are, thus, competent to judge of its merits! Is it right to attack or defend without sufficient information? Is it not a proof of ignorance and unfairness to find fault, with that of which we are not able to give proper testimony?

If those, especially, who attacked the Talmud and hurled against it venomous vituperation, would have had an intimate knowledge of it, would they, for example, believe that a work that in one part said, "When one asks for food, no questions may be asked as to who he is, but he must immediately be given either food or money," could be guilty of teaching the monstrous doctrines it is so frequently charged with? Could a work be accused of frivolity and pettiness that defines wickedness to be "the action of a rich man who hears that a poor man is about to buy a piece of property, secretly overbids him (Qiddushin 59a)? Could there be a higher sense of true charity than that conveyed by the following incident? Mar Uqba used to support a poor man by sending him on the eve of each Day of Atonement four hundred zuz. When the Rabbi's son took the money on one occasion, he heard the poor man's wife say, "Which wine shall I put on the table? Which perfume shall I

* Vide Introduction.

sprinkle around the room?" The son, on hearing these remarks, returned with the money to his father and told him of what he had heard. Said Mar Uqba, "Was that poor man raised so daintily that he requires such luxuries? Go back to him and give him double the sum!" (Ketuboth 7a). This is not recorded by the Talmud as an exception; but it is the Talmudical estimate of charity. The Talmud is free from the narrowness and bigotry with which it is usually charged, and if phrases used out of their context, and in a sense the very reverse from that which their author intended, are quoted against it, we may be sure that those phrases never existed in the original Talmud, but are the later additions of its enemies and ignor-amuses. When it is remembered that until it was first printed, that before the canon of the Talmud was fixed in the sixth century, it had been growing for more than six hundred years (the Talmud was in manuscript for eight centuries), that during the whole of that time it was beset by ignorant, unrelenting and bitter foes, that marginal notes were easily added and in after years easily embodied in the text by unintelligent printers, such a theory as here advanced seems not at all improbable. In fact in this very volume we have an instance which has been retained only because of its usefulness, as an example. In Chapter III, the question is asked, "What is the measure of the cornet sound?" In characteristic phrasing the answer is given that R. Simon b. Gamliel * explained (PIRESH) that, etc., etc. The term here used is altogether un-Talmudical, and this is an illustration of a marginal note, later incorporated in the text.

The attacks on the Talmud have not been made by the enemies of the Jews alone. Large numbers of Jews themselves repudiate it, denying that they are Talmud Jews, or that they have any sympathy with it. Yet there are only the few Karaites in Russia and Austria, and the still fewer Samaritans in Asia Minor, who are really not Talmud Jews. Radical and Reform, Conservative and Orthodox not only find their exact counterparts in the Talmud, but also follow in many important particulars the practices instituted through the Talmud, *e. g.*, New Year's Day, Pentecost (as far as its date and significance are concerned), the QADDISH, etc., etc. The modern Jew is the product of the Talmud, which we shall find is a work of the greatest sympathies, the most liberal impulses, and the widest humanitarianism. Even the Jewish defenders have played into the enemy's hands by their weak defences, of which such expressions as

* In the Talmud only the initials of the name, R. S. b. G., are given, and these could stand for a number of names. It is usual to interpret these letters, as is done in this accompanying translation, but we are sure that R. Simeon b. Gamliel is not the commentator referred to.

"Remember the age in which it was written" or "Christians are not meant by 'gentiles,' but only the Romans, or the people of Asia Minor, etc.," may be taken as a type.

Amid its bitter enemies, and weak friends the Talmud has suffered a martyrdom. Its eventful history is too well-known to require detailing here. We feel that every attack on it, is an attack upon the Jew. We feel that defence by the mere citation by phrases is useless, and at the best weak. To answer the attacks made upon it through ludicrous and garbled quotations were useless. There is only one defence that can be made in behalf of the Talmud. Let it plead its own cause in a modern language!

What is this Talmud of which we have said so much? What is that work on which so many essays and sketches, articles and books have been written? The best reply will be an answer in negative form. The Talmud is not a commentary on the Bible; nor should the vein of satire or humor that runs through it be taken for sober earnestness. Nor is the Talmud a legal code, for it clearly states that one must not derive a law for practical application from any halakhic statement, nor even from a precedent, unless in either case it be expressly said that the law or statement is intended as a practical rule [Baba Bathra 130 b]. Further: R. Issi asked of R. Jo'hanan: "What shall we do if you pronounce a law to be a Halakha?" to which R. Jo'hanan replied: "Do not act in accordance with it until you have heard from me, 'Go and practice.'" Neither is the Talmud a compilation of fixed regulations, although the Shul'han Arukh would make it appear so. Yet, even when the Shul'han Arukh will be forgotten, the Talmud will receive the respect and honor of all who love liberty, both mental and religious. It lives and will live because of its adaptability to the necessities of every age, and if any proof were needed to show that it is not dead, the attacks that are with remarkable frequency made on it in Germany might be given as the strongest evidence. In its day the Talmud received, not the decisions, but the debates of the leaders of the people. It was an independent critic, as it were, adapting itself to the spirit of the times; adding, where necessary to the teachings of former days, and abrogating also what had become valueless in its day. In other words the Talmud was the embodiment of the spirit of the people, recording its words and thoughts, its hopes and aims, and its opinions on every branch of thought and action. Religion and Ethics, Education, Law, History, Geography, Medicine, Mathematics, etc., were all discussed. It dealt with living issues

in the liveliest manner and, therefore, it is living, and in reading it we live over again the lives of its characters.

Nothing could be more unfair, nothing more unfortunate than to adopt the prevailing false notions about this ancient encyclopedia. Do not imagine it is the bigoted, immoral narrow work that its enemies have portrayed it to be. On the very contrary; it is as free as the bird in its statements. It permits no shackles, no fetters to be placed upon it. It knows no authority, but conscience and reason. It is the bitterest enemy of all superstition and all fanaticism.

But why speak for it? Let it open its mouth and speak in its own defence! How can it be done? The Talmud must be translated into the modern tongues, and urge its own plea. All that we have said for it would become apparent, if it were only read. Translation! that is the sole secret of defence! In translating it, however, we find our path bristling with difficulties. To reproduce it as it is in the original is in our judgment an impossible task. Men like Pinner and Rawicz have tried to do so with individual tracts and have only succeeded in, at the best giving translations to the world, which are not only not correct, but also not readable. If it were translated from the original text one would not see the forest through the trees. For, as we said above, throughout the ages there have been added to the text marginal notes, explanatory words, whole phrases and sentences inserted in malice or ignorance by its enemies and its friends.* As it stands in the original it is, therefore, a tangled mass defying reproduction in a modern tongue. It has consequently occurred to us that in order to enable the Talmud to open its mouth, the text must be carefully edited. A modern book, constructed on a supposed scientific plan, we cannot make of it, for that would not be the Talmud; but a readable, intelligible work it can be made. We have, therefore, carefully punctuated the Hebrew text with modern punctuation marks, and have re-edited it by omitting all such irrelevant matter as interrupted the clear and orderly arrangement of the various arguments. In this way, there disappears those unnecessary debates within debates, which only serve to confuse and never to enlighten on the question debated. Thus consecutiveness has been gained, but never at the expense of the Talmud, for in no case have we omitted one single statement that was necessary, or of any importance. In other words we have merely removed from the text those accretions that were added from outside sources, which have proven so fruitful a source of misunderstanding and misrepresentation.

* In other of our works we have named these interpolators.

It may be asked who and what are we that we undertake so colossal a task? We are simply a lover of the Talmud, who believe that we have discovered its spirit. The liberal, free, tolerant, broad humanitarian spirit that pervades that spiritual encyclopedia has been shamefully misrepresented and it cries out for rectification. Scholar after scholar has tried to improve matters by weighty commentaries that have only made the already intricate more difficult of comprehension. For ten years we have asked through letters, periodicals and books for a synod of scholars to judge of our work, and determine how to deal with this case. We have not had our request granted until now and so we have decided to proceed with our work alone. We realize that it is by no means perfect, nor beyond criticism. The enterprise is vast; and he who undertakes it is single-handed. The difficulties to be overcome are incalculable, one of the greatest being that the work is absolutely unendowed, and we must, in addition to the important work of editing, travel hither and thither to collect funds with which to continue publication.

We continue our labors in the full and certain hope that, "he who comes to purify, receives Divine help" and that in our task of removing the additions made by the enemies of the Talmud, we shall be purifying it from the most fruitful source of the attacks made on it and thereunto we hope for the help of Heaven. As we have already said we feel that this work will not be received everywhere with equal favor. We could not expect that it would. Jewish works of importance have most usually been given amid "lightning and thunder," and this is not likely to prove an exception. Yet this we ask, that the reader believe that we have been actuated only by the love of the Talmud, to save it from its cruel enemies and weak friends, and to put it in such a position that it can plead its own cause in its own defence.

INTRODUCTION TO TRACT ROSH HA-SHANA (NEW YEAR'S DAY).

NOTWITHSTANDING the fact that in the history of every nation, especially such as has ever attained to an established form of government, the calendar is a matter of great importance, the Scriptures do not in any manner treat of the Jewish calendar. There cannot even be found a fixed time whence the commencement of the year should be reckoned, although there is this passage in Exodus (xii. 2): "This month shall be unto you the chief of months: the first shall it be unto you of the months of the year." Doubtless this may be assumed to point to the month of Nissan (about April), as not only the most important month, but also as the beginning of the year.

In another passage (Exod. xxiii. 16), however, we find it written: "And the feast of ingathering (Tabernacles), at the conclusion of the year." This would be a palpable contradiction to the previous passage, were it not for the fact that the words "*Betse'th Hashana*" (rendered as "at the conclusion of the year") in the quoted passage can be, with perfect accuracy, translated "during the year." While such a translation would clear away all doubt as to Nissan being the beginning of the year, it could under no circumstances be applied to the Feast of Tabernacles, which is neither "at the conclusion" of the year nor "during the year" (in the sense "when the year has advanced"), if the beginning of the year be Tishri (about September). Hence the passage should be translated: "And the feast of the ingathering, which had been completed at the conclusion of the year"; *i.e.*, in the months preceding the month of Tishri.

In the face of these contradictory terms, we must revert to historical facts which would support one or the other of the above assertions, and we find, that not only the Egyptian rulers, but also the Jewish kings since the time of Solomon, counted the beginning of the year of their accession from the month of

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Nissan, while other Eastern potentates, such as the Armenian and Chaldean kings, counted the commencement of their year of accession from Tishri.

It is not certain whether the Israelites, after their conquest of Canaan, computed their calendar in conformity with that of the country whence they came or with that of the country they had conquered; but it is plain that in the Mishnaic period, or after the erection of the second Temple, they counted the beginning of the year from Tishri. It may be, however, that their kings, following the example of their predecessors, commenced counting the year of their accession from Nissan, and in all civil contracts and state documents, according to the existing custom, used dates to agree with Nissan as the first month of the year.

On the other hand, the priestly tithes, during the days of the erection of the second Temple, were payable in Elul (about August), which was considered the expiring season of the year, in order to prevent the confusion which might arise from mixing one year's tithes with those of the other. The priestly tithing of fruits was, however, delayed until Shebhat (about February), the time when the fruits had already matured on the trees, in order that the various tithes should not be confused and to prevent the priests and Levites from unduly interfering with the affairs of the people.

The prehistoric Mishna, which always formed the law, in conformity with the existing custom, and not *vice versa*,* found four different New Year's days in four different months, and, with the object in view of making the custom uniform in all Jewish communities, taught its adherents to observe four distinct New Year's days, at the beginning of the four respective months in which certain duties were accomplished. Thus the text of the opening Mishna of this tract, prior to its revision by Rabbi Jehudah Hanassi, read as follows: "There are four different New Year's days; viz., the first day of Nissan, the first of Elul, the first of Tishri, and the first of Shebhat." The different purposes for which these days were established as New Year's days were well known at that time, and it was therefore deemed unnecessary to specify them. At the time

* Facts corroborating this statement will be found in our periodical *Bakay*, Vol. II., p. 20 *et seq.*

of the new edition of the Mishna, by Rabbi Jehudah Hanassi (the Prince), when the Temple was out of existence, and consequently tithes were no more biblically obligatory (the authority of the priests having been abrogated and reverted to the house of David, the great-grandfather of the editor), the latter referring to the first day of Nissan and the first day of Elul as New Year's days, added, by way of commentary, the words, "for kings and cattle-tithe."

He also cited the opinions of R. Eliezer and R. Simeon, that the New Year's Day for cattle-tithe should not be celebrated separately, but on the general New Year's Day; viz., on the first day of Tishri, as under the then existing circumstances there was no necessity to guard against the confusion of tithes accruing from one year to the other. From this it may be concluded that R. Jehudah Hanassi, in citing the above opinions, alluded to them as being in conformity with his own opinion. To that end he also cites the opinions of the schools of Shamai and Hillel respectively.

From the statement in the Mishna to the effect that "there are four periods in each year on which the world is judged," it appears that in the Mishnaic period the New Year's day was considered a day of repentance; and since the principal features of repentance are devotion to God and prayers for forgiveness of sin, Rabbi states, in the Mishna, that devotion is the only requirement during the days of penitence, *i.e.*, the days between New Year's Day and the Day of Atonement. The legend relating that on the New Year's day books (recording the future of each person) were opened was yet unknown in Rabbi's time.

The story told by R. Kruspedai in the name of R. Johanan, that "on New Year's Day books are opened," etc., is taken from the Boraitha which teaches: "Three books are opened on the day of judgment." This Boraitha, however, does not refer to the New Year's day, but to the day of final resurrection, as explained by Rashi, and that R. Kruspedai quotes his story in the name of R. Johanan proves nothing; for in many instances where teachers were desirous of adding weight to their opinions, they would quote some great teacher as their authority. R. Johanan himself permitted this method.

After Rabbi Jehudah Hanassi had completed the proper Mishnaic arrangement regarding the number of New Year's days,

xxii INTRODUCTION TO TRACT ROSH HASHANA.

making the principal one "the Day of Memorial" (the first of Tishri); after treating upon the laws governing the sounding of the cornet in an exceedingly brief manner—he dwells upon the custom in vogue at the Temple of covering the mouth of the cornet or horn with gold, and declares the duty of sounding the cornet properly discharged if a person passing by the house of worship can hear it.

• He arranges the prayers accompanying this ceremony in a few words, and then dilates at great length upon the Mishnayoth treating of the lunar movements by which alone the Jews were guided in the arrangement of their calendar, upon the manner of receiving the testimony of witnesses, concerning the lunar movements, and upon the phases of the moon as used by Rabban Gamaliel. He then elaborates upon the tradition handed down to him from his ancestors (meaning thereby the undisputably correct regulations), and also upon the statutes ordained by R. Johanan ben Zakkai, enacting that the sages of each generation are the sole arbiters of all regulations and ordinances, and may themselves promulgate decrees even though the bases for such be not found in the Mosaic code.

He also confirms the right of the chief Beth Din (supreme court of law), but not of a lower Beth Din, of each respective period, alone to arrange the order of the holidays, on account of the already apparent discontent of the masses, who were bent upon taking the management of these subjects into their own hands.

Thus he dilates upon this feature with the minutest exactness and supports his assertions with the decision of his grandfather Rabban Gamaliel, as well as with the decisions of Rabbi Dosa ben Harkinas and Rabbi Jehoshua, to the effect that each generation has only to look for guidance to the Beth Din existing in its own time, and that the opinion rendered by such a Beth Din is as binding and decisive as that of Moses, even though it appear to be erroneous.

Such are the contents of this tract, certainly most important from an historical and archæological point of view. Proceed, then, and study!

SYNOPSIS OF SUBJECTS

OF

TRACT ROSH HASHANA*

CHAPTER I.

MISHNA I. The first Mishna ordains New Year's Days, viz.: For kings, for the cattle-tithe, for ordinary years, and for the planting of trees. A king who ascends the throne on the 29th of Adar must be considered to have reigned one year as soon as the first of Nissan comes. The Exodus from Egypt is reckoned from Nissan. When Aaron died Sihon was still living. He heard that Aaron was dead and that the clouds of glory had departed. The rule about Nissan only concerned the kings of Israel; but for the kings of other nations, they reckoned from Tishri. Cyrus was a most upright king, and the Hebrews reckoned his years as they did those of the kings of Israel. One is guilty of procrastination. Charity, tithes, the gleanings of the field, that which is forgotten to be gathered in the field, the produce of corners of the field.

One is culpable if he does not give forthwith that which he has vowed for charity. In the case of charity it must be given immediately, for the poor are always to be found. The Feast of Weeks falls on the fifth, sixth, or seventh of Sivan.

How the law against delay affects a woman. In which month is grain in the early stage of ripening? Only in the month of Nissan. It is also the New Year for leap-year and for giving the half-shekels. Congregational sacrifices brought on the first of Nissan should be purchased with the shekels raised for the New Year. He who lets a house to another for a year must count (the year) as twelve months from day to day; but if the lessee says (I rent this house) "for *this* year," even if the transaction takes place on the first of Adar, as soon as the first of Nissan arrives the year (of rental) has expired. The first of Tishri is the New Year for divine judgment. At the beginning of the year it is determined what shall be at the end of the year. The Supreme Court in Heaven does not enter into judgment until the Beth

* See introduction to synopsis of Tract Sabbath, Vol. I., p. xxix.

Din on earth proclaims the new moon. Israel enters for judgment first. If a king and a congregation have a lawsuit, the king enters first. From New Year's Day until the Day of Atonement, slaves used not to return to their (own) homes; neither did they serve their masters, but they ate and drank and rejoiced, with the crown of freedom on their heads. R. Eliezer says, that the world was created in Tishri. R. Joshua says, that the world was created in Nissan. Says R. Joshua, God grants the righteous the fulfilment of the years of their life to the very month and day. Sarah, Rachel, and Hannah were visited on New Year's Day. Joseph was released from prison on New Year's Day. On New Year's Day the bondage of our fathers in Egypt ceased. The Jewish sages fix the time of the flood according to R. Eliezer, and the solstices according to R. Joshua; but the sages of other nations fix the time of the flood also as R. Joshua does. Whoso vows to derive no benefit from his neighbor for a year must reckon (for the year) twelve months, from day to day; but if he said "for this year," if he made the vow even on the twenty-ninth of Elul, as soon as the first of Tishri comes that year is complete. The New Year for giving tithes is for a tree from the time the fruits form; for grain and olives, when they are one-third ripe; and for herbs, when they are gathered. R. Aqiba picked the fruit of a citron-tree on the first of Shebhat and gave two tithes of them, . . . 1-20

MISHNA II. At four periods in each year the world is judged. All are judged on New Year's Day and the sentence is fixed on the Day of Atonement. R. Nathan holds man is judged at all times. God said: "Offer before Me the first sheaf of produce on Passover, so that the standing grain may be blessed unto you. Recite before Me on New Year's Day the Malkhioth, that you proclaim Me King; the Zikhronoth, that your remembrance may come before Me, for good, and how (shall this be done)?" By the sounding of the cornet. Three circumstances cause a man to remember his sins. Four things avert the evil decree passed (by God) on man; viz., charity, prayer, change of name, and improvement. Some add to these four a fifth—change of location. Three books are opened on New Year's Day: one for the entirely wicked, one for the wholly good, and one for the average class of people. The school of Hillel says: The most compassionate inclines (the scale of justice) to the side of mercy. Who are those who inspire their fellowmen with dread of them? A leader of a community who causes the people to fear him over-much, without furthering thereby a high purpose. The legend how R. Joshua fell sick and R. Papa went to visit him. The Holy One, blessed be He, wrapped Himself, as does one who recites the prayers for a congregation, and pointing out to Moses the regular order of prayer, said to him: "Whenever Israel sins, let him pray to Me after this order, and I shall pardon him." Prayer is helpful for man before or after the decree has been pronounced. The legend of a certain family in Jerusalem whose members died at eighteen years of age. They came and informed R. Johanan ben Zakkai. The Creator sees all their hearts (at a glance) and (at once) understands all their works, . . . 20-28

MISHNA III. Messengers were sent out in the following six months: in Nissan, Abb, Elul, Tishri, Kislev, and in Adar. The legend of the king

(of Syria who had earlier) issued a decree forbidding the study of the Torah among the Israelites, or to circumcise their sons, and compelling them to desecrate their Sabbath. Judah b. Shamma and his friends cried aloud : "O heavens! Are we not all brethren? Are we not all the children of one Father?" etc. Samuel said : "I can arrange the calendar for the whole captivity." Rabha used to fast two days for the Day of Atonement. Once it happened that he was right, 29-34

MISHNAS IV. to VII. For the sake of (the new moon), of the two months Nissan and Tishri, witnesses may profane the Sabbath. Formerly they profaned the Sabbath for all (new moons), but since the destruction of the Temple they instituted that (witnesses) might profane the Sabbath only on account of Nissan and Tishri. It once happened that more than forty pair (of witnesses) were on the highway (to Jerusalem) on the Sabbath. Shagbar, the superintendent of Gader, detained them, and (when) R. Gamaliel (heard of it, he) sent and dismissed him. It once happened, that Tobias the physician, his son, and his freed slave saw the new moon in Jerusalem. The explanation of the passage Exodus xii. 1, by R. Simeon and the rabbis. Who are incompetent witnesses? Gamblers with dice, etc., . . . 34-36

CHAPTER II.

MISHNAS I. to IV. If the Beth Din did not know (the witness), another was sent with him to testify in his behalf. It once happened that R. Nehorai went to Usha on the Sabbath to testify (to the character) of one witness. The legend how the Boethusians appointed false witnesses. Formerly bonfires were lighted (to announce the appearance of the new moon); but when the Cutheans practised their deceit it was ordained that messengers should be sent out. There are four kinds of cedars. The whole country looked like a blazing fire. Each Israelite took a torch in his hand and ascended to the roof of his house. Great feasts were made for (the witnesses) in order to induce them to come frequently. How were the witnesses examined? The sun never faces the concave of the crescent or the concave of a rainbow. (If the witnesses say) "We have seen the reflection (of the moon) in the water, or through a metal mirror, or in the clouds," "their testimony is not to be accepted." The chief of the Beth Din says : "It (the new moon) is consecrated," and all the people repeated after Him : "It is consecrated, it is consecrated." Pelimo teaches : "When the new moon appeared at its proper time, they used not to consecrate it," 37-42

MISHNAS V. and VI. R. Gamaliel had on a tablet, and on the wall of his upper room, illustrations of the various phases of the moon. Is this permitted? Yea, he had them made to teach by means of them. It happened once, that two witnesses came and said : "We saw the moon in the eastern part in the morning and in the western part in the evening." R. Johanan b. Nuri declared them to be false witnesses. Two other witnesses came and said : "We saw the moon on its proper day, but could not see it on the next evening." R. Gamaliel received them; but R. Dosa b. Harkhinus said : "They are false witnesses." R. Joshua approved his opinion. Upon this,

Gamaliel ordered the former to appear before him on the Day of Atonement, according to his computation, with his staff and with money. What R. Joshua did, and what R. Aqiba and R. Dosa b. Harkhinas said about it. What R. Hiyya said when he saw the old moon yet on the morning of the twenty-ninth day. Rabbi said to R. Hiyya: "Go to Entob and consecrate the month, and send back to me as a password, 'David the King of Israel still lives.'" The consecration of the moon cannot take place at a period less than twenty-nine and a half days, two-thirds and .0052 (*i.e.*, seventy-three Halaqim) of an hour. Even if the commonest of the common is appointed leader by a community, he must be considered as the noblest of the nobility. A judge is to be held, "in his days," equal in authority with the greatest of his antecedents. Gamaliel said to R. Joshua: "Happy is the generation in which the leaders listen to their followers, and through this the followers consider it so much the more their duty (to heed the teachings of the leaders)," 42-44

CHAPTER III.

MISHNA I. If the Beth Din and all Israel saw (the moon on the night of the thirtieth day), but there was no time to proclaim, "It is consecrated," before it has become dark, the month is intercalary. When three who formed a Beth Din saw it, two should stand up as witnesses and substitute two of their learned friends with the remaining one (to form a Beth Din). No greater authority than Moses, our master, yet God said to him that Aaron should act with him. No witness of a crime may act as judge, but in civil cases he may, 45-46

MISHNAS II. to IV. Concerning what kind of cornets may be used on New Year's and Jubilee days. Some words in the Scripture which the rabbis could not explain, until they heard the people speak among themselves. The cornet used on the New Year was a straight horn of a wild goat, the mouthpiece covered with gold. The Jubilee and the New Year's Day were alike in respect to the sounding (of the cornet) and the benedictions, but R. Jehudah's opinion was different. R. Jehudah holds that on New Year's Day the more bent in spirit a man is, and on the Day of Atonement the more upright he is (in his confessions), the better; but R. Levi holds the contrary. "On the fast days two crooked ram's-horns were used, their mouthpieces being covered with silver." According to whom do we nowadays pray: "This day celebrates the beginning of thy work, a memorial of the first day"? It is unlawful to use a cornet that has been split and afterwards joined together. If one should happen to pass by a synagogue, or live close by it and should hear the cornet, he will have complied with the requirements of the law. If one covered a cornet on the inside with gold it might not be used. If one heard a part of (the required number of) the sounds of the cornet in the pit, and the rest at the pit's mouth, he has done his duty. If one blew the first sound (*Teqia*), and prolonged the second (*Teqia*) as long as two, it is only reckoned as one. If one who listened (to the sounds of the cornet) paid the proper attention, but he that

blew the cornet did not, or *vice versa*, they have not done their duty until both blower and listener pay proper attention. If special attention in fulfilling a commandment or doing a transgression is necessary or not. As long as Israel looked to Heaven for aid, and directed their hearts devoutly to their Father in Heaven, they prevailed; but when they ceased to do so, they failed. All are obliged to hear the sounding of the cornet, priests, Levites, and Israelites, proselytes, freed slaves, a monstrosity, a hermaphrodite, and one who is half-slave and half-free. One may not say the benediction over bread for guests unless he eats with them, but he may for the members of the family, to initiate them into their religious duties, . . . 46-52

CHAPTER IV.

MISHNAS I. to IV. Regarding if the New Year fall on Sabbath. Where the shofer (cornet) should be blown after the Temple was destroyed. What was the difference between Jamnia and Jerusalem? Once it happened that New Year's Day fell on the Sabbath, and all the cities gathered together. Said R. Johanan b. Zakkai to the Benai Betherah: "Let us sound (the cornet)!" "First," said they, "let us discuss!" R. Johanan b. Zakkai ordained that the palm-branch should everywhere be taken seven days, in commemoration of the Temple. Since the destruction of the Temple, R. Johanan b. Zakkai *ordained* that it should be prohibited (to eat of the new produce) the whole of the day of waving (the sheaf-offering). Once the witnesses were delayed in coming, and they disturbed the song of the Levites. They then ordained that evidence should only be received until (the time of) the afternoon service. Concerning what songs the Levites had to sing every day from the Psalms. What did the Levites sing when the additional sacrifices were being offered on the Sabbath? What did they sing at the Sabbath afternoon service? According to tradition, a corresponding number of times was the Sanhedrin exiled. The witnesses need only go to the meeting place (of the Beth Din). Priests may not ascend the platform in sandals, to bless the people; and this is one of the nine ordinances instituted by R. Johanan b. Zakkai, . . . 53-57

MISHNA V. Regarding the order of the benedictions on New Year's Day at the morning prayer, additional prayers, and at what time the cornet must be blown, etc. What passages from the Scriptures are selected for additional prayers on New Year's Day. To what do the ten scriptural passages used for the Malkhiath correspond? How many passages must be recited from Pentateuch, Prophets, and Hagiographa? We must not mention the remembrance of the individual (in the Zikhronoth), even if the passage speaks of pleasant things. What are the passages which must be said in the benediction of Malkhiath, Zikhronoth, and the Shopphroth? R. Elazar b. R. Jose says: "The Vathiqin used to conclude with a passage from the Pentateuch." "Hear, O Israel, the Lord our God is our Lord," may be used in the Malkhiath. The second of those who act as ministers of the congregation on the Feast of New Year shall cause another to sound the cornet on days when the Hallel (Service of Praise, Ps. cxiii.-cxviii.) is read.

We are permitted to occupy ourselves with teaching (children) until they learn (to sound the cornet), even on the Sabbath. The order, and how many times it must be blown ; also, the different sounds and the names of them. How all this is deduced from the Bible, and the difference of opinions between the sages. Generally the soundings of the cornet do not interfere with each other, nor do the benedictions, but on New Year's Day and the Day of Atonement they do. R. Papa b. Samuel rose to recite his prayers. Said he to his attendant, "When I nod to you, sound (the cornet) for me." Rabha said to him, that this may only be done in the congregation. A man should always first prepare himself for prayer, and then pray. R. Jehudah prayed only once in thirty days, 57-66

"NEW YEAR."

CHAPTER I.

MISHNA. There are four New Year days, viz : The first of Nisan is New Year for (the ascension of) Kings* and for (the regular rotation of) festivals;† the first of Elul is New Year for the cattle-tithe,‡ but according to R. Eliezer and R. Simon, it is on the first of Tishri. The first of Tishri is New Year's day, for ordinary years, and for the reckoning of the sabbatic years,§ and jubilees; and also for the planting of trees,|| and for herbs.¶ On the first day of Shebhat is the New Year for trees,** according to the school of Shammai; but the school of Hillel says it is on the fifteenth of the same month ††

GEMARA. "FOR KINGS." Why is it necessary to appoint such a day? R. 'Hisda answered, On account of documents.‡‡ The Rabbis taught : A king who ascends the throne on the 29th of Adar must be considered to have reigned one year as soon as the first of Nisan comes, but if he ascends the throne on the first of Nisan, he is not considered to have reigned one year until the first of Nisan of the following year. From this we infer that only Nisan is the commencement of years for kings (or the civil New Year's);

* It mattered not according to the sages at what period of the year a Jewish king ascended the throne, his reign was always reckoned from the preceding first of Nisan. If, for instance, a Jewish king began to reign in Adar, the eleven months before would be considered one year of the reign of the king just deceased, and the month of Adar would be considered one year of the new king's reign. The next first of Nisan would be the beginning of the second year of the king's reign. This rule had to be observed in all documents in which the year of the king's reign was mentioned.

† This refers to the law concerning vows. If one made a vow it had to be fulfilled before the three festivals elapsed in the order of Passover, Pentecost and Tabernacles.

‡ A date had to be appointed in order to keep the tithes of animals born and products of the earth, distinct from year to year.

§ Vide Lev. xxv. and Deut. xv.

|| With regard to the prohibition of eating fruit of newly planted trees [Lev. xix. 23-25].

¶ So as not to mix the tithe on herbs from year to year.

** With regard to the tithe due on fruit trees.

†† The Gemara fully discusses the reasons for these institutions, but we deem it wise to anticipate, for the sake of clearness.

‡‡ So that in the case of mortgages, one may know which is the first and which is the second by means of the year of the king's reign mentioned in the documents.

that even a fraction of a year is considered a year; and that if a king ascends the throne on the first of Nisan, he is not considered to have reigned one year until the next first of Nisan, although he may have been elected in Adar. The Boraitha* teaches this, lest one might suppose that the year should be reckoned from the day of election and therefore the king would begin his second year (on the first of Nisan following).

The Rabbis taught: If a king die in Adar and his successor ascends the throne in Adar (documents may be dated either) the (last) year of the (dead) king, or the (first) year of the new king. If a king die in Nisan, and his successor ascends the throne in Nisan, the same is the case. But if a king die in Adar, and his successor does not ascend the throne until Nisan, then the year ending with Adar should be referred to as the year of the dead king, and from Nisan it should be referred to as that of his successor.†

R. Jo'hanan says: Whence do we deduce that we reckon the commencement of years (for the reign) of kings, only from Nisan? It is said [1 Kings vi. 1] "And it came to pass in the four hundred and eightieth year after the children of Israel were come out of the land of Egypt, in the fourth year of Solomon's reign over Israel, in the month Ziv, which is the second month, etc." He institutes the following analogy between "the reign of Solomon" and "the Exodus from Egypt" mentioned in this passage: As the Exodus from Egypt is reckoned from Nisan, so also is the reign of Solomon reckoned from Nisan. But how do we know that the Exodus *even* should be reckoned from Nisan? Perhaps we should reckon it from Tishri! The facts of the case do not support such a presumption, for it is written [Numbers xxxiii. 38] "And Aaron, the Priest, went up into Mount Hor at the commandment of the Lord, and died there, in the fortieth year after the children of Israel were come out of the land of Egypt on the first day of the fifth month;" and it is written [Deut. i. 3] "And it came to pass in the fortieth year, in the eleventh month, on the first day of the month, Moses spake, etc." Since he mentions the fifth month, which is certainly Abh, and he speaks of (Aaron's death as happening in) the fortieth year (and not the forty-first year), it is clear that Tishri is not the beginning of years (for kings). This argument is acceptable as far as the former (Aaron's)

*The word Boraitha is derived from a root meaning "*external, foreign*," etc. It means the traditions and opinions of Tana'im not embodied in the Mishna as compiled by R. Judah Hannasi.

†No reference should be made after the first of Nisan to the reign of the king just deceased. For instance: it was not permitted to speak of the year beginning with Nisan, as the second year after the death of the king.

case is concerned, for the text specifically mentions (forty years after) the Exodus; but in the latter (Moses') case, how can we tell that (the fortieth year) means from the Exodus? Perhaps it means (the fortieth year) from the raising of the Tabernacle in the wilderness! The terms "fortieth year" (mentioned in connection with both Aaron and Moses) are compared by analogy; as in the former case it means forty years from the time of the Exodus, so also in the latter case. But whence do we know that the incident that took place in Abh (the death of Aaron) happened before that which is related (the speech of Moses) as happening in Shebhat? Perhaps the Shebhat incident happened first! It is not reasonable to suppose this; for it is written [Deut. i. 4] "After he had slain Sihon the king of the Amorites," and when Aaron died Sihon was still living. Thus it is written [Numbers xxi. 1] "And the Canaanite, the King of Arad heard." What did he hear? He heard that Aaron was dead and that the clouds of glory had departed (and he thought that anyone might go up and fight against Israel). How can we make any such comparison? In the one place it speaks of the Canaanite, and in the other, of Sihon! Yes, we can, for a Boraitha says that Sihon, Arad and the Canaanite are identical. This opinion of R. Jo'hanan is quite correct, for we find that a Boraitha quotes all the verses that he quotes here, and arrives at the same conclusion.

R. 'Hisda says: They taught this rule about Nisan only concerning the kings of Israel, but for the kings of other nations, they reckon from Tishri. As it is said: [Nehem. i. 1] "The words of Nehemiah, the son of Hakhaliah. And it came to pass in the month of Kislev, in the twentieth year, Hanani, one of my brethren, came, he and certain men of Judah," and it is written: [ibid. ii. 1] "And it came to pass in the month Nisan, in the twentieth year of Artaxerxes the king, etc." Since Hanani stood before Nehemiah in Kislev, and the Bible speaks of it as the twentieth year, and since Nehemiah stood before the king in Nisan, and the Text calls it also the twentieth year, it is clear that the New Year (for the non-Jewish king, Artaxerxes) is not Nisan (or in the latter case he would have spoken of the twenty-first year). This argument is acceptable as far as the latter quotation is concerned, for it specifically mentions Artaxerxes, but in the former verse how do we know that he refers to Artaxerxes? Perhaps he refers to another event altogether! Says R. Papa: Since in the first passage we read "the twentieth year" and in the second we read "the twentieth year," we may deduce by analogy that as in the one case Artaxerxes is meant, so is he meant also in the other. But how do we know that the event, recorded as

occurring in Kislev, and not the Nisan incident, happened first? Any other deduction would not accord with the facts of the case. For we have learnt in a Boraitha: The same words which Hanani said to Nehemiah in Kislev, the latter repeated to the king in Nisan, as it is said: [Nehem. i. 1-2] "The words of Nehemiah, son of Hakhaliah. And it came to pass in the month of Kislev, in the twentieth year, as I was in Shushan the palace, that Hanani, one of my brethren came, and certain men of Judah . . . and the gates thereof are burned with fire." And it also said: [Nehem. ii. 1-6] "And it came to pass in the month of Nisan, in the twentieth year of Artaxerxes the king, that wine was before him . . . so it pleased the king to send me; and I set him a time."

R. Joseph offered an objection: It is written [Haggai ii. 10] "In the twenty-fourth day of the sixth month, in the second year of Darius," and it is also written [ibid. 1] "In the second year, in the seventh month, in the one and twentieth day of the month." If the rule is that Tishri (the seventh month) is the beginning of years for non-Jewish kings, should not the Text read "in the third year of Darius" instead of the second year? R. Abahu answered: Cyrus* was a most upright king and the Hebrews reckoned his years as they did those of the kings of Israel (beginning with Nisan). R. Joseph again objected: If that were so there are texts that would contradict each other. First: it is written [Ezra vi. 15] "And this house was finished on the third day of the month Adar, which was in the sixth year of the reign of Darius the King." A Boraitha explains this to mean: At that same time in the following year Ezra and the children of the captivity went up from Babylon, and the Bible says about this [Ezra vii. 8] "And he came to Jerusalem in the fifth month in the seventh year of the king." But if the rule is (that for Cyrus the year began with Nisan and not Tishri) should not the Text say "the eighth year" (since the first day of Nisan, the beginning of another year, intervenes between the third of Adar, and the month of Abh)? And secondly: How can you compare these texts! In the one place it speaks of Cyrus, and in the other, of Darius! This remains unanswered.

"AND FOR FESTIVALS." Do then the festivals commence on the first of Nisan? Do they not begin on the fifteenth of that

*The Rabbis of the Talmud must have had a different reading in the book of Haggai from that which now exists. There is no verse in Haggai that reads, as the one quoted here. There is therefore a great difficulty in understanding the discussion. Rashi even, is unable to enlighten us on this point. It is possible, however, that some of the Rabbis knew that "Darius" mentioned in Haggai referred to Cyrus, for all the Persian kings of the Achæmenidan dynasty were called Darius.

month? R. 'Hisda answered: (The Mishna means that Nisan is) the month that contains that festival which is called the New Year for festivals (viz., Passover).

What difference does it make (in practice)? It makes a difference to one who has made a vow, because through this festival he becomes culpable of breaking the law, "Thou shalt not slack to pay."* And this is according to the opinion of R. Simon, who says: That (before one is guilty of delay) the three festivals must have passed by in their regular order, with Passover as the first (of the three).

The Rabbis taught: As soon as three festivals have passed by and the following duties (or vows) have not been fulfilled one is guilty of procrastination; and these are they, The vow of one who says "I will give the worth of myself (to the sanctuary)" or "I will give what I am estimated to be worth (in accordance with Lev. xxvii);" or objects, the use of which one has foresworn, or which one has consecrated (to the sanctuary) or sin-offerings, guilt-offerings, burnt-offerings, peace-offerings, charity, tithes, the firstlings, the paschal offerings, the gleanings of the field, that which is forgotten to be gathered in the field, the produce of corner of the field.† R. Simon says: The festivals must pass by in their regular order, with Passover as the first, and R. Meir says: As soon as even one festival has elapsed, and the vow has not been kept the law is infringed. R. Eliezer, b. Jacob, says: As soon as two festivals have elapsed, the law is infringed, but R. Elazar, b. Simon, says: Only the passing of the feast of Tabernacles causes the infringement of the law (whether or not any other festivals have passed by between the making and the fulfilling of the vow). What is the reason of the first Tana? Since in [Deut. xvi.] the Text has been speaking of the three festivals, why does it repeat "On the feast of Unleavened Bread, on the feast of Weeks and on the feast of Tabernacles?" It repeats these words to teach us (that the festivals must pass in the order just mentioned, before one is) guilty of procrastination. R. Simon says: It was not necessary to repeat "on the feast of Tabernacles," because the Text was speaking of that festival (when it mentioned the names of the three festivals). Why, then, does it repeat it? To teach us that Tabernacles shall be the last of the three festivals. R. Meir arrives at his opinion because it is mentioned of each festival "Thou shalt come there (to Jerusalem) and ye shall bring there" (your

* This law of "Thou shalt not slack to pay," is known as "BAL TE'AHER;" i. e., the law against procrastination or delay.

† Lev. xxiii, 22.

vows; and this being said of each festival, if *one* elapses and the vow is not brought, then the law against delay is infringed). The reason of R. Eliezer, b. Jacob is that the passage [Numb. xxix. 39] runs: "These shall ye offer to the Lord on your appointed feasts," and the minimum of the plural word "feasts" is *two*. On what does R. Elazar b. Simon, base his opinion? We have learnt in a Boraitha: "The feast of Tabernacles" should not have been mentioned in [Deut. xvi. 16], since the preceding passages (of that chapter) were treating of that feast. Why, then, was it mentioned? To indicate that that particular feast (Tabernacles) is the one that causes the infringement of the law.

What do R. Meir and R. Elazar deduce from the superfluous passage "on the feast of Unleavened Bread, on the feast of Weeks, and on the feast of Tabernacles?" They use this verse, according to R. Elazar, who says in the name of R. Oshaya: Whence do we know that the law of compensation * applies to the feast of Weeks (although the feast is only one day)? For this very reason the Bible repeats the three festivals; and he institutes a comparison between the feast of weeks and the feast of unleavened bread; as the law of compensation applies to feast of unleavened bread for seven days, so also does it apply to the feast of Weeks for seven days. Why, then, does the Torah find it necessary to repeat the words, "In the feast of Tabernacles?" To compare it with the feast of Unleavened Bread; as, during the feast of Unleavened Bread it was obligatory to stay over night (in Jerusalem), so was it also necessary during the feast of Tabernacles. But how do we know that it was obligatory during the feast of Unleavened Bread? It is written [Deut. xvi. 7], "Thou shalt turn in the morning (after staying over night), and go unto thy tents." What are the sources of the above arguments? The Rabbis taught the following interpretation of Deut. xxiii. 21: "When thou shalt vow a vow unto the Lord thy God, thou shalt not slack to pay it." Perhaps these words only apply to a vow! How do we know that they may also be applied to a voluntary offering? In the passage just quoted we read "vow," and in another place [Lev. vii. 16], we find "but if the sacrifice of his offering be a vow or a voluntary offering;" as in the latter instance the Torah includes the "voluntary offering," so does it also in the former; "unto the Lord thy God," *i. e.*, offerings expressed by "I will give the value of myself" etc., and other objects mentioned above; "thou shalt not slack to pay it;" *i. e.*, the object promised must be given and not

*The privilege of bringing on one of the later days of a festival a sacrifice that should have been offered on the first day.

anything in exchange of it;* "for he will surely require it," *i. e.*, the sin- guilt- burnt- and peace-offerings; "the Lord thy God;" these words refer to offerings of charity, tithes, and firstlings; "of thee;" this refers to the gleanings, that which is forgotten in the field and the produce of the corner of the field; "and it would be sin in thee," *i. e.*, and not in thy sacrifice (which is not thereby invalidated).

The Rabbis taught: Deut. xxiii. 23; may be explained thus: "That which is gone out of thy lips" refers to the mandatory laws (of the Torah); "thou shalt keep" refers to the prohibitory laws; "and perform" is a warning to the Beth Din† (that they should enforce the laws); "according as thou hast vowed" refers to vows; "to the Lord thy God" refers to sin- guilt- burnt- and peace-offering; "a free-will offering" means just what it is; "which thou hast spoken," refers to the sanctified objects devoted to the Temple for repairs, etc.; "with thy mouth" refers to charity. Says Rabha: One is culpable if he does not give forthwith that which he has vowed for charity. Why so? Because there are always poor people (needing immediate help). Is not this self-evident? Aye, but one might suppose that, since the law prohibiting delay is found in connection with the duty of giving charity and also of bringing the various voluntary offerings, it would apply to both, and it would not be infringed until the three festivals had elapsed, therefore he teaches us (that charity and sacrifices are different); in the latter case, the infringement of the law depends on the festivals, but in the case of charity it must be given immediately, for the poor are always to be found. And Rabha further said: As soon as three festivals have passed (and one has not brought his offering), he daily transgresses the law against delay. Against this opinion the following objection was raised: As soon as a year, containing three festivals or not, has passed (he that does not bring his offering) be it a firstling or any of the holy offerings, transgresses daily the law against delay. It is quite possible that the three festivals may elapse and yet a year may not go by (*c. g.*, from Passover till Tabernacles is only seven months), but how can it happen that a year may pass and the three festivals should not occur (in that time)? It may happen according to those who say (that the three festivals must elapse) in their regular order, but according to those who do not say (that the three festivals must go by) in their regular order how can such a case

* Lev. xxvii. 32.

† The ecclesiastical and civil courts were called Beth Din, and consisted of an odd number of judges, so that in case of a division of opinion, a majority was always assured. The minimum number of judges required to form a court was three. In our translation we shall always use "Beth Din" instead of "court;" using it as an English term, as Sanhedrim.

happen? It is possible according to Rabbi (who holds that the intercalary month* is not a part of the year), and it occurs in a leap-year, when one consecrates anything (to the Temple) after the feast of Passover; for when the end of the second Adar has arrived, a year (of twelve months) has elapsed, yet the three festivals have not passed by in their regular order. But how can such a case occur according to the Rabbis? It can happen; as a Boraitha teaches: R. Shemaiah says, The feast of Weeks falls on the fifth, sixth, or seventh of Sivan. How is this possible? In a year when the months of Nisan and Iyar have thirty days each, Pentecost falls on the fifth of Sivan; when they each have twenty-nine days, Pentecost falls on the seventh of Sivan; but when the one has twenty-nine days and the other has thirty days, Pentecost falls on the sixth of Sivan.

R. Zera asked: How does the law against delay affect an heir? Shall we argue that the Torah says [Deut. xxiii. 21] "When *thou* shalt vow a vow" (*i. e.*, the testator has vowed), but the heir has not vowed (consequently, the law does not apply to him), or shall we argue from the passage [Deut. xii. 5, 6] "When ye be come . . . then ye shall bring" and the heir (who is obliged to come) is also in duty bound to bring with him (the objects vowed by the testator)? Come and hear! R. 'Hiyya teaches: It is written in this connection "from thee" (*i. e.*, from the one who vowed) and this excludes the heir. But did we not say above that these words refer to the gleanings, etc.? The Torah uses the word ME'IMMOKH ("from thee"), which we can explain to mean both the successor and the gleanings, etc. (*i. e.*, all that comes "from thee").

R. Zera also asked: How does the law against delay affect a woman? Shall I say that since she is not obligated to appear (in Jerusalem) the law does not apply to her? or perhaps it is her duty to go there because she is included in the law "to rejoice." "Certainly," answered Abayi, "she is bound by this law because it is her duty to rejoice."

The schoolmen asked: From when do we count the beginning of the year for a firstling? Answered Abayi: From the moment it is born; but R. A'ha b. Jacob said: From the moment it is acceptable as an offering (*i. e.*, when it is eight days old, Lev. xxii. 27). These opinions are not contradictory, for the former Rabbi refers to an unblemished animal and the latter to one with a blemish. May, then, a blemished animal be eaten (on the day of its birth)? Yes, if we are sure it was born after the full period of gestation.

* Leap year occurs seven times in a cycle of nineteen years. On such occasions one month, the second Adar, is added to the twelve lunar months.

The Rabbis taught: The first of Nisan is the new year for (arranging the) months, for (appointing) leap-years, for giving the half-shekels, and, some say, also for the rental of houses. Whence do we know (that it is new year) for months? From Ex. xii. 2 where it is written, "This month shall be unto you the beginning of months; it shall be the first month of the year to you." It is also written [Deut. xvii. 1] "Observe the month of Abhibh" (early stage of ripening). In which month is grain in the early stage of ripening? I can say, only Nisan, and the Torah calls it the first. Could I not say Adar (when the grain begins to shoot up)? Nay, for the grain must be ripening during the major portion of the month (and in Adar it is not). Is it then written that the grain must be ripening the major portion of the month? Therefore, says Rabbina, the sages do not find (the rule of calling Nisan the first month) in the Torah, but in the Book of Esther, where it is clearly stated [Esth. iii. 7] "In the first month, that is, the month Nisan."

"FOR LEAP-YEARS." Do we, then, count leap-years from Nisan? Does not a Boraitha teach us that Adar only is the intercalary month? Answered R. Na'hman b. Isaac: The words "FOR LEAP-YEARS" mean here the termination of leap-years* and our Tana † speaks of the beginning of the leap-year, and not the end.

"FOR GIVING THE HALF-SHEKELS." And where is the scriptural text for this? R. Yashi answered: In Numb. xxviii. 14, "This is the burnt offering of the new moon each time it is renewed during the year." The Torah says *proclaim it a new month* and also bring a sacrifice from the new products; at the same time he makes a comparison between the words "year" used in this passage and in Ex. xii. 2, "it shall be the first month of the year to you," and he deduces that they both refer to Nisan.

R. Judah says in the name of Samuel: It is proper that the congregational sacrifices ‡ brought on the first of Nisan should be purchased with the shekels raised for the new year; but if one buys a sacrifice with the funds obtained from the former year's stock, it is acceptable, yet the law was but imperfectly complied with; also, if an individual offers from his own property (proper objects, for the congregational sacrifices), they are acceptable, but he must first present them to the congregation. Is this not self-evident? Nay, it may be feared that one will not give them to the congregation in the

* As soon as Nisan had been consecrated, there could be no further debate about making the past year intercalary, for once the new month had been called Nisan, it was forbidden to call it by any other name.

† The author of a Mishna. The plural of the word is Tana'im.

‡ The TAMID or daily offering could not be presented to the Temple by an individual.

prescribed manner, and this, he teaches us, is not worthy of consideration. And the reason that our Tana does not mention that Nisan is a new year for the giving of shekels also, is because it is said above that if one has brought an offering (from the old stock) he has done his duty, therefore he could not make Nisan absolutely binding.

"AND SOME SAY ALSO FOR THE RENTAL OF HOUSES." The Rabbis taught: He who lets a house to another for a year, must count (the year) as twelve months from day to day; but if the lessee says (I rent this house) "for this year," even if the transaction takes place on the first of Adar, as soon as the first of Nisan arrives, the year (of rental) has expired. Can you not say Tishri (is the beginning of the year for such transactions)? Nay, it is generally understood that if a man rents a house in the autumn he rents it for the whole of the rainy season (winter). And the Tana of the first part of the above Boraitha (who does not fix Nisan as the month for rentals) and also our Tana both are of the opinion that in Nisan too, bad weather sometimes prevails (and therefore Nisan and Tishri are alike in this respect).

"ON THE FIRST OF ELUL IS THE NEW YEAR FOR THE CATTLE-TITHES." According to whose opinion is this? Says R. Joseph: It is according to Rabbi's own opinion which he formed according to the opinions of different Tana'im. With regard to the festivals he holds the opinion of R. Simon and with regard to the cattle-tithe he holds the opinion of R. Meir. If that is so, are there not five beginnings of years, instead of four? Rabha answered that the Mishna mentioned only the four, which are not disputed by anyone; according to R. Meir there are four, if that "for the festivals" be excluded, and according to R. Simon there are four, if that "for the cattle-tithes" be excluded. R. Na'hman says: (No such explanation is needed); the Mishna means there are four (months) in which there are (or may be) many beginnings of years.

"ACCORDING TO R. ELIEZER AND R. SIMON IT IS ON THE FIRST OF TISHRI." R. Jo'hanan says: Both of them deduce their opinion by (various interpretations of) the same Scriptural passage. It is written [Ps. lxxv. 13] "The pastures are clothed with flocks; the valleys also are covered with corn; they shout for joy, they also sing." R. Meir thinks (this is the interpretation) of these words: When are the pastures clothed with flocks? At the season when the valleys are covered with corn. And when are the valleys covered with corn? About (the time of) Adar. The flocks conceive in Adar and produce their young in Abh; consequently the beginning of the year (for the cattle-tithe) is Elul. R. Eliezer and R. Simon,

however, say: When are the pastures clothed with flocks? At the season when they shout and sing. When do the ears of corn (seem to) send up a hymn of praise? In Nisan. Now, the sheep conceive in Nisan, and produce in Elul, consequently the beginning of the year (for their tithe) is Tishri. But Rabha says: All agree that only Adar is the time when the pastures are clothed with flocks, and the valleys are covered with corn. But they differ about this passage: [Deut. xiv. 22] "Thou shalt truly tithe" (*literally*, "Thou shalt tithe in tithing"), and we see that the Torah here speaks of two tithes, viz., of cattle and of grain. R. Meir thinks that this comparison may be instituted between the two; just as the tithe of grain must be given in the month nearest to the time it is reaped, so that of cattle must be given in the month nearest to the one in which they are born (Elul). R. Eliezer and R. Simon, however, are of the opinion that another comparison may be instituted between these tithes; just as the beginning of the year for giving the tithe of grain is Tishri, so also, is Tishri for that of cattle.

"THE FIRST OF TISHRI IS THE NEW YEAR'S DAY FOR ORDINARY YEARS." For what purpose is this rule? Answers R. Zera, to determine the equinoxes (and solstices); and this agrees with the opinion of R. Eliezer, who says that the world was created in Tishri; but R. Na'hman says (it is the new year) for divine judgment, as it is written [Deut. xi. 12] "From the beginning of the year till the end of the year," *i. e.*, at the beginning of the year it is determined what shall be at the end of the year. But whence do we know that this means Tishri? It is written [Ps. lxxxix. 3] "Blow up the cornet* in the new moon, in the time, it is hidden on our solemn feast day." What feast is it in which the moon is hidden? I can only say ROSH HASHANA (New Year's Day), and of this day it is written [ibid. v. 4] "For it is a statute unto Israel, a judgment (day) for the God of Jacob." The Rabbis taught: "It is a statute unto Israel," *i. e.*, the Supreme Court in Heaven does not enter into judgment until the Beth Din on earth proclaims the new moon. Another Boraitha teaches: It is written: "It is a statute unto Israel;" one might suppose that (New Year's Day is a day of judgment) only for Israel; whence do we know it is so also for other nations? Because it is written "it is the day of judgment of the *God* of Jacob" (the Universal God). Why, then, is "Israel" mentioned? To inform us that Israel enters for judgment first. This is the opinion of R. Hisda, who holds that if a king and a congregation have a law suit, the

* The word "cornet" will be used throughout this translation for the Hebrew word SHOFAR.

king enters first, as it is said [1 Kings viii. 59] "The cause of his servant (King Solomon) and the cause of his people." Why so? Because it is not customary to let a king wait outside.

"FOR THE COMPUTATION OF SABBATIC YEARS." On what Scriptural passage is this based? On Lev. xxv. 4, which runs: "But in the seventh year shall be a sabbath of rest unto the land," and he deduces (that it means Tishri) by analogy from the word "year" in this passage and in the following: "From the beginning of the year" [Deut. xi. 12], which surely refers to Tishri.

"AND JUBILEES." Do, then, jubilees begin on the first of Tishri? Do they not begin on the tenth of Tishri, as it is written [Lev. xxv. 9], "In the Day of Atonement shall ye make the cornet sound throughout all your land?" Yea, but our Mishna agrees with the opinion of R. Ishmael b. Jo'hanan b. Beroqa; for a Boraitha teaches: It is written [Lev. xxv. 10], "Ye shall sanctify the year, the fiftieth year." Why was it necessary to repeat the word "year"? Because in the same connection it is said [ibid. 9], "On the day of atonement shall ye make the cornet sound," and one might suppose that the Jubilee is sanctified only from the Day of Atonement (and not before). Therefore the word "year" is repeated to teach us that by the words "ye shall sanctify the fiftieth year" is meant, that from the very beginning of the year the Jubilee commences to be consecrated. From this teaching R. Ishmael b. Jo'hanan b. Beroqa says: From New Year's Day until the Day of Atonement, slaves used not to return to their (own) homes; neither did they serve their masters, but they ate and drank and rejoiced with the crown of freedom on their heads. As soon as the Day of Atonement arrived the Beth Din ordered the cornet to be blown and the slaves returned to their own homes and fields reverted to their (original) owners.

We have learnt in another Boraitha: "It is a jubilee" (JOBHEL HI). What is meant by (these superfluous words)? Since it is said [Lev. xxv. 10], "And ye shall hallow the fiftieth year," one might think that, as at the beginning of the year the Jubilee commences to be sanctified so also it should continue to be consecrated after the end of the year; and be not surprised at such a teaching, since it is usual to add from the non-sanctified to the sanctified. Hence the necessity of the words, in the passage (next to that quoted above), [Lev. xxv. 11] "A jubilee shall that fiftieth year be unto you;" *i. e.*, the fiftieth year shall be hallowed, and not the fifty-first. But the Rabbis (who do not explain this passage according to the above Boraitha whence do they derive the regulation

that the fifty-first year is not sanctified)? They say: One counts the fiftieth year and not the fifty-first; this excludes the opinion of R. Judah who holds that the jubilee year is added at the beginning and end.* The Rabbis taught "JOBHEL HI (it is a jubilee)," even if the people have not relinquished (their debts), even if the cornet is not sounded; shall we also say even if slaves are not released? Hence the word "HI" is used (to indicate that only when the slaves are released it is a jubilee), so says R. Judah. R. Jose says: "It is a jubilee," even if debts are not relinquished, and slaves are not released; shall we also say, even if the cornet is not sounded? Hence the word "HI" is used (and means the sounding of the cornet). Since one passage includes (all that is prescribed) and the other passage exempts (certain regulations), why should we say it is a jubilee even if they have not released slaves, but that it is not a jubilee if they failed to sound the cornet? Because it is possible, that sometimes (a jubilee may occur) and yet there are no (Hebrew) slaves to release, but a jubilee can never occur without the sounding of the cornet (for a cornet can always be found). Another explanation is that (the sounding of the cornet) is the duty of the Beth Din (and it will never fail to perform it), while (the releasing of slaves) is the duty of the individual, and we cannot be sure that he will perform it. (Is not the first explanation satisfactory) that he gives this additional explanation? (It may not be satisfactory to some who might say) that is impossible that not one (Hebrew) slave should be found somewhere, to be released. Therefore (the Boraitha adds) that the blowing of the cornet is the duty of the Beth Din (and they will not fail to attend to it) while the release of slaves is the duty of an individual (and we cannot be sure that he will perform it).

R. 'Hiyya b. Abba, however, says in the name of R. Jo'hanan: The foregoing are the words of R. Judah and R. Jose; but the masters hold that all three conditions may prevent the fulfillment (of the law), because they hold that the word "HI" [Lev. xxv. 10] should be explained of the subjects mentioned in the passage in which it occurs, and in the preceding and the following passages also. What is the force of the words "throughout the land?" (They lead us to infer) that at the time when (under a Jewish government) liberty is proclaimed throughout the land (Palestine) it should be proclaimed outside the land; but if it is not proclaimed in the land, it need not be proclaimed outside the land.

"AND ALSO FOR THE PLANTING OF TREES." Whence do we

* *i. e.*, The Jubilee year is, at the same time, the fiftieth year of the last and the first of the coming series.

know this? From Lev. xix. 23 where it is written, "Three years shall it be as uncircumcised," and also, [ibid. 24] "But in the fourth year." We compare the term "year" used here with that of Deut. xi. 12, "from the beginning of the 'year,'" and deduce by analogy that they both mean Tishri. The Rabbis taught: For one who plants, slips or grafts (trees) in the sixth year (the year before the sabbatic year) thirty days before the New Year's day (as soon as the first of Tishri arrives) a year is considered to have passed, and he is permitted to use, during the sabbatic year (the fruits they may produce), but less than thirty days are not to be considered a year, and the fruits may not be used, but are prohibited until the fifteenth of Shebhat, whether it be because they come under the category of "uncircumcised" or under the category of "fourth year planting" [Lev. xix. 23, 24]. Whence do we deduce this? It is said in the name of R. Jo'hanan or R. Janai: The Torah says [Lev. xix. 24, 25], "And in the fourth year. . . . And in the fifth year," *i. e.*, it may happen that in the fourth year (from the planting, the fruit) is prohibited because it is still "uncircumcised," and in the fifth year (from the planting) because it is still the product of the fourth year.

We have learned: R. Eliezer says, In Tishri the world was created, the patriarchs (Abraham and Jacob) were born, and the three patriarchs died; Isaac was born on the Passover; on New Year's Day Sarah, Rachel and Hannah were visited with the blessing of children, Joseph was released from prison, and the bondage of our fathers in Egypt ceased; in Nisan our ancestors were redeemed from Egypt, and in Tishri we shall again be redeemed. R. Joshua says: In Nisan the world was created, and in the same month the patriarchs were born, and they also died; Isaac was born on the Passover; on New Year's day, Sarah, Rachel and Hannah were visited, Joseph was released from prison, and the bondage of our fathers in Egypt ceased. In Nisan our ancestors were redeemed from Egypt, and in the same month we shall again be redeemed.

We have learnt in a Boraitha: R. Eliezer says, Whence do we know that the world was created in *Tishri*? From the Scriptural verse in which it is written [Gen. i. 11] "And God said, let the earth bring forth grass, the herb yielding seed, and the fruit tree, etc." In what month does the earth bring forth grass, and at the same time the trees are *full* of fruit? Let us say, Tishri; and that time of the year (mentioned in Genesis), was the autumn; the rain descended and the fruits flourished, as it is written [Gen. ii. 6] "But there went up a mist from the earth, etc." R. Joshua says: Whence do we know that the world was created in *Nisan*? From

the Scriptural verse in which it is written [Gen. i. 12] "And the earth brought forth grass, and herb yielding seed, and the tree yielding fruit, etc." In which month is the earth covered with grass (and at the same time) the trees *bring forth* fruit? Let us say, Nisan; and at that time animals, domestic and wild, and birds mate, as it is said [Psalm lxxv. 14] "The pastures are clothed with flocks, etc." Further says R. Eliezer: Whence do we know that the patriarchs were born in Tishri? From the passage [1 Kings viii. 2] "And all the men of Israel assembled themselves unto King Solomon at the feast, in the month ETHANIM (strong), which is the seventh month; *i. e.*, the month in which ETHANIM, the strong ones of the earth (the patriarchs) were born. How do we know that the expression ETHAN means strength? It is written, [Numb. xxiv. 21] ETHAN MOSHABHEKHA "strong in thy dwelling place," and it is also written [Micah vi. 2] "Hear ye, O mountains, the Lord's controversy, and (VE-HAETHANIM) ye strong ones the foundation, etc."

Further says R. Joshua: Whence do we know that the patriarchs were born in Nisan? From 1 Kings vi. 1, where it says "in the fourth year, in the month ZIV (glory), which is the second month, etc.," which means in that month in which the "glorious ones" of the earth (the patriarchs), were already born. Whether the patriarchs were born in Nisan or Tishri, they died (in later years), in the same month as that in which they were born; as it is written [Deut. xxxi. 2] "Moses said I am one hundred and twenty years old to-day." The word "to-day" implies "just this day" my days and years are complete," for God grants the righteous the fulfillment of the years of their life to the very month and day, as it is said: "The number of thy days, I will fulfill," [Ex. xxiii. 26].

Isaac was born in Nisan. Whence do we know this? It is written [Gen. xviii. 14] "At the next *festival* I will return to thee, and Sarah will have a son." What festival was it when he said this? Shall I say it was Passover, and he referred to Pentecost? That cannot be for what woman bears children after fifty days gestation? If I say it was Pentecost, and he referred to Tishri, a similar objection might be raised, for who bears children after five months gestation? If I say it was Tabernacles, and he referred to Passover, a similar objection may be made, for who bears children in the sixth month of gestation? But we have learnt that that year was a leap-year, and Mar Zutra says that although a child born after nine months' gestation is never born during the month (but only at the

end of the required time) still a seven months' child can be born before the seventh month is complete, as it is said [1 Samuel i. 20] "and it came to pass, LI-TEQUPHATH HA-YAMIM (when the time was come about);" the minimum of TEQUPHOTH* is two and of YAMIM is also two (*i. e.*, after six months and two days gestation, childbirth is possible). Whence do we know that Sarah, Rachel and Hannah were visited on New Year's Day? Says R. Elazar: By comparing the expression "visit," that occurs in one passage, with the word "visit" that occurs in another passage; and also by treating the expression "remember" in the same way. It is written concerning Rachel [Gen. xxx. 32] "And God remembered Rachel," and of Hannah it is written [1 Samuel i. 19] "And God remembered her." He institutes an analogy between the word "remember" used in these passages and in connection with New Year's Day which is called [Lev. xxiii. 24] "a Sabbath, a memorial (*literally*, a remembrance) of blowing of cornets." It is also written concerning Hannah [1 Sam. ii. 21] "And the Lord visited Hannah;" and of Sarah it is written [Gen. xxi. 1] "And the Lord visited Sarah," and by analogy all these events took place on the same day, New Year's Day. Whence do we know that Joseph was released from prison on New Year's Day? From Ps. lxxxix; in verses 3, 4, it is written, "Blow the trumpet, when the moon is hidden in the appointed time on our solemn feast day. For it is a statute for Israel." In verse 5 of the same Psalm it is written, "This he ordained (for the day) when Joseph went out, etc." On New Year's Day the bondage of our fathers in Egypt ceased. Whence do we know this? It is written [Ex. vi. 6] "I will bring you out from under the burdens of the Egyptians," and it is written in Ps. lxxxix. 6, "I removed his shoulder from the burden," (*i. e.*, I relieved Israel from the burden of Egypt on the day spoken of in the Psalm, *viz.*, New Year's Day). In Nisan they were redeemed, as it is recorded in the Bible. In Tishri we shall again be redeemed. This he deduces by analogy from the word "cornet" found in the following passages. In Ps. lxxxix. 3, it is stated, "Blow the cornet on the new moon" (*i. e.*, on New Year's Day) and in Isaiah xxviii, 13. it is written, "And in that day the great cornet shall be blown" (and as it means New Year's Day in the one place, so does it also in the other). R. Joshua says: "In Nisan they were redeemed and in that month we shall be redeemed again." Whence do we know

* TEQUPHA—Solstice or equinox; hence, the period of three months, which elapses between a solstice and the next equinox, is also called TEQUPHA. The Talmud reads the Biblical term as if it was plural.

this? From Ex. xii. 42, which says, "It is a night of special observance," *i. e.*, a night specially appointed, since the earliest times, for the final redemption of Israel. The Rabbis taught: The Jewish sages fix the time of the flood according to R. Eliezer, and the solstices according to R. Joshua, but the sages of other nations fix the time of the flood also as R. Joshua does.

"AND FOR HERBS." To this a Boraitha adds "tithes and vows." (Let us see.)! What does he mean by "herbs"? The tithe on herbs; but are not these included with other "tithes"? (Nay! for the tithe on herbs) is a Rabbinical institution, while the others are Biblical. If so, should he not teach the Biblical command first? (This is no question); because it was pleasing to him (to have discovered, that although the tithe of herbs is only a Rabbinical institution, yet it should have a special New Year, to prevent the mixing of tithes from year to year) he, therefore, gives it precedence. And the Tana of our Mishna teaches us the Rabbinical institution (*viz.*, the New Year for herbs), leaving us to infer that if that must be observed so much the more must the Biblical law be followed.

The Rabbis taught: If one gathers herbs on the eve of New Year's Day before sunset, and gathers others after sunset, he must not give the heave-offering or the tithe from the one for the other, for it is prohibited to give the heave-offering or tithe from the product of the past year for that of the present, or *vice-versa*. If the second year from the last sabbatic year was just ending and the third year was just beginning, then, for the second year he must give the first and second tithes,* and for the third year he must give the first and the poor tithes. Whence do we deduce that (in the third year no second tithe was to be given)? R. Joshua b. Levi says: In Deut. xxvi. 12, it is written, "When thou hast made an end of tithing all the tithes of thine increase the third year, which is the year of the *tithe*," *i. e.*, the year in which only one tithe is to be given. What is to be understood (by *one* tithe)? The first and poor tithes, and the second tithe shall be abrogated. But perhaps it is not so (that the first and poor tithe are one tithe), but that the first tithe shall be also abrogated? This can not be so, for we read [Numb. xviii. 26] "The tithe which I have given you from them, for your inheritance,

* Tithes must be given even to-day, according to the Rabbinical law, throughout Palestine and Syria.

It was the duty of the Israelite to give of his produce the following offerings and tithes: (1) *TERUMA* a heave-offering to be given to the priest every year; the measure was not fixed by the Bible; (2) *MA'ASER RISHON*, or first tithe, to be given every year to the Levite; (3) *MA'ASER SHENI*, or second tithe, was to be taken in the second year to Jerusalem and eaten there, or to be converted into money, which was to be spent there; (4) *MA'ASER ANI*, or the poor tithe, to be given in the third year.

etc." (From this we see that) the Scripture compares this tithe to an inheritance; and as an inheritance is the perpetual property of the heir, so also is the first tithe an uninterrupted gift for the Levite.

"AND FOR VOWS." The Rabbis taught: whoso vows to derive no benefit from his neighbor for a year, must reckon (for the year) twelve months, from day to day; but if he said "for this year," if he made the vow even on the twenty-ninth of Elul, as soon as the first of Tishri comes, that year is complete, for he vowed to deny himself some pleasure and that purpose (even in so brief a period) has been fulfilled. But perhaps we should say Nisan (should be regarded as the new year in such a case)? Nay, in the matter of vows we follow the common practice among men (who generally regard Tishri as the New Year). We have learnt elsewhere: (We reckon the year for giving the tithe), for fenugreek as soon as it begins to grow; for grain and olives as soon as they are one-third ripe. What do you mean by "as soon as it begins to grow?" When it has put forth its blossoms. Whence do we know that we reckon the tithe on grain and olives when they are one-third ripe? R. Asi says in the name of R. Jo'hanan, and some think in the name of R. Jose of Galilee: The Bible says [Deut. xxxi. 10] "At the end of every seven years, in the solemnity of the year of release, in the feast of tabernacles." What has the year of release to do with Tabernacles; it is already the eighth year (because the Bible says "at the end of every seven years")? It is only to tell you that all grain which was one-third ripe before New Year's Day must be regarded even in the eighth year as the product of the sabbatic year. And for this we find support in a Boraitha: R. Jonathan b. Joseph says, It is written [Lev. xxv. 21] "And it shall bring forth fruit for three (LISHLOSH) years. Do not read LISHLOSH "for three," but in this case read LISHLISH "for a third" (*i. e.*, it is considered produce when it is a third ripe). We have learnt elsewhere: Rice, millet, poppies and lentils which have taken root before New Year's Day come under the category of tithes for the past year, and therefore one is permitted to use them during the sabbatic year; but if they have not (taken root), one is forbidden to use them during the sabbatic year, and they come under the category of tithes, of the following year.

Says Rabha: (Let us see)! The Rabbis say that the year (for giving tithes) begins as follows: "for a tree from the time the fruits form; for grain and olives when they are one-third ripe; and for herbs when they are gathered. Now under which head are the above (rice, etc.) classed? After consideration Rabha remarked: Since these do

not all ripen simultaneously but are gathered little by little, the Rabbis are right when they say they are tithable from the time they take root. A Boraitha teaches: R. Jose of Galilee says that from the words [Deut. xvi. 13] "When thou hast gathered in thy corn and thy wine" we infer that as corn and wine, now being gathered, grow by means of the past year's rains, and are tithed as last year's (before New Year's Day) products; so every fruit that grows by the rain of last year is tithable as the last year's produce; but herbs do not come in this category, for they grow by means of the rains of the new year, and they are tithable in the coming year. R. Aqiba says that the words "when thou hast gathered in thy corn and thy wine" lead us to infer that as corn and grapes grow chiefly by means of rain and are tithed as last year's products, so all things that grow chiefly by rain, are tithed as belonging to the past year; but as herbs grow even by watering, they are tithed as the next year's products. In what case is this difference of opinion applicable? Answered Abbahu: In the cases of onions and Egyptian beans; for a Mishna says onions and Egyptian beans which have not been watered for thirty days before New Year's Day are tithed as last year's products, and are allowed to be used during the sabbatic year, but if they have been watered, then they are prohibited during the sabbatic year and are tithed as next year's products.

"ON THE FIRST OF SHEBHAT IS THE NEW YEAR FOR TREES." Why so? Said R. Elazar, in the name of R. Oshaia, because at that date, the greater part of the early rains have fallen, although the greater part of the Tequpha is yet to come. The Rabbis taught: It once happened that R. Aqiba picked the fruit of a citron tree, on the first of Shebhat and gave two tithes of them, one in accordance with the custom of the school of Shammai and one in accordance with the school of Hillel's custom. Says R. Jose b. Judah: Nay! Aqiba did not do this because of the custom of the school of Shammai or the school of Hillel, but because R. Gamliel* and R. Eliezer were accustomed to do so. Did he not follow the practice of Beth Shammai because it was the first of Shebhat? Answered R. 'Hanina and some say R. 'Hananya: The case here cited was one of a citron tree whose fruit was formed before the fifteenth of last Shebhat and he should have given the tithe of it even before the present first of Shebhat, but the case happened to be as cited. But Rabhina says: Put the foregoing together and read the (words of R. Jose) as follows: It did not happen on the first of Shebhat but on the fifteenth; and he did not follow the regulations of the school of Hillel or the school

* The opinion of R. Gamliel is stated a little further on.

of Shammai, but the custom of R. Gamliel and R. Eliezer. Rabbah b. Huna says: Although R. Gamliel holds that a citron tree is tithable from the time it is picked, as is the case with "herbs," nevertheless the new year for tithing it, is in Shebhat. R. Jo'hanan asked R. Janai: "When is the beginning of a year for (the tithe on) citrons?" "Shebhat," he answered. "Do you mean" said he, "the month Shebhat as fixed by the lunar year or by the solar year (from the winter solstice)?" "By the lunar year," he replied. Rabha asked R. Na'hman, "How is it in leap-years (when there are thirteen lunar months)?" "Shebhat, as in the majority of years," answered he. We have learnt: R. Jo'hanan and Resh Laqish both say that a citron that has grown in the sixth year and is unpicked at the entrance of the sabbatic year is always considered the product of the sixth year. When Rabhin came (from Palestine) he said, in the name of R. Jo'hanan; A citron that was as small as an olive in the sixth year but grew to the size of a (small) loaf of bread during the sabbatic year, if one used it without separating the tithe he is culpable because of **TEBHEL**.*

The Rabbis taught: A tree whose fruits formed before the fifteenth of Shebhat, must be tithed as the product of the past year, but if they formed after that, they are tithed during the coming year. R. Ne'hemiah says: This applies to a tree that bears two crops a year. How can there be two crops? It looks like two crops (as is the case with grapes); but in the case of a tree that produces but one crop, as for example, the palm, olive or carob, although their fruits may have formed before the fifteenth of Shebhat, they are tithed as the products of the coming year. R. Jo'hanan remarked that in the case of the carob, people follow the opinion of R. Ne'hemiah. Resh Laqish asked R. Jo'hanan: Since white figs take three years to grow fully ripe, must not the second year after the sabbatic year be regarded as the sabbatic year for them? R. Jo'hanan was silent.

MISHNA. At four periods in each year the world is judged; on Passover in respect to the growth of grain; on Pentecost in respect to the fruit of trees; on New Year's Day all human beings pass before God, as sheep before a shepherd; as it is said [Ps. xxx. 9] "He who hath fashioned all their hearts, understandeth all their works;"† and on Tabernacles judgment is given in regard to water (rain).

GEMARA. What grain (does the Divine judgment, affect on

* Produces, in that stage in which the separation of levitical and priestly shares is required before one can partake of them.

† Vide introduction.

the Passover)? Does it mean the grain now standing in the field (about to be reaped)? When then were all the accidents that have happened to it until that time appointed (by Divine will)? It does not mean standing grain but that just sown. Shall we say that only one judgment is passed upon it? Does not a Boraitha teach: If an accident or injury befall grain before Passover it was decreed on the last Passover, but if it happen (to the same grain) after Passover it was decreed on the most recent Passover; if an accident or misfortune befall a man before the Day of Atonement, it was decreed on the previous Day of Atonement, but if it happened after the Day of Atonement it was decreed on the most recent Day of Atonement? Answers Rabha: Learn from this that it is judged twice (in one year). Therefore says Abayi: When a man sees that the grain, which ripens slowly is thriving, he should as soon as possible sow such grain as ripens quickly, in order that before the time of the next judgment, it may already have begun to grow.*

With whose opinion does our Mishna agree? Certainly not with that of R. Meir, nor with that of R. Judah, nor with that of R. Jose, nor with that of R. Nathan, for they say as follows in a Boraitha: All are judged on New Year's Day and the sentence is fixed on the Day of Atonement; so says R. Meir. R. Judah says all are judged on New Year's Day but the sentence of each is sealed each at its special times, at Passover for grain, at Pentecost for the fruit of trees, at Tabernacles for rain, and man is judged on New Year's Day and his sentence is sealed on the Day of Atonement. R. Jose says man is judged every day as we read [Job vii. 18] "Thou rememberest him every morning;" and R. Nathan holds, man is judged at all times, for we read [ibid] "Thou triest him every moment." And if you should say that the Mishna agrees with the opinion of R. Judah and that by the expression "judgment" it means the "sealing of the decree," then there would be a difficulty about (the fate of) man. Says Rabha: The Tana of our Mishna is in harmony with the school of R. Ishmael, which says: At four periods is the world judged; at Passover in respect to grain; on Pentecost in regard to the fruit of trees; on Tabernacles in respect to rain, and on New Year's Day man is judged, but his decree is sealed on the Day of Atonement, and the Mishna speaks of the opening of judgment only (and not the final verdict). R. 'Hisda asked: Why does not R. Jose quote the same passage in support of his opinion as R. Nathan? You may say that "trying" means simply "probing." But does not "remembering" also convey the same idea? Therefore says R. 'Hisda,

* An example of Talmudical humor.

R. Jose bases his opinion on another passage, viz., [1 Kings viii. 59] "that God may pass judgment on his servant and on his people Israel every day." Says R. Joseph: According to whom do we pray nowadays for the sick, and for faint (scholars)? According to R. Jose.

A Boraitha says: R. Judah taught in the name of R. Aqiba: Why does the Torah command [Lev. xxiii. 10] a sheaf of the first fruits to be brought on the Passover? Because Passover is the period of judgment in respect to grain, and God said: Offer before Me the first sheaf of produce on Passover so that the standing grain may be blessed unto you; and why the two loaves [Lev. xxiii. 17] on the Pentecost? Because that is the time when judgment is passed on the fruit of trees, and because of the offering, blessings should ensue. Why was the ceremony of "the outpouring of water" (on the altar) performed on the feast of Tabernacles? God said: Perform the rite of "the outpouring of waters," that the rains may fall in due season; and He also said recite before Me on New Year's Day, the MALKHIOTH, ZIKHRONOTH and SHOPHROTH*; the Malkhioth, that you proclaim Me King; the Zikhronoth that your remembrance may come before Me, for good; and how (shall this be done)? By the sounding of the cornet. R. Abbahu asked why is the cornet made of a ram's horn? God said: Sound before me on a cornet made of a ram's horn, that I may remember, for your sake, the offering of Isaac, the son of Abraham [vide Gen. xxii. 13], and I shall consider you as worthy, as if you had shown an equal readiness to sacrifice yourselves to Me. R. Isaac says: A man is judged only according to his deeds at the time of sentence, as it is said [Gen. xxi. 17] "God heard the voice of the lad, as he *then* was," and the same Rabbi also remarked: Three circumstances cause a man to remember his sins, viz.: when he passes by an insecure wall, when he thinks deeply of the significance of his prayer, and when he invokes Divine judgment on his neighbor; for R. Abhin says: Whoso calls down Divine judgment on his neighbor is punished first, as we find in the case of Sarah, who said [Gen. xvi. 5] to Abraham, "My wrong be upon thee," and shortly after we read (that she died) "And Abraham came to mourn for Sarah

*These are the divisions of the Additional Service for the New Year's Day. The Malkhioth consist of ten scriptural passages in which God is proclaimed King. The Zikhronoth consist of an equal number of scriptural passages in which Divine remembrance is alluded to. The Shophroth are a similar series of selections in which the Shophar (cornet) is referred to. In chapter IV of this tract there is a discussion as to the composition of these selections. We retain the Hebrew names, because we feel that no translation or paraphrase will adequately express what they mean.

and to weep for her" [Gen. xxiii. 2] (And all this only applies to cases where appeal could have been made to a civil court). R. Isaac also said: Four things avert the evil decree passed (by God) on man, *viz*: Charity, Prayer, Change of Name, and Improvement. Charity as it is written [Prov. x. 2] "Charity delivereth from death;" Prayer, in accordance with [Ps. cvii. 19] "They prayed unto the Lord in their trouble, and he saveth them out of their distresses;" Change of name, as it is written [Gen. xvii. 15] "As for Sarai, thy wife, thou shalt not call her name Sarai, but Sarah shall her name be," and the Text continues by saying [ibid. 16] "Then will I bless her and give thee a son also of her;" Improvement, we deduce from Jonah iii. 10, "And God saw their works that they turned from their evil ways," and the chapter continues and immediately adds "And God repented of the evil, he had said he would do unto them and he did it not;" Some add to these four, a fifth, Change of location, as we read [Gen. xii. 1 and 2] "And God said to Abraham, get thee out from thy land" (and afterwards) "I will make of thee a great nation."

R. Kruspedai* says in the name of R. Jo'hanan: Three books are opened on New Year's Day; one for the entirely wicked; one for the wholly good; and one for the average class of people. The wholly righteous are at once inscribed and sealed for life; the entirely wicked are at once inscribed and sealed for destruction; the average class are held in the balance from New Year's Day till the Day of Atonement; if they prove themselves worthy they are inscribed for life; if not they are inscribed for destruction. "Whence this teaching," asked R. Abhin? From Ps. lxix. 28 which reads "they shall be blotted out of the book of life and they shall not be inscribed with the righteous."

We have learned in a Boraitha: The school of Shammai says: There are three divisions of mankind at the Resurrection; the wholly righteous, the completely wicked, and the average class; the wholly righteous are at once inscribed and sealed for life; the entirely wicked are at once inscribed and sealed for Gehinnom; as we read [Dan. xii. 2] "And many of them that sleep in the dust shall awake, some to everlasting life, and some to shame and everlasting contempt." The third class, the mean between the former two, descend to Gehinnom, but they weep and come up again, in accordance with the passage [Zech. xiii. 9] "And I will bring the third part through the fire, and I will refine them as silver is refined, and will try them as gold is tried; and he shall call on My Name, and I will answer him."

* Vide Introduction.

Concerning this last class of men Hannah says: [1 Sam. ii. 6] "The Lord causeth to die and maketh alive, he bringeth down to the grave and bringeth up again." The school of Hillel says: The Most Compassionate inclines (the scale of justice) to the side of mercy, and of this third class of men David says [Ps. cxvi. 1] "I would that God should hear my voice;" in fact David applies to them all that Psalm down to the words "I was brought low and he helped me."

Transgressors of Jewish birth and also of non-Jewish, who sin with their body descend to Gehinnom, and are judged there for twelve months; after that time, their bodies are destroyed and burnt and the winds scatter their ashes under the soles of the feet of the righteous, as we read, [Mal. iv. 3] "And ye shall tread down the wicked, for they shall be as ashes under the soles of your feet;" but as for Minim, informers, and skeptics who deny the existence of the Torah, or the Immortality of the soul or separate themselves from the congregation (of Israel), or who inspire their fellowmen with dread of them, or who sin and cause others to sin, as did Jeroboam the son of Nebat and his followers, they all descend to Gehinnom and are judged there from generation unto generation, as it is said [Isaiah lxvi. 24] "And they shall go forth and look upon the carcasses of the men who have transgressed against me; for their worm shall not die, neither shall their fire be quenched;" "even when Gehinnom will be destroyed, they will not be consumed, as we read [Ps. xlix. 14] "And their forms shall endure even when the grave is no more." Why does so terrible a fate await the above? Because just such people stretched out their hands against the dwelling (of God, *i. e.* the temple at Jerusalem); as we read [ibid.] "because of what they did against His dwelling," and concerning them Hannah says, [1 Sam. ii. 10] "The adversaries of the Lord shall be broken to pieces." R. Isaac b. Abhin says: Their faces are black like the sides of a caldron; whilst Rabha remarked: Those who are now the handsomest of the people of Me'huza will yet be called the children of the nether-world.

What do you mean by Jews who transgress with their *body*? Says Rabh: The QARPAPHTA (frontal bone) on which are not placed the phylacteries.* And who are meant by non-Jews who transgress with the *body*? Those guilty of the sin (of adultery). Who are those who inspire their fellowmen with dread of them? A leader

* There were sects at that time who did not wear the phylacteries on the frontal bone, but on other places. The people here referred to are those mentioned in Mishna Megillah III. 3. Those who do not wear phylacteries at all are, under no circumstances, included under the head of these transgressors. (Vide Tosaphoth, ad.loc.) For fuller information the reader is referred to "The History of Amulets," by the editor.

of a community who causes the people to fear him over-much, without furthering thereby a high purpose. R. Judah says in the name of Rabb: No such leader will ever have a learned son, as it is said [Job xxxvii. 24] "Men do therefore fear him: he will never see (in his family) any wise of heart."

The school of Hillel said above: He who is full of compassion will incline the scale of justice to the side of mercy. How does He do it? Says R. Eliezer: He *presses* on (the side containing our virtues) as it is said [Micah vii. 19] "He will turn again, he will have compassion upon us; he will suppress our iniquities." R. Jose says: He *lifts off* (the sins), as it is said [ibid. 18] "He removes iniquity and passeth by transgression," and it was taught in the school of R. Ishmael that this means that He removes each first sin (so that there is no second), and this is the correct interpretation. But, remarked Rabba, the sin itself is not blotted out, so that if one be found in later times with more sins (than virtues), the sin not blotted out will be added to the later ones; but, says Rabba, Whoso treats with indulgence one who has wronged him (forms an exception to this rule) for he will have *all* his sins forgiven, as it is said [Micah vii. 19] "He removes iniquity and passes by transgression;" from whom does He remove iniquity? From him who passes by transgression (committed against him by his neighbor). R. Huna b. R. Joshua fell sick and R. Papa went to visit him. The latter saw that the end was near, and said, to those present, "Make ready his provisions (shrouds)." Finally, he recovered, and R. Papa was ashamed to see him. "Why did you think him so sick," said they? "He was so, indeed," he replied, "but said God, since he was always indulgent (with every one), he shall be forgiven," as it is said, "He removes iniquity and passes by transgression." From whom does He remove iniquity? From him who passes by transgression.

R. A'ha says: The phrase "of the remnant of his inheritance" [Micah vii. 18] is like unto a fat tail (of an Arabian sheep) with a thorn through it (that will stick some that lay hold of it); (for He forgives) the *remnant* of His inheritance, and not all His inheritance. (What is meant by remnant)? Only those who deport themselves like a remnant (*i. e.*, modestly). R. Huna points out a contradiction in these passages: It is written [Ps. cxlv. 17] "The Lord is *just* in all his ways" and in the same passage, "and *pious* in all his works." It means, in the beginning He is only *just*, but in the end He is *pious*; (when He finds that strict justice is too severe on mankind He tempers justice with piety or mercy.) R. Elazar

asked about the contradictory phrase in Ps. lxii. 12. "Unto thee, O Lord, belongeth *mercy*; for thou renderest to every man *according to his work*." This is explained as the above; in the beginning He rewards every man according to his works, but in the end He is merciful. Ilphi, or Ilpha asks a similar question about Ex. xxxiv. 6, where it is written, "abundant in goodness and truth," and gives a similar explanation.

"And the Lord passed by before him and proclaimed." R. Jo'hanan said: Had this passage not been written, it would have been impossible to have said it; for it teaches us that the Holy One, blessed be He, wrapped Himself, as does one who recites the prayers for a congregation, and pointing out to Moses the regular order of prayer, said to him: Whenever Israel sins, let him pray to me, after this order, and I shall pardon him.

"The Lord, the Lord" (these words mean), I am the same God before a man sins as I am after he sins and does repentance. "God, merciful and gracious;" R. Judah said (concerning these words): The covenant made through the thirteen attributes [Ex. xxxiv.] will never be made void, as it is said [ibid. 10] "Behold I make a covenant."

R. Jo'hanan says: Great is repentance! for it averts the (evil) decreed against a man, as it is said [Is. vi. 10] "Make the heart of this people fat. . . and hear with their ears, and understand with their hearts, and *repent*, and be *healed*." R. Papa asked Abayi: Do not these last words, perhaps, mean before the (evil) decree has been pronounced? It is written, he replied, "be healed." What is that which requires healing? I can only say that, against which, judgment has been pronounced. Is this not contradictory to the rule: He who repents between (New Year's Day and the Day of Atonement) is forgiven, but if he does not repent, even though he offered the choicest sacrifices, he is not pardoned? There is no difficulty here; in the one case it refers to (the sins of) an individual, and in the other, to (those of) a community. Come and hear! It is written [Ps. cvii. 23-28] "They that go down to the sea in ships, that do business in great waters; these see the works of the Lord. . . . for he commandeth, and raiseth the stormy wind, which lifteth up the waves thereof, they reel to and fro, and stagger like a drunken man. . . . then they cry unto the Lord in their trouble, and he bringeth them out of their distresses; O, that men would praise the Lord for his goodness, etc." Signs are given, such as the words "but" and "only" in the Torah (which intimate limiting qualifications) to indicate that if they cried before the decree was pronounced,

only then would they be answered; but if after, are they not answered? (Would not this be a contradiction to the words "to those of a community")? Nay, for those on a ship are not a community (but are considered as a unit).

Come and hear! The proselyte Beluria asked R. Gamliel (concerning the following apparent contradiction): It is written in your Torah [Deut. x. 17] "The Lord which regardeth not persons" (*literally*, who lifteth not up countenances); and it is also written [Numb. vi. 26] "May the Lord lift up his countenance." R. Jose, the priest, joined her, and said to her, "I will tell thee a parable. To what may this be compared? To one who lent money to his neighbor, and set a time for its repayment before the king; and (the borrower) swore by the king's life (to repay it on time). The time arrived and he did not pay and he came to appease the king. Said the king to him, 'I can forgive you only your offence against me, but I cannot forgive you your offence against your neighbor; go and ask *him* to forgive you.' " So also here; in the one place it means sins committed by a man against Himself; but in the other, it means sins committed by one man against another. Nevertheless, the Tana'im differ as to the decree pronounced against an individual, as we may see from the following Boraitha: R. Meir used to say, of two who fall sick with the same sickness, and of two who enter a tribunal (for judgment), on similar charges, one may recover, and one not, one may be acquitted, and one condemned. Why should one recover and one not, and one be acquitted and one condemned? Because the one prayed and was answered, and one prayed, and was not answered. Why should one be answered and the other not? The one prayed devoutly and was answered; the other did not pray devoutly and therefore was not answered; but R. Elazar says it was not because of prayer, but because the one prayed *before*, and the other *after* the decree was pronounced. R. Isaac says: Prayer is helpful for man before or after the decree has been pronounced. Is it then so, that the (evil) decree, pronounced against a congregation is averted (through the influence of prayer)? Does not one Scriptural verse [Jer. iv. 14] say, "Wash thine heart from wickedness, and another runs [ibid. ii. 22] "For though thou wash thee with nitre, and take thee much soap, yet thine iniquity is marked before me." Shall we not say in the one case it means *before*, and in the other *after* the sentence has been pronounced? Nay; both refer (to a time) after the decree has been pronounced and there is no contradiction, for in one case it refers to a decree issued with an oath, and in the other, to a decree pronounced without an oath, as R. Samuel b. Ammi points out;

for he says in the name of R. Jonathan: Whence do we know that a decree, pronounced with an oath, cannot be averted? From [Sam. iii. 14] which says: "Therefore I have sworn unto the house of Eli, that the iniquity of Eli's house shall not be purged with sacrifice nor offering forever." Says Rabba: Even in such a case, it is only through *sacrifices* that sin cannot be purged, but by (the study of) the Torah it may be; and Abayi says: With sacrifice and offering it cannot be purged, but by (the study of) the Torah, and by active benevolence, it can. (Abayi based this opinion on his own experience for) he and (his master) Rabba were both descendants of the house of Eli; Rabba, who only studied the Torah, lived forty years, but Abayi, who both studied the Torah and performed acts of benevolence, lived sixty years. The Rabbis tell us also: There was a certain family in Jerusalem whose members died at eighteen years of age. They came and informed R. Jo'hanan b. Zakkai. Said he: "Perhaps you are descendants of Eli, of whom it is said 'all the increase of thy house shall die in the flower of their age'" [1 Sam. ii. 33]; "Go, then, study the Torah, and live!" They went and studied, and they lived, and they called that family R. Jo'hanan's. R. Samuel b. Inai says in the name of Rabh: Whence do we know, that if the decree against a community is even sealed, it may nevertheless be averted? From Deut. iv. 7 where it is written "as the Lord, our God, in *all* things that we call upon him for;" (but how can you harmonize that with the passage) [Is. lv. 6] "Seek ye the Lord while he may be found?" The latter passage refers to an individual, the former, to a community. When is that time that he will be found even by an individual? Answered Rabba b. Abuhu: During the ten days, from New Year's Day till the Day of Atonement.

"ON NEW YEAR'S DAY ALL THE INHABITANTS OF THE WORLD PASS BEFORE HIM KIBHNE MARON (LIKE SHEEP)." What does the Mishna mean by these last two words? "Like Sheep," as they are translated in Aramaic; but Resh Laqish says they mean "as the steps of the Temple" (*i. e.*, narrow, so that people ascended them one by one); R. Judah, however, says in the name of Samuel: (They mean) "like the armies of the house of David" (which were numbered one by one). Says Rabba b. Bar 'Hana in the name of R. Jo'hanan; Under any circumstances they are mustered at a glance. Said R. Na'hman b. Isaac: Thus also we understand the words of our Mishna: "He that fashioned all their hearts alike" [Ps. xxxiii. 15] *i. e.*, the Creator sees all their hearts (at a glance) and (at once) understands all their works.

MISHNA: Messengers were sent out* in the following six months; in Nisan, on account of the Passover; in Abh, on account of the fast; in Elul, on account of the New Year; in Tishri, on account of appointing the order the (remaining) festivals;† in Kislev, on account of the Feast of Dedication; in Adar, on account of the Feast of Esther; also in Iyar, when the Temple was in existence, on account of the minor (or second) Passover. ‡

GEMARA: Why were they not also sent out in Tamuz and Tebheth (in which months there are also fasts)? Does not R. 'Hana b. Bizna, say in the name of R. Simon the pious: What is the meaning of the passage [Zech. viii. 19], "Thus saith the Lord of hosts; the fast of the fourth, and the fast of the fifth, and the fast of the seventh and the fast of the tenth, shall be to the house of Judah, joy and gladness" etc., that they are called fasts, and also days of joy and gladness? Are we not to understand that only in the time of peace (cessation of persecution) they shall be for joy and gladness, but in the time when there was not peace, they shall be fasts? Answered R. Papa it means this: When there was peace, these days should be for joy and gladness; in the time of persecution they shall be fasts; in times when there are neither persecution, nor peace, people may fast, or not, as they see fit. If that is so, surely then (messengers should not have been sent out) on account of the fast of Abh? Answered R. Papa: The fast (ninth day) of Abh is different, since many misfortunes occurred on that day, as the teacher says: On the ninth of Abh, the first and second Temples were destroyed, Bether was captured, and the city was razed to the ground.

A Boraitha teaches: R. Simon says, there are four matters that R. Aqiba expounded, but which I interpret differently; "the fast of the fourth" means the ninth of Tamuz on which the city was broken up, as it is said [Jer. lli. 6, 7] "in the fourth, in the ninth day of the month. . . the city was broken up." What does he mean by fourth? The fourth of the months. "The fast of the fifth," means the ninth of Abh, on which the Temple of our God was burnt; and what does he mean by calling it, fifth? The fifth of the months. "The fast of the seventh" means the third of Tishri the day on which Gedaliah the son of Ahikam was slain (and we fast) because the death of the righteous is equal to the loss of the house of our

* The Beth Din sent them from Jerusalem to announce to other places the day which had been appointed New Moon, and thus to inform them whether it was the thirtieth or thirty-first day from the preceding New Moon.

† *i. g.* Tabernacles. This was necessary since the Beth Din might have made the month intercalary.

‡ Vide, Numb. ix. 10, 11.

God; and what does he mean by calling it the seventh? The seventh of the months. "The fast of the tenth," means the tenth of Tebheth, the day on which the king of Babylon set himself against Jerusalem, as it is said, [Ezek. xxiv. 1, 2] "Again in the ninth year, in the tenth month, in the tenth day of the month, the word of the Lord came unto me saying, Son of man write thee the name of the day, even of this same day; the king of Babylon set himself against Jerusalem;" and what does he mean by calling it the tenth? The tenth of the months; and actually this last event should have been placed first, (since it occurred first) and why is it placed here last in order? To mention the months in their regular order. However, (says R. Simon): I do not explain (the passage quoted above) in this manner, but as follows: "The fast of the tenth" means the fifth of Tebheth, on which day the news came to the exiles that the city was smitten, as it is said [Ezek. xxxiii. 21] "And it came to pass in the twelfth year of our captivity, in the tenth (month) in the fifth day of the month that one that had escaped out of Jerusalem came to me, saying, The city is smitten," and they held the day on which they received the news as the day (on which the Temple) was burnt. Moreover (says R. Simon) my opinion appears more satisfactory to me than R. Aqiba's, for I speak of the first, first, and of the last, last; while he speaks of the last, first, and of the first, last; he mentions them in the order of the months, whilst I mention them in the order in which the misfortunes occurred.

We have learnt: Rabh and R. 'Hanina say, The Book of Fasts (which contained the names of minor holidays on which it was prohibited to fast) is abrogated, but R. Jo'hanan and R. Joshua b. Levi say: It is not. When Rabh and R. 'Hanina say that it is abrogated they mean: In the time of peace, the (fast) days are days of joy and gladness; but, in the time of persecution they are fast days, and so also with other (days mentioned in the Book of Fasts); and when R. Jo'hanan and R. Joshua b. Levi say it is not abrogated (they mean) that those (four fasts mentioned in Zechariah) the Bible makes dependent on the rebuilding of the Temple; but those (mentioned in the Book of Fasts) remain as they are appointed. R. Tobi b. Matana asked a question: On the twenty-eighth of (Adar), the good news came to the Jews that they need no longer abstain from studying the Torah; for the king (of Syria had earlier) issued a decree, forbidding them to study the Torah, or to circumcise their sons, and compelling them to desecrate their Sabbath. What did Judah b. Shamua and his friends do? They went and took counsel of a certain matron, whose house the celebrated people of the city frequented. Said she

to them, "Go and cry aloud at night." They did as she advised and cried aloud, "O heavens! Are we not all brethren? Are we not all the children of one Father? Are we not all the children of one mother? Why should we be treated differently from other nations, and from all people who speak other languages inasmuch as ye issue such cruel edicts against us?" The decrees were annulled, and the day (on which this happened) they appointed a holiday. But if it is true that the Book of Fasts has been abrogated, (*i. e.*, the former (feasts) have been all abrogated), may, then, new ones be added? The Tana'im differ (on this question); for a Boraitha teaches: The days recorded in the Book of Fasts, whether during or after the existence of the Temple, are not permitted (to be kept as fasts), so says R. Meir; but R. Jose is of the opinion, so long as the Temple stood it was not permissible (to fast on them) because they were days of joy, but since the Temple fell it is allowed, because they are days of mourning. One rule says that they are abrogated; but another rule says they are not abrogated. There is a question here caused by one rule contradicting the other? There is no question; in the latter case it refers to the Feasts of Dedication and Esther (which are never to be abrogated); and in the former case, to all other (minor feast) days.

"IN ELUL ON ACCOUNT OF NEW YEAR'S DAY AND IN TISHRI ON ACCOUNT OF APPOINTING THE ORDER OF THE (REMAINING) FESTIVALS." Since (the messengers) were sent out on account of Elul, why need they go again on account of Tishri? Shall I say because (the Beth Din) desired to proclaim Elul an intercalary month? (That cannot be) for have we not learned that R. 'Hanina b. Kahana says in the name of Rabh: Since the time of Ezra we have not discovered that Elul was an intercalary month? We have not discovered it, because it was not necessary (to make it so). But if it will be necessary, shall we make it an intercalary month? This would disturb the position of New Year's Day! It is better that the position of New Year's Day alone should be disturbed, than that all the holidays should be disarranged. And the best evidence for this is that the Mishna says that the messengers were sent in Tishri on account of appointing the order of the festivals.

"AND IN KISLEV ON ACCOUNT OF THE FEAST OF DEDICATION AND IN ADAR ON ACCOUNT OF THE FEAST OF ESTHER." But the Mishna does not say if it be a leap-year, that the messengers were sent out in the second Adar on account of the Feast of Esther? From this we learn that the Mishna is not, according to Rabbi; for a

Boraitha teaches: Rabbi says: in a leap-year, messengers are sent out also in the second Adar on account of the Feast of Esther.

When Ulla came (from Palestine) he said: They have made Elul an intercalary month, and he also said: "Do my Babylonian comrades know the benefit we have gained through it?" Because of what is this a benefit? "Because of herbs,"* said Ulla. R. A'ha b. 'Hanina, however, said: "Because of dead bodies."† What difference is there between them? They differ concerning a holiday that falls immediately before or after the Sabbath (on the sixth or first day of the week). According to the one who says "because of herbs" we ought to add an intercalary day; but (it is not necessary) according to him who says "because of dead bodies," for we can employ non-Jews (to bury the dead for us on the holidays). If this is the explanation, why is this a benefit only for us (in Babylon); is it not also to the advantage of them (in Jerusalem)? Our climate is very hot, but theirs is not.

Is that so? Did not Rabba b. Samuel teach: One might suppose that as we intercalate the *year* when necessary, so we intercalate the *month* when necessary? Says the Torah [Ex. xii. 2], "This month shall be unto you the first of the months," which means as soon as you see (the new moon) as on this occasion, you must *consecrate* the month (whether or not it is necessary to *intercalate* it). (How then could they intercalate Elul, which had always only twenty-nine days)? To *intercalate* it (when necessary) was permitted; but to *consecrate* it, was not permitted; and Rabba's words should read: One might suppose that as it is permitted to *intercalate the year and the month* when necessary, so we may *consecrate the month* when necessary? Says the Torah [Ex. xii. 2], "This month shall be unto you, etc.," which means, only when the moon is seen as on this occasion, may you *consecrate* it.

Samuel said: "I can arrange the calendar for the whole captivity." Abba, the father of R. Simlai, said to him, "Do you know, sir, that which a certain Boraitha teaches, concerning the secret of the intercalary day, viz.: Whether the new moon appears before or after midday?" Answered he, "No." "Then, sir," said he, "if you do not know this, there may be other things which you do not

* By adding an intercalary day to Elul, the holiday (New Year or Atonement Day) was prevented from falling on Friday or Sunday, the intention being to separate the holiday by an intervening day from the Sabbath. Thus, herbs that were to be eaten fresh, and other foods, would not spoil, as they might, if kept from Thursday till after the Sabbath.

† A similar practice was followed with regard to the keeping of a dead body over the Day of Atonement and a Sabbath. Since it was impossible to keep the dead body two days, the Sabbath and the Atonement Day were separated by the means of the intercalated day.

know." When R. Zera went (to Palestine) he sent back word to his comrade (saying): The evening and the morning(following) must both belong to the month (*i. e.*, when the old moon has still been seen after dark on the twenty-ninth day of the month, the thirtieth evening and following day belong to the closing month). And this is what Abba, the father of R. Simlai, meant: We calculate only the beginning of the new moon; if it began before midday, it is certain that it was seen close upon the setting of the sun, but if it did not begin before midday, it is certain that it did not appear close upon the setting of the sun. What difference does it make (in practice)? Answered R. Ashi, to refute witnesses. R. Zera says in the name of R. Na'hman, in every case of doubt (about the holidays), we post-date but never antedate.* Does this mean to say that (in a case of doubt concerning the exact day on which Tabernacles begins) we observe the fifteenth and sixteenth but not the fourteenth; let us keep the fourteenth also; perhaps Abh and Elul have each only twenty-nine days? That two consecutive months should each have twenty-nine days is a matter that every one would know. Levi went to Babylon on the eleventh of Tishri. Said he, "Sweet is the food of Babylon, on the great Day (of Atonement now being held) in Palestine." They said to him, "Go and testify." Answered he, "I have not heard from the Beth Din the words, "It is consecrated," (and therefore I cannot testify). For R. Jo'hanan announced: In every place that the messengers sent in Nisan reached, but that the messengers sent in Tishri cannot reach, they must observe two days for the holidays; and they make this restriction for Nisan lest people would do in Tishri as in Nisan.† Rabha used to fast two days for the Day of Atonement.‡ Once it happened that he was right (because the Day of Atonement fell one day later in Palestine than in Babylon). R. Na'hman was once fasting on the Day of Atonement, and in the evening a certain man came and said to him, "To-morrow

**i. e.* if there be a doubt about which day is the Passover or the feast of Tabernacles, the festival should be kept for two days; not, however, by *ante-dating* and keeping the *fourteenth* and *fifteenth* (of Nisan or Tishri) but by *post-dating* and keeping the *fifteenth* and *sixteenth* of either month.

† In Tishri, messengers might be delayed reaching distant places, to which they were sent to announce the date of the festival (Tabernacles), on account of New Year's Day and the Day of Atonement, on which they could not travel more than a short distance. In Nisan, however, they could, without delay, reach those places, and having announced the date of the festival, only one day was hallowed. Fearing that people might do, in regard to the Feast of Tabernacles what they did with regard to Passover, (*i. e.*, keep one day, even when in doubt about the date), the Rabbis instituted that both Tabernacles and Passover should have two days hallowed instead of one.

‡ He was in doubt whether the Beth Din at Jerusalem had made Elul intercalary or not, and as the messengers did not arrive until after the Day of Atonement, he fasted two days.

will be the Day of Atonement in Palestine." He angrily quoted, "Swift were our persecutors" [Lamen. iv. 19]. R. Na'hman said to certain sailors, "Ye who do not know the calendar take notice that when the moon still shines at dawn (it is full moon, and if it happens to be Nisan) destroy your leaven bread, (for it is then the fourteenth day).

MISHNA: For the sake of (the new moon) of the two months, Nisan and Tishri, witnesses may profane* the Sabbath, because in these months the messengers went to Syria, and the order of the festivals was arranged; when, however, the Temple† was in existence, they might profane the Sabbath in any month, in order to offer the (new moon) sacrifice in its proper time.

GEMARA: For the sake of these two months and not more? Against this I raise a question of contradiction: (Is it not said), For the sake of six months messengers were sent out? Answered Abayi: Thus he means: For all new moons, the messengers were sent out while it was still evening, but for Nisan and Tishri, they were not sent out until they heard from the lips of the Beth Din, the words "It (the new moon or month) is consecrated." The Rabbis taught: Whence do we know that for them we may profane the Sabbath? From [Lev. xxiii. 4] which runs "These are the feasts of the Lord, which ye shall proclaim in their seasons;" might not one suppose that as (witnesses) were permitted to profane the Sabbath until the new moons had been consecrated, so were messengers permitted to profane the Sabbath, until (the festivals) were introduced? Says the Torah: "which ye shall proclaim," *i. e.*, you may profane the Sabbath in order to proclaim them, but not to introduce them.

"WHEN, HOWEVER, THE TEMPLE WAS IN EXISTENCE, THEY MIGHT PROFANE THE SABBATH, IN ANY MONTH, IN ORDER TO OFFER THE (NEW MOON) SACRIFICE, IN ITS PROPER TIME." The Rabbis taught: Formerly they profaned the Sabbath for all (new moons); but since the destruction of the Temple, said R. Jo'hanan b. Zakkai, have we any (new moon) sacrifice to offer? They then instituted that (witnesses) might profane the Sabbath only on account of Nisan and Tishri.

MISHNA: Whether the new moon had appeared clear to all or not, (the witnesses) were permitted to profane the Sabbath on its account. R. Jose says: If it appeared clear to everyone,‡ the

* To travel to Jerusalem in order to inform the Beth Din might have necessitated walking more than the distance permitted on the Sabbath.

† The Temple in Jerusalem.

‡ It might then be presumed that everyone had seen it, and it was therefore unnecessary for anyone to go to Jerusalem to announce it to the Beth Din.

Sabbath should not be profaned (by witnesses). It once happened that more than forty pair (of witnesses) were on the highway (to Jerusalem) on the Sabbath, when R. Aqiba detained them at Lydda. R. Gamliel then sent word saying, "If thou thus detainest the people, thou wilt be the cause of their erring in the future (*i. e.*, they may refuse to come and testify).

GEMARA: The Rabbis taught: The words [Eccles. xii. 10] "Qoheleth sought to find out acceptable words," mean, that Qoheleth sought to invent laws, without the aid of witnesses or warning. An echo was heard saying, [Eccles. xii. 10], "Let that which is written be upright, even words of truth" (which meant that) by means of two witnesses (should the words of truth be established).

"IT ONCE HAPPENED THAT MORE THAN FORTY PAIR (OF WITNESSES) WERE ON THE HIGHWAY (TO JERUSALEM) AND R. AQIBA DETAINED THEM, ETC." A Boraitha teaches: R. Judah says, God forbid that R. Aqiba should have detained them; it was Shazpar, the superintendent of Gader who detained them, and (and when) R. Gamliel (heard of it, he) sent and dismissed him.

MISHNA: When a father and son have seen the new moon, they must both go to the Beth Din, not that they may act together as witnesses, but in order that, should the evidence of either of them be invalidated, the other may join to give evidence with another witness. R. Simon says: Father and son, and relatives in any degree may be accepted as competent witnesses to give evidence as to the appearance of the new moon. R. Jose says: It once happened that Tobias the physician, his son, and his freed slave, saw the new moon in Jerusalem (and when they tendered their evidence), the priests accepted his evidence and that of his son, but invalidated that of his freed slave; but when they appeared before the (Beth Din) they received his evidence, and that of his freed slave, but invalidated that of his son.

GEMARA: Asks R. Levi: What is the reason for R. Simon's opinion? It is written [Ex. xii. 1] "And the Lord spake unto Moses and Aaron saying: This month shall be *unto you*," which means, this evidence shall be acceptable from you (although you are brothers). And how do the *Rabbis* explain it? They say it means: This testimony shall be given into your hands (*i. e.*, the Beth Din's). Says Mar Uqba in the name of Samuel the rule is according to R. Simon.

MISHNA: The following are considered incompetent to be witnesses: gamblers with dice, usurers, pigeon-breeders,* those who

* Those who breed and train pigeons for racing.

deal with the produce of the sabbatic year, and slaves. This is the rule: All evidence that cannot be received from a woman cannot be received from any of the above. One who has seen the new moon, but is unable to go (to give evidence), must be brought (if unable to walk) mounted on an ass, or even in a bed.* Persons afraid of an attack by robbers may take sticks with them;* and if they have a long way to go, it will be lawful for them to provide themselves with, and carry their food.* Whenever (witnesses) must be on the road a day and a night, it will be lawful to profane the Sabbath to travel thereon, to give their evidence as to the appearance of the moon. For thus it is written [Lev. xxiii. 4] "These are the feasts of the Lord, the holy convocations, which ye shall proclaim *in their appointed seasons*."

* Even on the Sabbath, when under ordinary circumstances this might not be done.

CHAPTER II.

MISHNA: If the Beth Din did not know him (the witness) another was sent with him to testify in his behalf. In former times they would receive evidence (about the appearance of the moon) from any one; but when the Boëthusians used their corrupt practices the rule was made, that evidence would only be received from those who were known (to be reputable).

GEMARA: What is meant by "another" (in the above Mishna)? Another pair (of witnesses). This is proved by the following reasoning: If you do not say so, then what is the meaning of "him," in the words of the Mishna "If the Beth Din did not know *him*?" Shall I say it means one (witness)! Surely the evidence of one was not received, for this transaction was called "judgment" [Ps. lxxx] (and two witnesses are necessary)? What then does "him" mean? That pair; so also here, "another" means another pair. Is then the evidence of one not accepted? Does not a Boraitha state: It once happened that R. Nehorai went to Usha on the Sabbath to testify (to the character) of one witness? He knew, that there was one witness in Usha and he went to add his evidence (and thus make two witnesses). If that is so, why need it tell us (that R. Nehorai went on the Sabbath)? One might suppose that, as there was a doubt (that he might not meet the other witness), he ought not to have profaned the Sabbath (by traveling to Usha as a single witness); therefore he teaches us (that even in such a case of doubt the Sabbath might be profaned).

When Ulla came (to Babylon, from Palestine), he said: They have already consecrated the New Moon in Palestine. Said R. Kahana: (In such a case) not only Ulla, who is a renowned man, is to be believed, but even an ordinary man. Why so? Because men will not lie about a matter, that will become known to every one.

"IN FORMER TIMES THEY WOULD RECEIVE EVIDENCE FROM ANY ONE, ETC." The Rabbis taught: What corruption did the Boëthusians practice? They once sought to deceive the sages, and they bribed, with four hundred zuz (silver coins), two men, one belonging to their party and one to ours. The former gave his evidence and went out; to the latter, they (the Beth Din) said, "Tell us what was the appearance of the moon?" "I went up, replied

he," to Maale Adumim,* and I saw it crouching between two rocks. Its head was like a calf, its ears like a goat, its horns like a stag, and its tail was lying across its thigh. I gazed upon it and shuddered, and fell backwards; and if you do not believe me, behold, here I have two hundred zuz bound up in my cloth. "Who induced you to do this" they asked? "I heard," he replied, "that the Boëthians wished to deceive the sages; so, I said to myself, I will go and inform them, lest some unworthy person may (accept their bribe) and come and deceive the sages." Then, said the sages, "The two hundred zuz may be retained by you as a reward, and he who bribed you, shall be taken to the whipping-post (and be punished)." Then and there they ordained that testimony should be received only from those who were known (to be of good character).

MISHNA: Formerly bon-fires were lighted (to announce the appearance of the new moon); but when the Cutheans† practiced their deceit it was ordained that messengers should be sent out. How were these bon-fires lighted? They brought long staves of cedar wood, canes, and branches of the olive tree, and bundles of tow which were tied on with twine; with these they went to the top of the mountain, and lighted them, and kept waving them to and fro, upward and downward, till they could perceive the same repeated by another person on the next mountain, and thus, on the third mountain, etc. Whence did these bon-fires commence? From the mount of Olives to Sartabha, from Sartabha to Grophinah, from Grophinah to Hoveran, from Hoveran to Beth Baltin; they did not cease waving the burning torches at Beth Baltin, to and fro, upward and downward, until the whole country of the captivity appeared like a blazing fire.

GEMARA: The Rabbis taught: Bon-fires were only lighted to announce the new moon that appeared and was consecrated at the proper time (after twenty-nine days). And when were they lighted? On the evening of the thirtieth day. Does this mean to say that for a month of twenty-nine days the bon-fires *were* lighted, but *not* for a month of thirty days? It should have been done for a month of thirty days, and not at all for a month of twenty-nine days. Says Abayi: That would cause the people a loss of work for two days (because they would wait to see if the bon-fires would be lit or not and thus lose a second day).‡

* The name of a place between Jerusalem and Jericho.

† A sect of Samaritans.

‡ The thirtieth day from the last New Moon was always New Moon, but in intercalary months the thirty-first day was also New Moon (second day); In the latter case the thirtieth day (first day of New Moon) belonged to the passing month, and the second day of New Moon

"HOW WERE THESE BON-FIRES LIGHTED? THEY BROUGHT LONG STAVES OF CEDAR WOOD, ETC." R. Judah says: There are four kinds of cedars: the common cedar, the QETROS, the olive tree, and the cypress. QETROS says Rabh, is (in Aramaic) ADARA or a species of cedar. Every cedar, says R. Jo'hanan, that was carried away from Jerusalem, God will in future times, restore, as it is said [Is. xli. 19], "I will plant in the wilderness the cedar tree," and by "wilderness" He means Jerusalem, as it is said, [Is. lxiv. 10], "Zion is (become) a wilderness." Further says R. Jo'hanan, "Woe to the Romans, for whom there will be no substitution," for it is said [Is. lx. 17], "For brass, I will bring gold, and for iron, I will bring silver, and for wood, brass and for stones, iron;" but what can He bring for R. Aqiba and his comrades (who were destroyed by Rome)? Of them He says [Joel iii. 21], "I will cleanse them, (but for) *their* (Aqiba's and his comrades') blood, I will not cleanse them."

"AND WHENCE DID THESE BON-FIRES COMMENCE?" From Beth Baltin. What is Beth Baltin? "Biram," answered Rabh. What (does the Mishna) mean by the captivity? Says R. Joseph, "Pumbeditha." And how was it that the whole country looked like a blazing fire? We learn that each Israelite took a torch in his hand and ascended to the roof of his house.

MISHNA: There was a large court in Jerusalem, called Beth Ya'azeq, where all the witnesses met, and where they were examined by the Beth Din. Great feasts were made there for (the witnesses) in order to induce them to come frequently. At first, they did not stir from there all day (on the Sabbath),* till R. Gamliel, the Elder, ordained that they might go two thousand cubits on every side; and not only these (witnesses) but also a midwife, going to perform her professional duties, and those who go to assist others in case of conflagration, or of an attack of robbers, or of flood, or (of rescuing people) from the ruins (of a fallen building) are considered (for the time being) as inhabitants of that place, and may go (thence on the Sabbath) two thousand cubits on every side. How were the witnesses examined? The first pair were examined first. The elder was introduced first, and they said to him: Tell us, in what form you

was the first day of the new month. Bonfires were always lighted on the night of the thirtieth day, *i. e.*, on the night after new moon; and if no bonfires were lighted then there were two days New Moon. In the case of the month of Elul they would, after twenty-nine days, observe New Year's Day. Now if that month happened to be intercalary (*i. e.* have thirty days) and bonfires would have been lighted, the next day would have had to be observed as New Year's Day again, and the people would consequently have lost a second day.

* For if they had already traveled two thousand cubits, they were prohibited from journeying more than four cubits more.

saw the moon; was it before or behind the sun? Was it to the north or the south (of the sun)? What was its elevation on the horizon? Towards which side was its inclination? What was the width of her disk? If he answered, before the sun, his evidence was worthless. After this they introduced the younger (witness) and he was examined; if their evidence was found to agree, their testimony was accepted as valid; the remaining pairs (of witnesses) were asked leading questions, not because their testimony was necessary, but only to prevent them departing, disappointed, and to induce them to come again often.

GEMARA: Do not the questions (asked by the Mishna), "was it before or behind the sun?" and "was it to the north or to the south?" mean the same thing? Answered Abayi: (The Mishna asks) whether the concave of the crescent was before or behind the sun, and if (the witness said) it was before the sun, his evidence was worthless; for R. Jo'hanan says: What is the meaning of the passage [Job xxv. 2] "Dominion and fear are with him; he maketh peace in his high places?" It means that the sun never faces the concave of the crescent or the concave of a rainbow.

"WHAT WAS ITS ELEVATION ON THE HORIZON? TOWARDS WHICH SIDE WAS ITS INCLINATION?" In one Boraitha we have learnt: If (the witness) said "towards the north," his evidence was valid, but if he said, "towards the south," it was worthless; does not another Boraitha (which says the following) teach the very opposite: If (the witness) said "towards the south," his testimony was accepted, but if he said "towards the north" it was valueless? There is no difficulty here; in the latter case it speaks of the summer, while in the former it refers to the winter. The Rabbis taught: If one (witness) said its elevation appeared about as high as two oxgoads and another said about as high as three, their testimony was invalid, but either might be taken in conjunction with a subsequent witness (who offered similar testimony). The Rabbis taught: (If the witnesses say) "we have seen the reflection (of the moon) in the water, or through a metal mirror, or in the clouds," their testimony is not to be accepted; or (if they say we have seen) "half of it in the water, and half of it in the heavens, or half of it in the clouds," their evidence carries no weight. Must they then see the new moon again (before their testimony can be accepted)? Answered Abayi: This is their meaning, if the witnesses testify that they saw the moon, accidentally, and they then returned purposely and looked for it, but they saw it not, their evidence is worthless. Why so? Because

one might say they saw a patch of white clouds (and they thought it was the moon).

MISHNA: The chief of the Beth Din says "It (the new moon) is consecrated," and all the people repeated after him "It is consecrated, it is consecrated." Whether the new moon was seen at its proper time (after twenty-nine days) or not, they used to consecrate it. R. Elazar b. Zadok said: If it had not been sent at its proper time it was not consecrated, because it had already been consecrated in heaven (*i. e.*, of itself).

GEMARA: Whence do we know that the (chief of the Beth Din must say "It is consecrated")? Answered R. 'Hiyya b. Gamda in the name of Rabbi: The Torah says [Lev. xxiii. 44], "Moses declared unto the children of Israel the feasts of the Lord" from which we deduce that (as Moses, who was the chief in Israel, declared the feasts to Israel, so also does) the chief of the Beth Din announce the words "It is consecrated."

"ALL THE PEOPLE REPEATED AFTER HIM "IT IS CONSECRATED, IT IS CONSECRATED." Whence do we know this? Answered R. Papa: The Torah says [Lev. xxiii. 2], "Which *ye* shall proclaim," *i. e.*, which ye, all the people shall proclaim; but R. Na'hman b. Isaac says: We know it from the words [ibid.] "*These* are my feasts," *i. e.* (*these people*) shall announce my feasts. Why are the words "It is consecrated" repeated twice? Because in the Scriptural verse just quoted we find it written "holy convocations" (*literally*, announcements, and the minimum of the plural expression is two).

"R. ELAZAR B. ZADOK SAID: IF IT HAD NOT BEEN SEEN AT ITS PROPER TIME, IT WAS NOT CONSECRATED, ETC." Pelimo* teaches in a Boraitha: When the new moon appears at its proper time, they used not to consecrate it, but when it appears out of its proper time, they used to consecrate it. R. Eliezer, however, says: In neither case used they to consecrate it, for it is written [Lev. xxv. 10] "And ye shall consecrate the fiftieth year;" *years* should be consecrated, but not *months*. R. Judah says in the name of Samuel: The law is according to R. Elazar b. Zadok. Abayi says: We have also a Mishna to the same effect, viz.: If the Beth Din and all Israel saw the new moon (on the thirtieth day) and if the examination of the witnesses had already taken place, and it had become dark before they had time to announce "It is consecrated," the month (just passing) is intercalary. That (the month) is intercalary is mentioned (by the Mishna), but not that they said "It is consecrated?"

* The name of a Tana, a contemporary of Rabbi.

It is not clear that this is a support for Abayi's argument, for it was necessary to say that it was intercalary, or we would not have known that the next day was the intercalary day. One might have thought since the Beth Din and all Israel saw the new moon, that it was apparent to all, and that the month does not become intercalary, therefore he teaches us that (nevertheless the month becomes intercalary).

MISHNA: R. Gamliel had on a tablet, and on the wall of his upper room, illustrations of the various phases of the moon, which he showed to the common people, saying, "Did you see the moon like this figure or like this?"

GEMARA: Is this permitted? Does not a Boraitha teach that the words "Ye shall not make with me" [Ex. xx. 23] mean, ye shall not make pictures of my ministers that minister before me, such as the sun, moon, stars or planets? It was different with R. Gamliel, for others made it for him. But others made one for R. Judah, yet Samuel said to him "Thou, sagacious one, destroy that figure!"* In the latter case the figure was embossed, and he was afraid that one might suspect the owner (of using it as an idol). Need one be afraid of such suspicion? Did not that synagogue in Shephithibh of Nehardea have a statue (of the king), yet Rabh, Samuel, and Samuel's father and Levi went there to pray and were not afraid of being suspected (of idolatry)? It is a different case when there are many. Yet, R. Gamliel was only one? Yea, but he was a prince, and there were always many with him; and if you wish you may say that he had them made to teach by means of them; and that which is written [Deut. xviii. 9] "thou shalt not learn to do," means but thou mayest learn, in order to understand and to teach.

MISHNA: It happened once, that two witnesses came and said: We saw the moon in the eastern part of the heavens in the morning, and in the western part in the evening. R. Jo'hanan b. Nuri declared them to be false witnesses; but when they came to Jamnia, Gamliel received their evidence as valid. (On another occasion) two other witnesses came and said: We saw the moon on its proper day, but could not see it on the next evening of the intercalary day; R. Gamliel received them: but R. Dosa b. Harkhinus, said: They are false witnesses; for how can they testify of a woman being delivered (on a certain day), when, on the next day, she appears to be pregnant? Then R. Joshua said unto him: I approve your opinion. Upon this Gamliel sent him (R. Joshua) word, saying, "I order

* literally "put out the eyes of that figure!"

you to appear before me on the Day of Atonement, according to your computation, with your staff and with money. R. Aqiba went to him (R. Joshua), and found him grieving; he then said to him, I can prove that all Gamliel has done is proper for it is said, "These are the feasts of the Lord, holy convocations which ye shall proclaim," either at their proper time, or not at their proper time, only *their* convocations are to be considered as holy festivals. When he (R. Joshua) came to R. Dosa b. Harkhinas, the latter told him, "If we are to reinvestigate the decisions of the Beth Din of Gamliel, we must also reinvestigate the decisions of all the Beth Dins which have existed from the time of Moses till the present day; for it is said [Ex. xxiv. 9], "Moses, Aaron, Nadab, Abihu, and seventy elders went up (to the Mount)." Why were not the names of the elders also specified? To teach us, that every three men in Israel that form a Beth Din are to be respected in an equal degree with the Beth Din of Moses. Then did R. Joshua take his staff and money in his hand, and went to Jamnia, to Gamliel, on the very day on which the Day of Atonement would have been according to his computation; when Gamliel arose, and kissed him on his forehead, saying, "Enter in peace, my master and disciple! My master—in knowledge; and my disciple—since thou didst obey my injunction."

GEMARA: A Boraitha teaches us: that R. Gamliel said to the sages, thus it has been handed down to me from the house of my grandfather (Hillel), that sometimes the new moon appears elongated and sometimes diminished. R. 'Hiyya saw the old moon yet on the morning of the twenty-ninth day, and threw clods of earth at it, saying, "We should consecrate thee in the evening, and thou art seen now? Go, hide thyself!"

Said Rabbi to R. 'Hiyya: "Go to Entob and consecrate the month and send back to me as a password* 'David, the King of Israel still lives.' " The Rabbis taught: Once it happened that the heavens were thick with clouds and the form of the moon was seen on the twenty-ninth of the month (of Elul), so that the people thought that New Year's Day should be then proclaimed, and they (the Beth Din) were about to consecrate it. Said R. Gamliel to them: Thus it has been handed down to me by tradition, from the house of my grandfather, the consecration of the moon cannot take place at a period less than twenty-nine and a half days, two-thirds and .0052 (*i. e.*, seventy-three 'Halaqim) of an hour. On that self-same day the mother of Ben Zaza died and R. Gamliel delivered a great funeral

* This device was resorted to because, in the days of Rabbi, the Romans had prohibited the Jews, under penalty of death, to consecrate the moon.

oration,* not because she specially deserved it, but in order that the people might know that the new moon had not yet been consecrated by the Beth Din.

"WHEN HE (RABBI JOSHUA) CAME TO R. DOSA B. HARKHINAS, ETC." The Rabbis taught: The reason that the names of those elders are not mentioned, is in order that one should not say: Is So-and-so like Moses and Aaron? Is So-and-so like Nadabh and Abihu? Is So-and-so like Eldad and Medad? (And how do we know that one should not ask thus)? Because, it is written [1 Sam. xii. 6]; "And Samuel said unto the people the Lord that appointed Moses and Aaron" and in the same connection it is said [ibid. 11.], "And the Lord sent Jerubaal and Bedan and Jephtha and Samuel." Jerubaal is Gideon; and why is he named Jerubaal? Because he strove against Baal; Bedan is Samson; and why is he named Bedan? Because he came from Dan. Jephtha means just what it is (*i. e.*, he had no surname or attribute). It is said [Ps. xcix. 6] "Moses and Aaron among his priests, and Samuel, among them that called upon his name;" the sacred text regards the three common people equal with the three noblest, to teach us that Jerubaal was in his generation like Moses in his; Bedan in his generation was like Aaron in his; Jephtha in his generation was like Samuel in his generation. From all this one must learn, that if, even the commonest of the commoners is appointed leader by a community, he must be considered as the noblest of the nobility, for it is said [Deut. xvii. 9] "And thou shalt come unto the priests, the Levites, and unto the judge that shall be in those days." (Why does the Torah say "in those days"?) Can you imagine that one could go to a judge who was not in his days? (Surely not! but by these words Scripture teaches us that a judge is to be held "in his days" equal in authority with the greatest of his antecedents). We find a similar teaching in Eccles. vii. 10: "Say not thou, that the former days were better than these!"

"HE TOOK HIS STAFF, ETC." The Rabbis taught: (Gamliel said to R. Joshua): Happy is the generation in which the leaders listen to their followers, and through this the followers consider it so much the more their duty (to heed the teachings of the leaders).

* No funerals or funeral orations were, or are, permitted on the holidays.

CHAPTER III.

MISHNA: If the Beth Din, and all Israel saw (the moon on the night of the thirtieth day), or, if the witness had been examined, but there was no time to proclaim "It is consecrated" before it has become dark, the month is intercalary. If the Beth Din alone saw it, two of its members should stand and give the testimony before the others, who shall then say "It is consecrated, It is consecrated." When three who formed a Beth Din saw it, two should stand and conjoining some of their learned friends with the remaining one, give their testimony before them, who should proclaim "It is consecrated, It is consecrated," for one (member of a Beth Din) has not this right by himself alone.

GEMARA: "IF THE BETH DIN ALONE SAW IT, TWO OF ITS MEMBERS SHOULD STAND AND GIVE THEIR TESTIMONY BEFORE THE OTHERS, ETC." Why so? Surely hearsay evidence is not better than the testimony of an eye-witness! Says R. Zera: It refers to a case where they saw it at night (and on the next day they could not consecrate the new moon until they had heard the evidence of two witnesses).

"WHEN THREE, WHO FORMED A BETH DIN, SAW IT, TWO SHOULD STAND AND CONJOINING SOME OF THEIR LEARNED FRIENDS WITH THE REMAINING ONE, ETC." Why so? Here also we may say, surely hearsay evidence is not better than the testimony of an eye-witness! And if you should object that this also means where they saw it at night, is this not, then, the same case? The case is the same, but he needs to state the above, because of the concluding words, "one (member of a Beth Din) has not the right by himself alone;" for you might possibly think that we say, since in civil cases three (are required to constitute a Beth Din), but where he is well known (as a learned authority) one judge may act alone, so here we may consecrate (the new moon) on the authority of one judge, therefore, he teaches us (that three are required). Perhaps I should, nevertheless, say here (that one learned authority is sufficient)? Nay, for there is no greater authority than Moses, our master, yet God said to him, that Aaron should act with him, as it is written [Ex. xii. 1, 2], "And the Lord spake unto Moses and Aaron, in the land of Egypt, saying: This month shall be unto *you* the beginning of months."

Does this mean to say that a witness may act as judge? And shall I then say that the above Mishna is not according to R. Aqiba, for a Boraitha teaches: If the members of the Sanhedrin saw a man commit murder, part of them may act as witnesses and part as judges, according to R. Tarphon; but according to R. Aqiba all of them are witnesses, and no witness (of a crime) may act as judge? You may state (that the Mishna is) according to R. Aqiba even. In the latter instance R. Aqiba only refers to capital cases, for the Torah says [Numb. xxxv. 24, 25] "Then the congregation shall judge . . . and the congregation shall deliver," and since they saw him commit murder, they will not be able to urge any plea in his favor; but here (concerning the new moon) even R. Aqiba assents (that a witness may act as judge).

MISHNA: Every kind of cornet may be used (on New Year's Day) except those made of cow-horn, because they are called "horn" (QEREN) and not "cornet" (SHOPHAR). R. Jose says: Are not all cornets called "horn," as *c. g.*, it is said [Josh. vi. 5] "And it came to pass that when they made a long blast with the horn."

GEMARA: How comes it that the word JOBHEL means ram? A Boraitha teaches: R. Aqiba says, When I went to Arabia, I found they called a ram "Yubla." The Rabbis did not know the meaning of the word SALSELEHO in the passage [Prov. iv. 8] "Salseleho and she shall promote thee." One day they heard Rabbi's maidservant say to a certain man who was (conceitedly) playing with his hair, "How long wilt thou MESALSEL (twist up) thy hair?" The Rabbis did not know the meaning of the word YEHABHEKHA in the passage [Ps. lv. 22] "Cast YEHABHEKHA (burden) upon the Lord." Says Rabba b. Bar 'Hana, "One day I went with a certain Arabian caravan merchant and I was carrying a burden. Said he to me, 'Take down YEHABHEKH (thy burden) and put it on my camel.'"

MISHNA: The cornet used on the New Year was a straight horn of a wild goat; the mouth-piece was covered with gold. The two trumpets were stationed one on each side: the sound of the cornet was prolonged, while that of the trumpet was short, because the special duty of the day was the sounding of the cornet. On the fast days two crooked ram's-horns were used, their mouth-pieces being covered with silver, and the two trumpets were stationed in the middle between them: the sound of the cornet was shortened while that of the trumpets was prolonged, because the special duty of the day was the sounding of the trumpets. The Jubilee and New Year's Day were alike in respect to the sounding (of the cornet) and the benedictions, but R. Judah says on the New Year we blow (a

cornet) made of ram's-horn, and on the Jubilee one made of the horn of a wild goat.

GEMARA: R. Levi says: It is a duty on New Year's Day and the Day of Atonement to use a bent cornet, but during the rest of the year a straight one. But have we not learned that the cornet used on the New Year must be the "*straight* horn of a wild goat? He (R. Levi) supports his opinion with the following Boraitha which teaches that R. Judah says: On New Year's Day they used to blow (a cornet) made of a straight ram's-horn and on the Jubilees, one made of wild goat's horn. About what do they dispute? R. Judah holds that on New Year's the more bent in spirit a man is, and on the Day of Atonement, the more upright he is (in his confessions), the better; but R. Levi holds the more upright a man is on New Year's Day and the more bowed in spirit on the Fast Days, the better.

"THE MOUTH-PIECE WAS COVERED WITH GOLD." Does not a Boraitha teach, however, that if one covers the place to which the mouth was put the cornet may not be used; but if (he covers) another place it may be used? Answered Abayi: Our Mishna also means, a place to which the mouth was not put.

"THE TWO TRUMPETS WERE STATIONED ONE ON EACH SIDE." Could the two sounds be easily distinguished? Nay; and therefore the sound of the cornet was prolonged to indicate that the special duty of the day was the sounding of the cornet.

"ON THE FAST-DAYS TWO CROOKED RAM'S-HORNS WERE USED, THEIR MOUTH-PIECES BEING COVERED WITH SILVER." Why was the cornet used in the one case covered with gold and in the other, with silver? All (signals for) assemblies were blown on horns made with silver as it is written [Numb. x. 2] "Make unto thee two trumpets of silver . . . that thou mayest use them for the calling of the assembly, etc." R. Papa b. Samuel was about to follow the practice laid down by the Mishna; said Rabha to him, that was only customary so long as the Temple was in existence. A Boraitha also teaches this applies only to the Temple; but in the country (outside of Jerusalem) in a place where they use the trumpet, they do not use the cornet, and *vice-versa*. And so also did R. 'Halaphta, in Sepphoris and so too did R. 'Hanina b. Teradjon in Si'hni, when the matter was brought to the attention of the sages, they said: That was the custom, only at the eastern gates or the Temple Mount. Rabha, but some say R. Joshua b. Levi asked: From which Scriptural verse is this deduced? From Ps. xcvi. 6 which runs, "With trumpets and sound of cornet,

make a joyful noise before the Lord, the King;" *i. e.*, before the Lord, the King (in the Temple) we need both the trumpets and the cornet, but not elsewhere.

"THE JUBILEE, AND THE NEW YEAR WERE ALIKE IN RESPECT TO THE SOUNDING (OF THE CORNET), AND THE BLESSINGS." R. Samuel b. Isaac said: According to whom do we now-a-days pray: "This day celebrates the beginning of thy work, a memorial of the first day?" According to R. Eliezer who says: The world was created in Tishri. R. Ina asked a question: Did we not learn in our Mishna that the Jubilee and New Year are alike in respect to the sounding (of the cornet), and the benedictions, and now how can that be so when we say "This day celebrates the beginning of thy work, a memorial of the first day," which is said on New Year but not on the Jubilee? (That which we have learnt in our Mishna that they are alike means) in every other respect but this.

MISHNA: It is unlawful to use a cornet that has been split and afterwards joined together; or one made of several pieces joined together. If a cornet had a hole that had been stopped up, and prevented (the production) of the proper sound, it might not be used; but if it does not affect the proper sound, it might be used. If one should blow the cornet inside a pit, a cistern or a vat and the sound of the cornet was (plainly) heard (by one listening to it) he will have done his duty (to hear the cornet on the New Year), but not if he heard only an indistinct sound. Thus also, if one should happen to pass by a synagogue, or live close by it and should hear the cornet (on the New Year) or the reading of the Book of Esther (on the Feast of Esther), he will have complied with the requirements of the law, if he listened with proper attention but not otherwise; and although the one heard it as well as the other, yet the difference (on which everything depends) is, that the one listened with proper attention, and the other did not.

GEMARA: The Rabbis taught: If a cornet was long and they shortened it, it might be used; if one scraped it and reduced it to its due size, it might be used; if one covered it on the inside, with gold, it might not be used; if on the outside and it changed the tone from what it originally was, it might not be used, but if not, it might be used; if a cornet had a hole in it and they closed it up, and thereby prevented (the production) of the proper sound, it might not be used, but if not it might be used; if one placed one cornet inside another and the sound heard (by a listener) was produced from the inner one he has complied with the requirements of the law, but if from the outer one, he has not.

"OR ONE MADE OF SEVERAL PIECES JOINED TOGETHER."

The Rabbis taught: If one added to a cornet never so small a piece, whether it be of the same kind of horn or not, it might not be used. If a cornet had a hole, whether one stopped it up with a piece of the same kind (of horn) or not, it might not be used, but R. Nathan held (only when repaired with material) *not* of the same kind, it might not be used, but otherwise it might. (To which) R. Judah added: That is, if the greater part of a cornet was broken. From this we may prove that if repaired with material of the same kind, although the greater part was broken, it may, nevertheless be used.

"If one covered a cornet on the inside with gold it might not be used; if on the outside, and it changed the tone from what it originally was, it might not be used, but if not, it might be used." If a cornet had been split lengthwise, it might not be used, but if crosswise, yet enough remained with which to produce the sound, it might be used, but if not, it might not be used. [And how much is that? R. Simon b. Gamliel explains it to be as much as we may hold in our closed hand, and yet on either side a portion is visible].* If its tone was thin, or heavy or harsh, it might be used, for all tones were considered proper in a cornet. The schoolmen sent a message to the father of Samuel: (One has complied with the requirements of the law if he bored a hole in a horn and blew it. That is self-evident! for in) every cornet a hole must surely be bored. Says R. Ashi: If one bored a hole through the bony substance inside the horn (which ought to be removed), are we to suppose that one substance causes an interposition with another of the same nature, (and that, therefore it might not be used)? Therefore they sent to say that this is no objection.

"IF ONE SHOULD BLOW THE CORNET INSIDE A PIT OR A CISTERN, ETC." R. Huna says: They taught this only in the case of those who stood at the pit's mouth, but those who were in the pit comply with the requirements of the law. If one heard a part of (the required number of) the sounds of the cornet in the pit, and the rest at the pit's mouth, he has done his duty; but if he heard a part before the dawn of day, and the rest after the dawn, he has not complied with the requirements of the law. Asked Abayi: Why in the latter case (should he not have done his duty, because he did not hear the whole of the sounds at the time when the duty should be performed), yet, in the former case (he is considered to have done

* The opinion of the editor is that this parenthesis is a fair illustration of the interpolations in the Talmud. The term *PIRESH* is not Talmudical and was only used in later times. It has only been left here because the explanation happens to be correct.

his duty) under similar circumstances? How can you compare these cases? In the latter case, *the night is not* the time of performing the obligation at all, while in the former case, *a pit is* a place where the duty may be performed for those who are in it! Shall we say that Rabba held: If one heard the end of the sounding (of the cornet), without having heard the beginning he complied with the requirements of the law, and from these words we must understand that if he heard the beginning, without the end he has also done his duty? Come and hear! If one blew the first sound (ṬEQIA) and prolonged the second (ṬEQIA) as long as two, it is only reckoned as one; and (if Rabba's opinion is correct) why should you reckon it as two? (This is no question)! If he heard a half the sounds, he has done his duty, but when one blows one sound on the cornet, we may not consider it two halves. Rabba says: One who vows to receive no benefit from his neighbor, may blow for him the obligatory sounds (of the cornet); one who vows refusal of any benefit from a cornet, may blow on it the obligatory sounds. Furthermore says Rabba: One who vows to refuse any benefit from his neighbor may sprinkle on him the waters of a sin-offering in the winter, but not in the summer. One who vows to receive no benefit from a spring, may take in it an obligatory bath in the winter, but not in the summer. The schoolmen sent a message to the father of Samuel: If one had been compelled to eat unleavened bread (on the first night of Passover, *i. e.*, he had not done so of his own accord) he has also done his duty. Who compelled him? Answered R. Ashi, Persians. Rabba remarked: From this statement we can prove that if one plays a song on the cornet, he complies with the requirements of the law. It is self-understood! The cases are similar? But one might suppose that in the former case, the Torah commanded him to *eat* (unleavened bread) and he *ate* it, but in the former case the Torah speaks of "a *remembrance* of blowing the cornet" [Lev. xxiii. 24], and (when he plays a song he does not *remember* his duty for) he is engaged in a worldly occupation! Therefore he teaches us that even under such circumstances he *does* comply with the requirements of the law. To this an objection was raised. We have learnt: If one who listened (to the sounds of the cornet) paid the proper attention, but he that blew the cornet did not, or *vice-versa*, they have not done their duty, until both blower and listener pay proper attention. This is all right as far as the case where the blower, but not the listener, pays the proper attention, for it is possible that the listener imagines he hears the noise of an animal; but how can it happen that the listener should pay due attention and the one who blows (the cornet)

should not, except he was only playing a song (by which he does not do his duty)? (It is possible) if he only produced a dull sound; (*i. e.* and not, for example a Teqia).

Said Abayi to him: But now, according to your conclusion (that a duty performed without due attention is the same as if performed with due attention) will you say that he who sleeps in a tabernacle on the eighth day of the feast of Tabernacles receive stripes (because he had no right to observe the law for more than seven day)? Answered he: I say that one cannot infringe a command except at the time when it should be performed. R. Shamen b. Abba raised an objection: Whence do we know that a priest who ascended the platform (to pronounce the priestly benediction) must not say: Since the Torah has given me the right to bless Israel, I will supplement (the benedictions Numb. vi. 24-26) by one of my own, as for example [Deut. i. 11] "May the Lord God of your fathers make you a thousand times so many more as ye are?" From the Torah which says [Deut. iv. 2] "Ye shall not *add* unto the word." And in this case as soon as he has finished the benedictions, the time for performing that duty has gone by, still if he add a blessing of his own he is guilty of infringing the law which says "Ye shall not add?" Said Rabha: (I mean), To fulfill the requirements of the law one need not pay attention; to transgress the law against supplementing, at the time prescribed for performing it, also, does not require one's special attention; but to transgress the law against supplementing at the time not prescribed for performance, needs one's special attention. R. Zira said to his attendant: "Pay attention, and sound (the cornet) for me!" Do we not thus see that he holds that to fulfill the requirements of the law the act is not enough and one must pay attention? This is a disputed question among the Tanaim, for a Boraitha teaches: One who hears (the blowing of the cornet) must himself listen in order to perform his duty, and he who blows (the cornet) blows after his usual manner. R. Jose says: These words are said only in the case of the officiant for a congregation; but an individual does not comply with the requirements of the law unless both he that hears and he that blows pay proper attention.

MISHNA: (It is written in Ex. xvii. 11 that) "When Moses held up his hand, Israel prevailed, etc." Could then the hands of Moses cause war to be waged or to cease? (Nay); but it means that as long as Israel looked to Heaven for aid, and directed their hearts devoutly to their Father in Heaven, they prevailed; but when they ceased to do so, they failed. We find a similar instance also in [Numb. xxi. 8] "Make unto thee a fiery serpent and set it on a pole, and every one that is bitten, when he looketh upon it shall

live." Could then the serpent kill or bring to life? (Nay); but it means when the Israelites looked (upward) to Heaven for aid and subjected their will to that of their Father in Heaven they were healed, but when they did not, they perished. A deaf mute, an idiot, or a child cannot act in behalf of the assembled congregation. This is the general rule whosoever is not obliged to perform a duty, cannot act in behalf of the assembled congregation (for that duty).

GEMARA: The Rabbis taught: All are obliged to hear the sounding of the cornet, Priests, Levites and Israelites, Proselytes, Freed-Slaves, a monstrosity, a hermaphrodite, and one who is half slave and half free. A monstrosity cannot act in behalf of those like or unlike itself, but a hermaphrodite can act in behalf of those of the same class, but not of any other. The teacher says: It is said, All are obliged to hear the sounding of the cornet, Priests, Levites and Israelites. This is self understood, for if these are not obliged, who are? It was necessary to mention priests here, for one might have supposed, that since we have learnt, "the Jubilee and New Year's Day are alike with regard to the sounding of the cornet and the benedictions," that only those who are included under the rule of Jubilee are included in the duties of New Year's Day; and as the priests are not included in the rule of Jubilee (for they have no lands to lie fallow, etc.), might we not therefore say that they are not bound by the duties of New Year's Day? Therefore he teaches us (that they must hear the sounding of the cornet).

Ahabha, the son of R. Zera teaches: With regard to all the benedictions, although one has already done his duty he may nevertheless act for others, with the exception of the blessings over bread and wine; concerning which, if he has not yet done his duty, he may act for others, but if he has done his duty, he may not act for others. Rabha asked: What is the rule in the case of the benediction of the unleavened bread, and the wine used at the sanctification of a festival? Since these are special duties, may one act for others, or perhaps the (duty is only the eating of the unleavened bread and the drinking of the sanctification wine) but the benediction is not a duty, and therefore he cannot act for others? Come and hear! R. Ashi says: When we were at the home of R. Papa, he said the blessing of sanctification for us, and when his field-laborer came from work he said the blessing for him. The Rabbis taught: One may not say the benediction over bread for guests, unless he eats with them, but he may for the members of the family, to initiate them into their religious duties; with regard to the Service of Praise [HALLEL Ps. cxiii-cxviii.] and the reading of the Book of Esther, although one has already done his duty, he may, nevertheless, act for others.

CHAPTER IV.

MISHNA: When the feast of New Year happened to fall on the Sabbath, they used to sound (the cornet) in the Temple, but not outside of it. After the destruction of the Temple R. Jo'hanan b. Zakkai ordained that they should sound (the cornet) in every place in which there was a Beth Din. R. Elazar says that R. Jo'hanan b. Zakkai instituted that for Jamnia alone; but they (the sages) say the rule applied both to Jamnia and every place in which there was a Beth Din. And in this respect also was Jerusalem privileged more than Jamnia, that every city, from which Jerusalem could be seen, or the sounding (of the cornet) could be heard, which was near enough, and to which it was allowed to go on the Sabbath, might sound the (cornet) on the Sabbath but in Jamnia they sounded (the cornet) before the Beth Din only.

GEMARA: Whence do we learn these things? Says Rabba: The Rabbis issued a decree concerning them according to Rabba; for Rabba says, Although the duty of sounding (the cornet) is obligatory upon all, yet all are not skilled in sounding (it), therefore they feared lest one might take (the cornet) in his hand, and go to an expert and carry it more than four cubits on the New Year. The same rule applies to the palm branch (LULABH) and also to the scroll (on which is written the) Book of Esther.

"AFTER THE DESTRUCTION OF THE TEMPLE, R. JO'HANAN B. ZAKKAI ORDAINED, ETC." The Rabbis taught: Once it happened that New Year's Day fell on the Sabbath, and all the cities gathered together. Said R. Jo'hanan b. Zakkai to the Benai Betherah:* "Let us sound (the cornet)!" "First," said they, "let us discuss!" "Let us sound it," replied he, "and then we will discuss!" After they had sounded (the cornet) they said to him "Now let us discuss!" He answered "The cornet has now been heard in Jamnia, and we cannot retract after the act has been performed."

"BUT THEY (THE SAGES) SAY THE RULE APPLIED BOTH TO JAMNIA AND EVERY PLACE IN WHICH THERE IS A BETH DIN." Says R. Huna, that means, in the presence of the Beth Din. Does this preclude people from sounding (the cornet) out of the presence of the Beth Din? And, when R. Isaac b. Joseph came (from

* A scholarly family of Babylonian descent, much favored by Herod.

Jamnia) did he not say: When the officiant appointed by the congregation in Jamnia had finished sounding (the cornet) one could not hear his own voice on account of the sounds (of the cornets) used by individuals? (Even individuals) used to sound (the cornet) in the presence of the Beth Din. We have also been taught: Rabbi says, We may only sound (the cornet) during the time that the Beth Din is accustomed to sit.

"JERUSALEM WAS PRIVILEGED MORE THAN JAMNIA, ETC." (When the Mishna speaks of) "Every city from which Jerusalem could be seen," it means with the exception of a city located in the valley (from which it could be seen only by ascending to an elevated spot); by "the sounding (of the cornet) could be heard," it means to except a city located on the top of a mountain; by, "which was near enough," it means to exclude a city outside the prescribed limit (of a Sabbath journey); and by, "and to which it was allowed to go" it means to exclude a city (even near by) but divided (from Jerusalem) by a river.

MISHNA: Formerly the palm-branch (LULABH) was taken to the Temple seven days, but in cities outside (of Jerusalem) it was taken (to the synagogue) one day. Since the destruction of the Temple, R. Jo'hanan b. Zakkai ordained that the palm-branch should everywhere be taken seven days, in commemoration of the Temple, and also that it should be prohibited (to eat the new produce) the whole day of waving (the sheaf-offering; vide Lev. xxiii. 11-15).

GEMARA: Whence do we know that we do this in commemoration of the Temple? The Scriptures say [Jer. xxx. 17] "For I will restore health unto thee, and I will heal thee of thy wounds, saith the Lord, because they called thee an outcast, saying, This is Zion whom no man seeketh after." By implication (we see) it (Zion or the Temple) needs being sought after (or commemorated).

"AND THAT IT SHOULD BE PROHIBITED TO EAT . . . ON THE WHOLE DAY OF WAVING (THE SHEAF-OFFERING) ETC." R. Na'hman b. Isaac remarks: R. Jo'hanan b. Zakkai says this according to the opinion of R. Judah, for it is said [Lev. xxiii. 14] "And ye shall eat neither parched corn . . . until the self-same day," *i. e.*, until the very day itself, and he holds that whenever the expression "until" (ADH) occurs it is inclusive. How can you say the above according to (R. Judah); surely he differs from him? For we have learnt: Since the destruction of the Temple R. Jo'hanan b. Zakkai *ordained* that it should be prohibited (to eat

of the new produce) the whole of the day of waving (the sheaf-offering)! Says R. Judah: Is this not prohibited by the Torah which says: "Until the self-same day?" R. Judah was mistaken; he thought that R. Jo'hanan b. Zakkai taught that (the prohibition) was Rabbinical, and it was not so, for R. Jo'hanan also said it was Biblical. But does the Mishna not say "he ordained?" Aye; but what does it mean by "he ordained?" (It means), he explained the ordinance.

MISHNA: Formerly they received evidence as to the appearance of the new moon the whole (of the thirtieth) day. Once, the witnesses were delayed in coming, and they disturbed the song of the Levites. They then ordained that evidence should only be received until (the time of) the afternoon service, and if witnesses came after that time both that and the following day were consecrated. After the destruction of the Temple, R. Jo'hanan b. Zakkai ordained that evidence (as to the appearance) of the new moon should be received all day.

GEMARA: What disturbance did they cause to the Songs of the Levites? Said R. Zera to Ahabha his son: Go and construe (the Mishna) thus: They ordained that evidence as to the appearance of the new moon should not be received, only that there might be time during the day to offer the continual and the additional sacrifices and their drink offerings, and to chant the (daily) song without disturbing the order. A Boraitha teaches: R. Judah says in the name of R. Aqiba, what (song) did (the Levites) chant on the first day of the week? "The earth is the Lord's and the fullness thereof" [Ps. xxiv.], because he is the Creator, the Providence and the Ruler of the Universe. What did they sing on the second day? "Great is the Lord and greatly to be praised" [Ps. xlviii.], because He distributed His works and reigned over them. On the third day they sang "God standeth in the congregation of the mighty" [Ps. lxxxii.], because He, in his wisdom made the earth appear and prepared the world for its occupants. On the fourth day they sang "O Lord, to whom retribution belongeth" [Ps. xciv.], because (on that day) He created the sun and moon, and (determined) to punish in the future those who would worship them. On the fifth day they sang "Sing aloud unto God our strength" [Ps. lxxxix.], because (on that day) He created birds and fish to praise Him. On the sixth day they sang "The Lord reigneth, He is clothed with majesty" [Ps. xciii.], because (on that day) He finished His works and reigned over them. On the seventh day they sang "A Psalm or Song for the Sabbath Day" [Ps. xcii.], for the day that is wholly Sabbath. R. Nehemiah asked:

Why did the sages make a distinction between these sections (for the last refers to a future event, while all the others refer to the past)? It *should* have been said, that they sang that Psalm on the Sabbath day because He rested!

What did the Levites sing when the additional sacrifices were being offered on the Sabbath? R. Anan b. Rabha says in the name of Rabh: Six sections of Deut. xxxii.* R. 'Hanan b. Rabha also says in the name of Rabh, as these sections were divided (by the Levites) so they are divided for the reading of the Torah (on the Sabbath on which they are read). What did they sing at the Sabbath afternoon service? Says R. Jo'hanan, a portion of the song of Moses [Ex. xv. 1-10]; the conclusion of that song [ibid. 11-19] and the song of Israel [Numb. xxi. 17]. The schoolmen asked: Did they sing all these on one Sabbath, or did they, perhaps, sing one section on each Sabbath? Come and hear! A Boraitha teaches: During the time that the first choir of (Levites who sang at the time of the additional sacrifice) sang their sections once, the second choir (that sang at that time of the afternoon sacrifice) had sung theirs twice; from this we may deduce that they sang but one section on each Sabbath.

R. Judah b. Idi says in the name of R. Jo'hanan: According to the Rabbinical explanation of certain Scriptural passages, the Shekhinah made ten journeys; and according to tradition, a corresponding number of times was the Sanhedrin exiled, viz.: from the cell of Gazith (in the Temple) to the market-place; from the market-place to Jerusalem; from Jerusalem to Jamnia; from Jamnia to Usha; from Usha (back again) to Jamnia; from Jamnia (back again) to Usha; from Usha to Shapram; from Shapram to Beth Shearim; from Beth Shearim to Sepphoris; from Sepphoris to Tiberias, and Tiberias was the saddest of them all.

R. Elazar says they were exiled six times as it is said [Is. xxvi. 5], "For he bringeth down them that dwell on high; the lofty city he layeth low; he layeth it low even to the ground; he bringeth it even to the dust." Says R. Jo'hanan: And thence (from the dust) they will in future be redeemed, as it is said [Is. lii. 2] "Shake thyself from the dust; arise, and sit down, etc."

MISHNA: R. Joshua b. Qar'ha says: This also did R. Jo'hanan b. Zakkai ordain: that it mattered not where the chief of the Beth Din might be, the witnesses need only go to the meeting-place (of the Beth Din).

*i-vii; viii-xiii; xiv-xix; xx-xxvii; xxviii-xxxvi; xxxvii-xliv. These passages are called HAZYV LAKH because the initial letters are H, Z, Y, V, L, KH.

GEMARA: A certain woman was summoned for judgment before Amemar in Nehardea. Amemar went away to Me'huza, but she did not follow him, and he then excommunicated her. Said R. Ashi to Amemar: Have we not learned that it mattered not where the chief of the Beth Din might be, the witnesses need only go to the meeting-place (of the Beth Din)? Answered Amemar: That is true in respect to evidence for the new moon; but with regard to my action "The borrower is servant to the lender" [Prov. xxii. 7]. The Rabbis taught: Priests may not ascend the platform in sandals, to bless the people; and this is one of the nine ordinances instituted by R. Jo'hanan b. Zakkai; six are to be found in this chapter, one in the first chapter; another one is, if one become a proselyte now-a-days, he must pay a quarter of a shekel for a sacrifice of a bird, (so that if the Temple should be rebuilt the authorities would have a contribution from him towards the daily sacrifices). R. Simon b. Elazar said, that R. Jo'hanan had already withdrawn this regulation and annuled it, because it easily led to the sin (of using the money for different purposes). And what is the ninth (ordinance of R. Jo'hanan)? R. Papa and R. Na'hman b. Isaac dispute about this; R. Papa says it was with regard to a vineyard of the fourth year's crop; but R. Na'hman b. Isaac says it was with regard to the crimson colored strap (displayed on the Day of Atonement).

MISHNA: The order of the benedictions (to be said on New Year is as follows): The blessings referring to the Patriarchs (ABHOTH), to the mighty power of God (GEBHUROTH), and the sanctification of the Holy name; to these he adds the selection in which God is proclaimed King (MALKHIOTH), after which he does not sound the cornet; then the blessing referring to the sanctification of the day, after which the cornet is sounded; then the Biblical selections referring to God's remembrance of his creatures (ZIKHRONOTH) after which the cornet is again sounded; then the Biblical selections referring to the sounding of the cornet (SHOPHROTH), after which the cornet is again sounded; he then recites the blessings referring to the restoration of the Temple, the adoration of God, the benediction of the priests; such is the opinion of R. Jo'hanan b. Nuri. R. Aqiba said to him, if the cornet is not to be sounded after the Malkhieth, why are they mentioned? But the proper order is the following: The blessings referring to the Patriarchs (Abboth), to the mighty power of God (Gebhuroth), and the sanctification of the Holy name; to this last, the Biblical selections referring to the proclamation of God as King (Malkhieth) are joined and then he sounds the cornet; then the Biblical selections referring to God's remembrance of His

creatures (Zikhronoth), and he then sounds the cornet; then the Biblical selections referring to the sounding of the cornet (Shophroth), and he again sounds the cornet; then he says the blessings referring to the restoration of the Temple, the adoration of God, and the priestly benedictions.

GEMARA: The Rabbis taught: Whence do we know that we should recite the Malkhioth, Zikhronoth, and Shophroth? Answered R. Eliezer: From the passage [Lev. xxiii. 24] in which it is written "Ye shall have a Sabbath, a memorial of blowing cornets, a holy convocation," the word "Sabbath" refers to the consecration of the day; "a memorial" refers to the Zikhronoth; "blowing of cornets" refers to the Shophroth; "a holy convocation" means the hallowing of the day in order to prohibit servile work. R. Aqiba said to him: Why is not the word "Sabbath" construed to mean the prohibition of servile work, since the passage (quoted above) begins with that? And then, let the passage be interpreted thus: "Sabbath" means the hallowing of the day and the prohibition of servile work; "memorial" refers to the Zikhronoth; "blowing of the cornets" refers to the Shophroth; "a holy convocation" means the consecration of the day. Whence do we know that we should recite the MALKHIOTH? A Boraitha teaches: The words, "I am the Lord, your God; and in the seventh month" [Lev. xxiii. 22, 24] may be interpreted to refer to the proclamation of God as King. R. Jose says it is not necessary to cite this passage; for the Torah says [Numbers x. 10] "that they may be to you for a memorial, before your God: I am the Lord your God." These concluding words "I am the Lord, your God" are entirely superfluous, but since they are used, of what import are they? They form a general rule, that in every selection, in which (God's) remembrance of His creatures is mentioned there should also be found the thought that He is the King of the Universe.

MISHNA: Not less than ten Scriptural passages should be used for the Malkhioth, ten for the Zikhronoth and ten for the Shophroth. R. Jo'hanan b. Nuri says the requirements of the law will be fully complied with, if but three of each class have been used.

GEMARA: To what do the ten Scriptural passages used for the Malkhioth correspond? Answered Rabbi: To the ten expressions of praise used by David in the Psalms. But there are more expressions of praise found? Only those are meant, in conjunction with which it is written "praise him with the sound of the cornet," [Psalm ci. 3]. R. Joseph says they correspond to the ten commandments that were proclaimed to Moses on Sinai. R. Jo'hanan says

they correspond to the ten words with which the universe was created.

"THE REQUIREMENTS OF THE LAW WILL BE FULLY COMPLIED WITH IF BUT THREE OF EACH CLASS HAVE BEEN SAID." The schoolmen asked: Does he mean three from the Pentateuch, three from the Prophets and three from the Hagiographa, which would make nine, and they differ about one (passage)? or perhaps one from the Pentateuch and one from the Prophets and one from the Hagiographa, which would make three, and they differ about many passages? Come and hear! A Boraitha teaches: Not less than ten Scriptural passages should be used for the Malkhioth, ten for the Zikhronoth, and ten for the Shophroth; but if seven of them all were recited, corresponding to the seven heavens, the law has been complied with. R. Jose b. Nuri remarked: He that recites less (than ten of each) should not, however, recite less than seven, but if he recited but three, corresponding to the Pentateuch, Prophets, and Hagiographa, but some say corresponding to the Priests, Levites and Israelites, the requirements of the law have been fulfilled. R. Huna b. Samuel says the rule is according to R. Jo'hanan b. Nuri.

MISHNA: We do not cite Scriptural passages for the above three series that contain predictions of punishment. The passages from the Pentateuch are to be recited first, and those from the Prophets last. R. Jose, however, says if the concluding passage is from the Pentateuch the requirements of the law are fulfilled.

GEMARA: Passages, proclaiming the kingdom of God that should not be used, (because of the above) are such as the following [Ezekiel xx. 33]: "As I live, saith the Lord God, surely with a mighty hand, and with a stretched out arm, and with fury poured out, I will rule over you," and although as R. Na'hman says (of this passage): Let Him be angry with us, but let Him take us out of captivity, still, since it refers to anger, we should not mention "anger," at the beginning of the year. An example of the same idea being found in conjunction with the Zikhronoth is to be read in [Ps. lxxviii. 3], "For he remembered they were but flesh; and in conjunction with the Shophroth an example is found in Hosea v. 8. "Blow ye the cornet in Gibeah, etc." We must not mention the remembrance of the individual (in the Zikhronoth) even if the passage speaks of pleasant things, as, for example [Ps. cvi. 4], "Remember me, O Lord, with the favor that thou bearest unto thy people." According to R. Jose passages that contain the expression of "visiting" may be used in the Zikhronoth, *e. g.*, "And the Lord visited Sarah [Gen. xxi. 1] or "I have surely visited you."

[Ex. iii. 16] so says R. Jose; but R. Judah says, they may not. But even if we agree to what R. Jose says (shall we say that) the passage "and the Lord visited Sarah" speaks of an individual (and therefore it should not be used)? Nay; since many descended from her, she is regarded as many and therefore that passage though speaking of one only, is regarded as though it spoke of many.

(In the Malkhioth, they used Ps. xxiv. 7-10, which is divided into two parts). The first part can be used as two of the required passages, and the second as three, so says R. Jose; but R. Judah says: The first part can be used only for one, and the second for two.* So too [Ps. xlvii. 6, 7] "Sing praises to God, sing praises, sing praises to our King, sing praises; for God is the King of all the earth;" R. Jose says: This may be used for two of the Malkhioth; but R. Judah says it is to be reckoned as one only.† Both, however, agree that the next verse of the same Psalm "God is King over the nations; God sitteth upon the throne of his holiness," is to be used for one only. A passage containing a reference to God's remembrance of His creatures and also to the cornet as, for instance [Lev. xxiii. 24] "Ye shall have a Sabbath, a memorial of blowing of cornets" may be used in the Zikhronoth and the Shophroth; so says R. Jose; but R. Judah says: It can only be used in the Zikhronoth. A passage in which God is proclaimed King, containing also a reference to the cornet, as for instance [Numb. xxiii. 21] "The Lord his God is with him, and the shout (TERUATH) of a king is among them," may be used in the Malkhioth and in the Shophroth, says R. Jose; but R. Judah says: It may only be used in the Malkhioth. A passage containing a reference to the cornet, and nothing else, as for instance [Numb. xxix. 1] "It is a day of blowing the cornet;" may not be used at all.

"THE PASSAGES FROM THE PENTATEUCH ARE TO BE RECITED FIRST AND THOSE FROM THE PROPHETS LAST." R. Jose says: We should conclude with a passage from the Pentateuch, but if one concluded with a passage from the Prophets, the law has been complied with. We have also learnt: R. Elazar b. R. Jose says, The Vathiqin used to conclude with a passage from the Pentateuch. That is all very well as far as Zikhronoth and Shophroth are concerned for there are many such passages; but as for the Malkhioth there are but three in the Pentateuch, viz.: "The Lord his God is with him, and the shout of a King is among them" [Numb. xxiii. 21]; "And he

* He excludes the two interrogative sentences "who is the king of glory?"

† He rejects one, because the words "our king," referring to one people only, was not a sufficiently broad expression of praise for Him, who is the King of the universe.

was king in Jeshurun" [Deut. xxxiii. 5]; and "The Lord shall reign forever" [Ex. xv. 18], but we require ten and there are not so many? Said R. Huna: We have learned that, according to R. Jose, the passage, "Hear, O Israel, the Lord our God, is one Lord" [Deut. vi. 4], may be used in the Malkhioth, but R. Judah says it may not; so also they hold with regard to the passages, "Know, therefore, this day, and consider it in thine heart, that the Lord, he is God there is more else" [Deut. iv. 39], and "Unto thee it was shewed, that thou mightest know that the Lord, he is God; there is none else beside him." (Deut. IV. 35).

MISHNA: The second of those who act as ministers of the congregation on the feast of New Year shall cause another to sound the cornet; on days when the HALLEL (Service of Praise, Ps. cxliii-cxviii) is read, the first (minister) must read it. In order to sound the cornet on New Year's Day it is not permitted to go beyond the Sabbath limit, to remove a heap of stones to ascend a tree, to ride on an animal, to swim over the waters, nor to cut it (the cornet) with anything prohibited either by the (Rabbinical) laws against servile work or by the Biblical laws; but if one wishes to put water or wine in a cornet (to cleanse it) he is allowed to. Children may not be prevented from sounding the cornet, but on the contrary we are permitted to occupy ourselves with teaching them until they learn to sound it; but one who thus teaches, as also others who listen to sounds thus produced, do not thereby fulfill the requirements of the law.

GEMARA: Why are the above prohibitions made? Because the sounding of the cornet is a mandatory law; now, the observance of a festival involves both mandatory and prohibitory laws, and the mandatory do not render the prohibitory laws inoperative.

"CHILDREN MAY NOT BE PREVENTED FROM SOUNDING THE CORNET, ETC." May then women be prevented? Does not a Boraitha teach: Neither women nor children may be prevented from sounding the cornet on the New Year's Day? Answered Abayi: There is no difficulty here; the one is the opinion of R. Judah and the other of R. Jose and R. Simon, who say that as women are permitted (in the case of sacrifices) to lay their hands on the animals, so here, if they desire to sound the cornet, they may.

"UNTIL THEY LEARN." R. Elazar says: Even on the Sabbath; so also does a Boraitha teach: We are permitted to occupy ourselves with teaching (children) until they learn (to sound the cornet) even on the Sabbath; (and if we do not prevent them doing this on the Sabbath) how much less do we, on the feast (of New Year). Our

Mishna says, "we do not prevent them" (but it does not say that we should tell a child to go and sound the cornet). Is this then prohibited? No; a child already initiated in the performance of religious duties is not prohibited, but we do not tell a child, not yet initiated, to go and sound the cornet; yet, if he sounds it of his own accord, no law has been infringed.

MISHNA: The order of sounding the cornet is three times three. The length of a *TEQIA* is equal to that of three *TERUOTH*, and that of each *Terua* as three moans (*YABABHOTH*). If a person sounded a *Teqia* and prolonged it equal to two, it is only reckoned as one *Teqia*.* He who has just finished reading the benedictions (in the additional service for the New Year) and only at that time obtained a cornet, should then blow on the cornet the three sounds three times. As the Reader of the congregation is in duty bound (to sound the cornet) so too is each individual; but, says R. Gamliel, the Reader can act for the congregation.

GEMARA: But we have learnt in a Boraitha that the length of a *Teqia* is the same as that of a *Terua*. Says Abayi: Our Mishna speaks of the three series, and means that the length of all the *Teqioth* is the same as that of all the *Teruoth*. But the Boraitha speaks of only one series and says that one *Teqia* is equal to one *Terua* (which is the same thing).

"EACH *TERUA* IS (AS LONG AS) THREE MOANS." But we have learnt in a Boraitha, a *Terua* is as long as three broken (staccato) tones (*SHEBHARIM*). Says Abayi: About this they do indeed differ, for it is written [Numb. xxix. 1] "It is a day of blowing the cornet" which in the (Aramaic) translation of the Pentateuch, is "It is a day of sounding the alarm (*YABABHA*); Now it is written concerning the mother of Sisera [Judg. v. 28] "The mother of Sisera . . . moaned" (*VAT'YABETH*); this word, one explains to mean a protracted groan, and another to mean a short wail. The Rabbis taught: Whence do we know (that one must sound) with a cornet? From the passage in which [Lev. xxv. 9] "Thou shalt cause *the cornet* . . . to sound, etc." Whence do we know that (after the *Terua*) there should be one *Teqia*? Therefore it is said (later in the same verse) "Ye shall make the cornet sound."† But perhaps this

*The cornet is sounded three times, corresponding to the *Malkhloth*, *Zikhronoth* and *Shophroth*. The order of the sounds is *Teqia*, *Terua*, *Teqia*; *Teqia*, *Terua*, *Teqia*, etc. The case here supposed is that the one who sounded the cornet sustained the second *Teqia* as long as two *Teqioth*, intending thereby to sound the second and third *Teqioth*. This, we see, is not permitted.

†The Hebrew words *UTHEQATEM TERUA* are interpreted to mean that first a *Teqia* should be sounded, and then a *Terua*.

only refers to the Jubilee. Whence do we know that it refers also to New Year's Day? Because it says (in the same verse) "in the seventh month." These words are superfluous; for what purpose then does the Torah use them? To teach us that all the sounds of the cornet during the seventh month should be like each other. Whence do we know that the sounds are to be three times three? From the three passages, "Thou shalt cause the cornet . . . to sound" [Lev. xxv. 9]; "A Sabbath, a memorial of blowing of cornets" [Lev. xxiii. 24]; "It is a day of blowing the cornet" [Numb. xxix. 1]. But the following Tana deduces it by analogy from (the rules given in) the wilderness, [Numb. x. 1-10]; for a Boraitha teaches: The words "When ye sound an alarm" [Numb. x. 5] means one Teqia and one Terua. Do you mean one of each, or do you mean that both together should constitute one? Since the Torah says [ibid. 7] "But when the congregation is to be gathered together, ye shall blow but ye shall not sound an alarm," we deduce that (in the first citation) it means one of each. But whence do we know that there should be one Teqia before the Terua. From the words [ibid. 5] "When ye sound an alarm" (*i. e.*, first a "sound," or Teqia, and then an "alarm," or Terua). And whence do we know that there should be one after the Terua? From the words [ibid. 6] "An alarm shall they sound!" R. Ishmael, the son of R. Jo'hanan b. Beroqa, says: It is not necessary (to deduce it from these passages, but from the following), in which the Torah says, "When ye sound an alarm the second time" [ibid. 6]. The words "a second time" are unnecessary, but since they are used, what do they signify? They form a general rule that on every occasion, on which "alarm" (Terua) is mentioned, a sound (Teqia) must be used with it as a second (or following) tone. Possibly all this only refers to the practices followed in the wilderness, but how do we know that they refer to New Year's Day also? We learn it by analogy from the use of the word "cornet" (*sic!* Terua), which is found in the three passages, [Lev. xxiii. 24] "A sabbath, a memorial of cornets;" [Numb. xxix. 1] "It is a day of blowing of cornets;" and [Lev. xxv. 9] "Thou shalt cause the cornet. . . to sound;" and as for each Terua there are two Teqioth, we, therefore, learn that on New Year's Day there are sounded three Teruoth and six Teqioth. R. Abbahu enacted in Cæsarea that the order should be first a Teqia* then three single staccato sounds, or Shebharim, then a Terua, and then again a Teqia. What are we to think of that? If by Terua is

* The Teqia is a long tone produced by sounding the cornet. The Terua is long tremulous sound. The SHEBHARIM consists of three short staccato sounds.

meant "a protracted groan" then he should have instituted the order to be a Teqia, a Terua and then a Teqia; and if it means "a short wail" then he should have instituted the order to be, a Teqia then Shebharim (three single broken sounds) and then again a Teqia? He was in doubt whether it meant one or the other (and therefore he enacted that both should be sounded).

"IF A PERSON SOUNDED A TEQIA AND PROLONGED IT EQUAL TO TWO, ETC." R. Jo'hanan says: If one heard the nine sounds at nine different hours during the day, the requirements of the law are fulfilled and we have also learnt: If one heard the nine sounds at nine different hours of the day the requirements of the law are fulfilled, and if he heard from nine men at one time, a Teqia from one and a Terua from another, etc., the law has been complied with even if he heard them intermittently, and even during the whole day or any part of the day. The Rabbis taught: (Generally) the soundings of the cornet do not obviate each other, nor do the benedictions; but on New Year's Day and the Day of Atonement they do.

"HE WHO HAS JUST FINISHED READING (THE ADDITIONAL SERVICE) AND ONLY AT THAT TIME OBTAINED A CORNET SHALL SOUND ON THE CORNET THE THREE SOUNDS THREE TIMES." This means, only when he did not have a cornet at the beginning (of the service); but if he had one at the beginning of the service when the sounds of the cornet are heard, they must be heard in the order of the benedictions of the day. R. Papa b. Samuel rose to recite his prayers. Said he to his attendant, When I nod to you, sound (the cornet) for me." Rabha said to him: This may only be done in the congregation. A Boraitha also teaches: When one hears these sounds, he should hear them, both in their order, and in the order of the benedictions (in the additional service of the New Year). These words only apply to a congregation, but one need hear them in the order of the benedictions only, if he is not in a congregation; and a private individual who has not sounded the cornet (or heard it sounded) can have a friend sound it for him; but a private individual who has not recited the benedictions cannot have a friend say them for him; and the duty to hear the cornet sounded is greater than that of reciting the blessings. How so? If there be two cities (to which a person may go) and in one city they are about to sound the cornet and in the other to recite the benedictions, he should go to the city in which they are about to sound the cornet; and not to that in which they are about to recite the benedictions. This is self-evident! for is not one a duty prescribed by the Torah and the other by the Rabbis? (It is not so

self-evident as one might suppose); but it is needed to tell us that in the case in which one is *sure* that they have not recited the benedictions in one city, and with regard to the other he is in *doubt* (whether they have sounded the cornet or not, he must nevertheless go to the place where they are about to sound the cornet.)

"JUST AS THE READER OF THE CONGREGATION IS IN DUTY BOUND (TO SOUND THE CORNET) SO TOO IS EACH INDIVIDUAL." A Boraitha teaches: The schoolmen said to R. Gamliel, why according to your opinion should the congregation pray? Answered he: In order to enable the Reader of the congregation to arrange his prayer. Said R. Gamliel to them: But why, according to your opinion, should the Reader pray? Answered they: In order to enable those who are not expert, to fulfill the requirements of the law. Just as he enables those who are not expert, said he, so too he causes those who are expert, to fulfill the requirements of the law. R. Bar b. 'Hana said in the name of R. Jo'hanan: The sages accept the opinion of R. Gamliel; but Rabh says there is still a dispute between them; could (the same) R. Jo'hanan say this? Have we not heard that R. 'Hana of Sepphoris said in the name of R. Jo'hanan: The rule is according to R. Gamliel: from these words ("the rule is according to R. Gamliel") we see that there must have been some that disputed with him! Says R. Na'hman b. Isaac: It is perfectly clear; by the words, "the sages accept the opinion of R. Gamliel," R. Meir is meant, and the rule arrived at through those who disputed with him (was arrived at) through other Rabbis; for a Boraitha teaches: R. Meir holds that with regard to the benedictions of New Year's Day and the Day of Atonement, the Reader can act for the congregation; but the other Rabbis say: Just as the Reader is in duty bound, so too is each individual. Why, only for these benedictions (and no others)? Shall I say it is because of the many Biblical selections used? Does not R. 'Hannanel say in the name of Rabh: As soon as one has said (the passages beginning with) the words, "And in thy law it is written," he need say no more? It is because there are many (more and longer) benedictions (than usual). We have also learnt, R. Joshua b. Levi says: Both the private individual and the congregation as soon as they say (the passages beginning) with the words, "And in thy law it is written," need say no more. R. Elazar says: A man should always first prepare himself for prayer and then pray; concerning this R. Abba says: The remarks of R. Elazar clearly apply to the benedictions of New Year's Day and the Day of Atonement, and to the various holidays, but not to the whole year. It is not so; for did not R. Judah prepare himself

(even on a week day) before his prayers and then offer them? R. Judah was an exception, for since he prayed only once in thirty days, it was like a Holiday. When Rabhin came (from Palestine) he said that R. Jacob b. Idi said in the name of R. Simon the pious: R. Gamliel did not excuse from public service any but field-laborers! What is the difference (between them and others)? They would be forced to lose their work (if they went to a synagogue) but people in a city must go (to the House of Prayer).

חייב כך כל יחיד ויחיד כו'. תניא, אמרו לו לרבן גמליאל: לדבריד למה צבור מתפללין? אמר להם כדי להסדיר שליח צבור תפילתו. אמר להם ר"ג: לדבריהם למה ש"צ יורד לפני התיבה? אמרו לו, כדי להציא את שאינו בקי, אמר להם: כשם שמוציא את שאינו בקי, כך מוציא את הבקי. ארבב"ח אר"י, מודים חכמים לר"ג. ורב אמר עדיין היא מחלוקת. ומי אמר רבי יוחנן הכי והאמר ר' חנה ציפוראה א"ר יוחנן הלכתא כרבן גמליאל, הילכתא ככלל דפליגי? (להל). אמר רב נחמן בר יצחק מאן מודים, רבי מאיר; והלכה מכלל דפליגי, רבנן. דתניא, ברכות של ר"ה ושל יח"כ שליח ציבור מוציא הרבים ידי חובתן, דברי ר"מ; וחכ"א, כשם ששליח צבור חייב, כך כל יחיד ויחיד חייב. מאי שנא הני? אילמא משום דנפיש קראי? והאמר רב חננאל אמר רב, כיון שאמר ובתורתך כתוב לאמר שוב אינו צריך? אלא משום דאורי ברכות. איתמר, אמר רבי יהושע בן לוי: אחד יחיד ואחד ציבור כיון שאמר ובתורתך כתוב לאמר שוב אינו צריך. א"ר אלעזר, לעולם יסדיר אדם תפילתו ואח"כ יתפלל. א"ר אבא, מסתברא מילתיה דר' אלעזר בברכות של ר"ה ושל פרקים, אבל דכל השנה לא. איני, והא רב יהודה מסדר צלותיה ומצלי? שאני רב יהודה, כיון דמתלתין יומין לתלתין יומין הוא מצלי, בפרקים דמי. כי אתא רבין א"ר יעקב בר אידי א"ר שמעון חסידא, לא פטר רבן גמליאל אלא עם שבשדות, מ"ש? משום דאניכי במלאכה, אבל בעיר לא.

הדרן עלך יום טוב וסליקא לה מסכת ראש השנה.

ר ש"י

נמי קאמר, תקיעות וברכות, דעלמא כגון תעניות אין מעבדין זו את זו אם כירך ולא תקע. כי נהירנא לך, לכיכין שכימתי הברכה, אלא בחבר עיר, חבורת צבור, אבל יחיד מברך את כו' ואח"כ תוקע תשע תקיעות. דהא ודאי הוא כפק, ודאי הוא לו שאם ילך אצל המכריז ימצא שם עזרה ואם ילך אצל התוקעין שמא כבר עמדו והלכו לביתם, למה צבור מתפללים, בלדש, מודים הכמים, אחר שגחלקו חזרו והודו, מאן מודים, לו בברכות של ראש השנה ויה"כ ר"ס. והלכה מכלל דפליגי, דקאמר ר' יוחנן הלכה כרבן גמליאל נהך דמשמע מכלל דעמדו במחלוקתן. רבנן, שאר ההכמים הין מר"ם. דנפיש קראי, דאיכא דמוכחי ראש השנה ור"ה ומלכות וזכרונות ושופרות, כיון שאמר ובתורתך כתוב, כלומר, כיון שאמר נקשה ונקריב לעניך נמצות רצונך כמו שכתבת עלינו בתורתך. אין צריך, לומר מקראות חמוספין. אלא משום דאורי, עהרי כאן תשע וארבעות ומסעות דאין הכל בקיאין בהן. ושל פרקים, מועדות. מהלחין לתלחין, שהיה מדרור תלכוו כל שלשים יום, פטר היה כו', שש"ין מוציאם, אבל דעיר לא, משום דלא אניכי ויכולין להסדיר הפלתן.

הדרן עלך יום טוב וסליקא לה מסכת ראש השנה.

נמרה מבית הרפוס יום ב' ר"ח אדר תרנ"ה לפ"ק, בעור החונן לאדם דעת. וכשם שזכינו לסדר ילגמור את הראשונה, כן יזכנו לסדר ולגמור את המסכתא האחרונה. אמן.

ת"ל (ויקרא כה) "והעברת שופר תרועה" ומניין שפשוטה לאחריה? תלמוד לומר "תעבירו שופר", ואין לי אלא ביובל, בראש השנה מניין? תלמוד לומר "בחדש הישביעי". (לד.) שאין ת"ל "בחדש הישביעי", ומה ת"ל בחדש הישביעי? שיהו כל תרועות החדש הישביעי זה כזה. מנין לשלש שלש שלש? ת"ל "והעברת שופר תרועה, שבתון זכרון תרועה, יום תרועה יהיה לכם". והאי תנא מייתי לה בג"ש ממדבר, דתניא (אמדבר י) "ותקעתם תרועה" תקיעה בפני עצמה ותרועה בפני עצמה; אתה אומר תקיעה בפני עצמה ותרועה בפני עצמה, או אינו אלא תקיעה ותרועה אחת היא? כשהוא אומר (שם) "ובהקהיל את הקהל תתקעו ולא תרועו" הוי אומר תקיעה בפני עצמה ותרועה בפני עצמה; ומניין שפשוטה לפנייה? תלמוד לומר (שם) "ותקעתם תרועה". ומניין שפשוטה לאחריה? תלמוד לומר (שם) "תרועה יתקעו". רבי ישמעאל בנו של רבי יוחנן בן ברוקא אומר, אינו צריך: הרי הוא אומר "ותקעתם תרועה שנית", שאין ת"ל שנית, ומה ת"ל שנית? זה בנה אב, שכל מקום שנאמר תרועה תהא תקיעה שנייה לה; אין לי אלא במדבר, ברה"מ מניין? ת"ל תרועה תרועה לנ"ש; ושלש תרועות נאמרו ברה"מ (ויקרא כג) "שבתון זכרון תרועה". (מדבר כב) "יום תרועה", (ויקרא כה) "והעברת שופר תרועה", שתי תקיעות לכל אחת ואחת, מצינו כמדן ג' תרועות ושש תקיעות נאמרו ברה"מ. איחוקין רבי אבהו בקסרי: תקיעה, שלש כשרים, תרועה, תקיעה. מה נפישך! אי ילולי ליל לעבד תקיעה ותרועה ותקיעה, ואי גנוחי גנח לעבד תקיעה שלשה שברים ותקיעה? מספקא ליה: אי גנוחי גנח, אי ילולי ילול. תקע בראשונה ומשך ביטניה כיתים. א"ר יוחנן שמע (לד:) תשע תקיעות בתשע שעות ביום יצא ביום יצא. תניא נמי הכי, ישע תשע תקיעות בתשע שעות ביום יצא, מט' בני אדם כאחד תקיעה מזה ותרועה מזה יצא ואפילו בסירונן, ואפילו כל היום כולו. ת"ה, תקיעות אין מעכבות זו את זו, ברכות אין מעכבות זו את זו, תקיעות וברכות של ר"ה דיל י"ה ב מעכבות. מי שבידך ואח"כ נתמנה לו שופר תוקע ומריע ותוקע. טעמא דלא הוה ליה שופר מעיקרא, הא הוה ליה שופר מעיקרא, כי שמע להו אסדר ברכות ישמע להו. רב פפא בר שמואל קם לצלויי, אמר ליה לישמעיה כי נהירנא לך, תקע לך. אמר ליה רבא, לא אמרו אלא בחבר עיר. תניא נמי הכי כשהוא שומען, שומען על הסדר ועל סדר ברכות; במה דברים אמורים בחבר עיר. אבל שלא בחבר עיר שומען ער סדר ברכות; ויחיד ילא תקע, חבירו תוקע לו; ויחיד שלא בירך, אין חבירו כיברך עליו; ומצוה בתוקעין יותר מן המברכין; כיצד? שתי עיירות באחת תוקעין ובאחת מברכין, הולכין למקום שתוקעין, ואין הולך למקום שמברכין. פשיטא! הא דאורייתא הא דרבנן? לא צריכא, דאע"ג דהא ודאי והא ספק. כשם ששליח צבור

ר"ש י

ג דיו גנח, כאדם הגנח מלבו כדרך החוליס שמאריכין בגניחותיהן. ילולי ילול, כאדם הכובח ומקונן קולות קצרים כמכין זה לזה. שאין תלמוד לומר, דהא כתב לן בכמה מקומות דיום הכפורים בחדש הישביעי הוא והכא יום הכפורים כתיב. והעברת, פשוטה משמע העברת קול אחר. העבירו, הוי העברה תחילה ואז ותרועה כתיבא בנתיים. שלש שלש, מנין דהגך פשוטה לפנייה ולאחריה ותרוע' באמצע עבדנן תלתא זימני: למלכות חדא ולזכרונות חדא ולשופרות הדא? ת"ל תרועה, תלתא זימני, לכל אחד פשוטה לפנייה ופשוטה לאחריה. ממדבר, שתהא פשוטה לפנייה ופשוטה לאחריה. בשני עצמה כל, דלא חוימא חדא היא וה"ק הוי תוקעין תרועה. או אינו, אלא אחת היא וה"ק הוי תוקעין תרועה, כשהוא אומר תתקעו ולא תרועו מכלל דבמסעות תתקעו ותרועו קאמר ותרועה לא קרי לה תקיעה. ותקעתם, וחדר תרועה. שאין ת"ל שנית, שכבר אמר ותקעתם תרועה ונכע מחנה פלוני כי הדר אבד ותקעתם פשיטא דשנית הוא. תהא תקיעה שניה לה. והכי קאמר ותקעתם תקיעה שנית לתרועה. מספקא ליה, ועבד תרועה. תשע תקיעות, תרועות

ה' אלהינו ה' אחד" מלכות, דברי ר' יוסי, ר' יהודה אומר אינה מלכות, (דברים ד) "וידעת היום והשבות אל לבבך כי ה' הוא האלהים אין עוד", מלכות, דברי ר' יוסי; ר' יהודה אומר, אינה מלכות (שם) "אתה הראית לדעת כי ה' הוא האלהים אין עוד מלבדו", מלכות, דברי ר' יוסי; רבי יהודה אומר אינה מלכות. ברתני' העובר לפני התיבה ב"ט של ר"ה השני מתקיע, ובשעת ההלל הראשון מקרא את ההלל. גמ' מאי שנא שני מתקיע? א"ר יוחנן בשעת נזירת המלכות שנו. ברתני' שופר של ר"ה אין מעבירין עליו את החחום, ואין מפקחין עליו את הנל, לא עולין באילן, ולא רוכבין ע"ג בהמה, ולא שטין על פני המים, ואין חותכין אותו בין בדבר שהוא משום שבות, בין בדבר שהוא משום לא תעשה; אבל אם רצה ליתן לחוכו מים או יין, יתן. אין מעבכין את התנוקות מלתפוע, אבל מתעסקין עמהן עד שילמדו, והמתעסק לא יצא, והיטומע מן המתעסק לא יצא. גמ' מ"ט? שופר עשה הוא, וי"ט עשה ולא תעשה, ואין נשים דוחה את תעשה ועשה. (לג.) אין מעבכין את התניקות מלתפוע, הא נשים מעבכין? והתניא: אין מעבכין לא את הנשים ולא את התניקות מלתפוע ב"ט? אמר אביי, ל"ק, הא ר' יהודה, הא רבי יוסי ורבי ישמעון, דאמרי נשים סומכות רשות. "עד שילמדו". אמר רבי אלעזר אפילו ביטבת. תנ"ה, מתעסקין בהן עד שילמדו אפילו ביטבת, ואין מעבכין התניקות מלתפוע ביטבת, ואין צריך לומר ביום טוב. עובבא הוא דלא מעבכין, הא לבתחילה לא אמרינן תקעו? לא קשיא כאן (לג.): בקטן יהניע לחינוך, כאן בפסן שלא הניע לחינוך. ברתני' סדר תקיעות שלש של שלש שלישי. שיעור תקיעה כשלש תרועות, שיעור תרועה כג' יבבות. תקע בראשונה ומשך בשנייה כשתים אין בידו אלא אחת. מי שבירך ואחר כך נתמנה לו שופר, תוקע ומרע ותוקע ג' פעמים. בשם ששלח ציבור חייב, כך כל יחיד ויחיד חייב. רבן נמליאל אומר: שלח ציבור מוציא את הרבים ידי חובתן. גמ' והתניא שיעור תקיעה פתרועה? אמר אביי, תנא דידן קא חייב תקיעות דכולהו בבי ותרועות דכולהו בבי; תנא ברא קא חייב חד בבא, ותו לא. שיעור תרועה כג' יבבות. והתניא שיעור תרועה כשלשה יבבות? אמר אביי, בהא וראי פליגי, דכתיב (במדבר כט) "יום תרועה יהיה לכם" ומתרגמינן יום יבבא יהא לכן, וכתיב באמיה דסיסרא (שופטים ה) "בעד החלח נשקרה ותיבב אם סיסרא", מר סבר ננחוי ננח, ומר סבר ילולי יליל. תנו רבנן, מניין שבישופר?

ר' ש"י

בעינן עשר, וארבע מהן תורה דקאמר ר"י משלים בתורה. מתני' מתקיע, המתפלל תפלת מוכפין מתקיע, ההלל, דבר"ה ליכא הלל כדאמרין בעירובין פ"ב. גמ' בשעת גזרת המלכות שנו, ארבים גזרו שלא יתקעו והיו אורבין להם כל שש שעות לקץ תפלת שחרית לכך העבירוה לתקוע במוכפין. מתני' את חתחום, לילך חוץ לחתום לשכוע תקיעה. מים כו', ולא אמרינן קא מתקין מנא. גמ' תינוקות הוא דלא מעבכין, דבעי לחנוכיהו. הא נשים מעבכין, דפטוריהו לגמרי דמ"ע שהזמן גרמא היא, וכי תקיעי איכא כל תוסף. סומכות רשות אלמא אע"ג דפטוריהו קרא ליכא איכורא דהיה למצות עשה שהזמן גרמא. קטן שהגיע לחינוך, מתעסקין בהן שילמדו וכ"ש שאין מעבכין. מתני' שלש כו', אחת למלכות ואחת לזכרונות ואחת לשופרות. שלש של שלש, תקיעה ותרועה ותקיעה לכל אחת ואחת. שלש יבבות, ג' קולות בעלמא כל שהוא. בראשונה, פשוטה שלפני התרועה. ומשך בשנייה, תקיעה של אחר התרועה משך כשתים לצאת בה ידי שמים שהיה צריך לעשות זו פשוטה שלאחריה דמלכות ופשוטה שלפניה דזכרונות. אין בידו אלא אחת, דפסקי תקיעה אחת לשתיים לא מפסקין. מי שבירך, התפלל תפלת מוספין ובירך תשעה ברכות. ג' עצמים, בשביל מלכות וכן בשביל זכרונות וכן בשביל שופרות. גמ' בכלהו בבי, והכי קאמר שיעור ג' תקיעות כג' התרועות, דחדא בבא, שיעור התקיעה כשיעור התרועה ותרועה חרא כילתא אמרי, שברים, ארובים מיבבות. אמר אביי בהא וראי פליגי, אע"ג דאוקימנא דברישא לא פליגי קל כרין. בהא כיפא פליגי, דמתרגמינן, תרועה יבבא ובאמיה דסיסרא כתיב נמי ראי חישא ותבב.

הוא? הנך דכתיב בהו (תהלים קג) "הללוהו בתקע שופר". רב יוסף אמר כנגד עשרת הדברות שנאמרו לו למשה בסיני. רבי יוחנן אמר. כנגד עשרה מאמרות שבהן נברא העולם. אם אמר שלש שלש מכולן יצא. איבעיא להו, היכי קתני: שלש מן התורה, שלש מן הנביאים, ושלש מן הכתובים, דהווי תשע, ואיכא בינייהו חדא? או דילמא, אחד מן התורה, ואחד מן הנביאים, ואחד מן הכתובים, דהוויין להו שלש, ואיכא בינייהו טובא? ת"ש, דתניא: אין פוחתין מעשרה מלכיות, מעשרה זכרונות, מעשרה שופרות, ואם אמר שבע מכולן, יצא, כנגד שבעה רקיעים. רבי יוחנן בן נורי אומר, הפוחת לא יפחות משבע, ואם אמר שלש מכולן יצא, כנגד תורה נביאים וכתובים, ואמרי לה כנגד כתנים ליום וישראלים. אמר רב הונא אמר שמואל הלכה כרבי יוחנן בן נורי. מתני' אין מזכירין מלכיות, זכרונות ושופרות של פורענות, מתחיל בתורה ומשלים בנביא; רבי יוסי אומר, אם השלים בתורה יצא. (לכ:.) נמ' מלכיות כנגד (יחזקאל כ) "חי אני נאם ה' אם לא ביד חזקה, ובזרע נטויה ובחמה שפוכה אמלוד עליכם" ואע"ג דא"ר נחמן: ככל כי האי ריתחא לירתח קב"ה עין וליפרוקינו, כיון דבריתחא אמור אדכורי רתחא ברש שתא לא מדכרינן; וזכרון כנגד (תלים עה) "ויזכור כי בשר המה" וגו' שופר, כנגד (הושע ה) "תקעו שופר בנבעה" וגו'. אין מזכירין זכרון של יחיד ואפילו למובה, כנגד (תהלים קי) "זכרני ה' ברצון עמך", פקדונות הרי הן בזכרונות כנגד (ראש' כא) "וה' פקד את שרה", וכנגד (שמות ג) "פקוד פקדתי אתכם" ד"ר יוסי, ר' יהודה אומר, אינן בזכרונות. ולרבי יוסי נהי נמי דפקדונות הרי הן בזכרונות, וה' פקד את שרה פקדון דיחיד הוא? כיון דאתו רבים מינה כרבים דמיא. (תלים כד) "שאו יעצרים ראשיכם וגו'. עד מלך הכבוד סלה" ראשונה שתיים, שנייה שלש, דברי ר' יוסי, ר' יהודה אומר, ראשונה אחת, שנייה שתיים (שם מו) "זמרו אלהים זמרו וזמרו למלכנו זמרו כי מלך כל הארץ אלהים" שתיים, דברי ר' יוסי: ר' יהודה אומר, אחת; ושון (שם) "במלך אלהים על גוים אלהים ישב על כסא קדשו" שהיא אחת. וזכרון שיש בו תרועה, כנגד (ויקרא כג) "שבתך זכרון תרועה מקרא קודש", אומרה עם הזכרונות, ואומרה עם השופרות, דברי ר' יוסי; ר' יהודה אומר, אינו אומרה אלא עם הזכרונות בלבד; מלכות שיש עמו תרועה, כנגד (מדבר כג) "ה' אלהיו עמו ותרועת מלך בו", אומרה עם המלכיות ואומרה עם השופרות, דברי ר' יוסי; ר' יהודה אומר, אינו אומרה אלא עם המלכיות בלבד. תרועה שאין עמה לא כלום, כנגד (מדבר כט) "יום תרועה יהיה לכם" אומרה עם השופרות, דברי רבי יוסי; רבי יהודה אומר, אינו אומרה כל עיקר. מתחיל בתורה ומשלים בנביא, ר' יוסי אומר משלים בתורה, ואם השלים בנביא יצא. תניא נמי הכי א"ר אלעזר ברבי יוסי, ותיקין היו משלימין אותה בתורה. ביטלמא זכרונות ושופרות איכא טובא אלא מלכיות תלת הוא דהוויין (שם כג): "ה' אלהיו עמו ותרועת מלך בו" (דברים לג), "ויהי בישורן מלך" (שמות כו), "ה' ימלוך לעולם ועד" ואנן בעינן עשר וליכא? אמר רב הונא תנא (דברים ו) "שמע ישראל

ר ש"ו

בתרש השביעי זכרון תרועה. אני ה' אלהיכם, הוא לשון אני אדון לכם. נמ' או דילמא, האי ג' ג' אמלכיות וזכרונות ושופרות קאי. שלש למלכיות, ושלש לזכרונות, ושלש לשופרות, דהוויי להו אחת כן התורה וזה מן הנביאים ואחת מן הכתובים. נמ' דרבים זיתו מינה, בהויא פקידה. שנייה שתיים, מי הוא זה מלך הכבוד לאו ממנינא. זמרו למלכנו, לא קא השיב רבי יהודה דלא אמלכיתיה אלא על אומה אחת, ושון כו' דלא מנינן ישב על כסא קדשו בלשון מלכות. עם הזכרונות, תרועה לאו לשון שופרות הוא עד דמוכיר שופר כהדיא. ובע"לם בנביאים, והכתובים בנתיים. בתורה, דהוה להו ארבע מן התורה שלש כתחילה ואחד בכוף.

ליבנה, (ל"א:) ומיבנה לארשא, ומארשא ליבנה, ומיבנה לארשא, ומארשא לשפרעם, ומשפרעם לבית שערים, ומבית שערים לצפורי, ומצפורי למבריא, וטברי עמוקה מכולן, שנאמר (ישעיה כב) "רשפלת מארץ תדברי". רבי אלעזר אומר שש גלות, שנאמר (שם כז) "כי היצח ירשבי מרום קריה נשגבה ייפילנה ייפילנה עד ארץ יניענה עד עפר" אמר ר' יוחנן, ומשם עתידין לינאל שנאמר (שם לב) "התנערי מעפר קומי שבי". כרתני' אמר ר' יהושע בן קרחה, ועוד זאת התקין רבן יוחנן בן זכאי, שאפילו ראש בית דין בכל מקום, שלא יהו העדים הולכין אלא למקום הוועד. גמ' ההיא איתתא דאזמנוה לדינא קמיה דאמימר בנהרדעי, אול אמימר למחחא ולא אולה בתריה, כתב פתיחא עליוהו, אמר ליה רב אשי לאמימר: והא אנן תנן אפילו ראש בית דין בכל מקום, שלא יהו העדים הולכין אלא למקום הוועד? א"ל, הני מילי לענין עדות החדש אבל הכא (משלי כב) "עבד לזה לאיש מלוה". ת"ר, אין כהנים רשאין לעלות בסנדליהם לרוכן, חו אחד מתשע תקנות שהתקין ריב"ז: שית דהאי פירקא וחדא דפרקא קסא, ואידך דתניא: נר שנתנייר בזמן הזה צריך שיפריש רובע לקינו. אמר רשב"א, כבר נמנה עליה רבן יוחנן ובימלה, מפני התקלה. ואידך? פלוגתא דרב פפא ורבנן: רב פפא אמר כרם רבעי, רב נחמן בר יצחק אמר לשון של זהורית. (ל"ב.) כרתני' סדר ברכות: אומר אבות ונכורות וקדושת השם, וכולל מלכויות עמה; ואינו תוקע, קדושת היום ותוקע, זכרונות ותוקע, שופרות ותוקע, ואומר עבודה והודאה וברכת כהנים, דברי ר' יוחנן בן נורי; אמר לו ר"ע: אם אינו תוקע למלכויות, למה הוא מזכיר? אלא אומר אבות ונכורות וקדושת השם, וכולל מלכויות עם קדושת היום ותוקע, זכרונות ותוקע, שופרות ותוקע, ואומר עבודה והודאה וברכת כהנים. גמ' ת"ר, מניין שאומרים מלכויות וזכרונות ושופרות? ר"א אומר, דכתיב, (ויקרא כג) "שבתון זכרון תרועה מקרא קודש" שבתון זה קדושת היום, זכרון אלו זכרונות, תרועה אלו שופרות, מקרא קודש קדישהו בעשיית מלאכה. אמר לו רבי עקיבא: מפני מה לא נאמר שבתון שבות שבו פתח הכתוב תחילה? אלא שבתון קדישהו בעשיית מלאכה, זכרון אלו זכרונות, תרועה אלו שופרות, מקרא קודש זו קדושת היום. מניין שאומרים מלכויות? תניא רבי אומר (שם) "אני ה' אלהיכם ובחדש השביעי" זו מלכות; ר' יוסי בר יהודה אומר אינו צריך, הרי הוא אומר (במדבר י) "והיו לכם לזכרון לפני אלהיכם" שאין ת"ל אני ה' אלהיכם, ומה ת"ל? זה בנה אב לכל מקום שנאמר בו זכרונות. יהיו מלכויות עמה. כרתני' אין פוחתין מעשרה מלכויות, מעשרה זכרונות, מעשרה שופרות, רבי יוחנן בן נורי אומר, אם אמר ג' נ' מכולן יצא. גמ' הני עשרה מלכויות כנגד מי? אמר רבי כנגד עשרה הילולים שאמר דוד בספר תלים. הילולים טובא

ר ש"י

וישבו שם, ומיבנה לארשא. יבנה בימי רבן יוחנן, אושא בימי רבן גמליאל, וחורו מאושא ליבנה, ובימי רבן שמעון בנו חורו, בית שערים וציפורי וטבריא כולן בימי רבי הוה, וטבריא עמוקה מכולן, ששלים היו אז מכל המכועות שגלו. שש גלות, השח חדא וישפילנה תרי וישפילנה תלת עד ארץ ארבע יניענה חמשה עד עפר שש דמצי למימר וישפילנה עד ארץ ולעפר, מתני' אלא למקום הוועד, ומנהרדין יקדישוהו בלא ראש ב"ד, גמ' פתיחא, שטר שמתא, דא"כ, אם אתה מטרידן. שית דהאי פירקא, חדא האי חמס דמתני' התקין שיהו תוקעין ושיחא לולב ניטל שבעה ושיחא יוסף חפץ כולו אכור ושיחא מקבלין כל היום ושלא יהו עדים הולכין אלא למקום הוועד. והיא דפרקא קסא, שלא יהו מחללין אלא על ניבן והשרי בלבד. רובע, שקל דחינו חצי דינר הן הן דמייקן, חלכך יפריש רובע ליינו שסא יבנה בית המקדש בימינו וקריבנו, מתני' אבות ונכורות כו' וקדושת היום ותוקע כו', דמצות בשלש תקיעות של שלש שלש, גמ' שהרי פתח בו הכתוב תחילה, והוא בא להזהיר על המלאכה שהיא עיקר, אני ה' אלהיכם, דלעני ולגר תקיבו ובסדר ליה

עדים מן הכנחה ולמילה, נוהגין אותו היום קודש ולמחר קודש. כיצד נהגו בה"מ התקין יבן יוחנן בן זכאי י"ט הו מקבלין עדות החדש כל היום. גמ' מה קילקול קילקול הלויים בעיר? א"ל ר' יורא לאהבה בריה פוק תני להו: התקינו שלא יהו מקבלין עדות החדש, אלא כדי שיהא שיהות ביום להקריב תמידין ומוכפין ונסכיהב, ולומר שירה שלא בשיכור. (ל"א.) תניא רבי יהודה אומר מינום ר"ע: בראשון מה היו אוכרים? (והלים כד) "לה' הארץ ומלואה" על שם שקנה והקנה ויחליט בעולמו; בשני מה היו אוכרים? (שם כח) "גדול ה' ומהולל מאד" על שם שחילק מעשיו ומלך עליהן; בשלישי היו אוכרים: (שם פג) "אלהים נצב בעדת אר" על שם שנילה ארץ בהכנתו והכין תבל לעדתו; ברביעי היו אוכרים: (שם צד) "אל נקמות ה'" ע"ש יעברא חמה ולבנה ועתיד ליפרע מעובדיהן; בחמישי היו אוכרים: (שם כא) "הרנינו לאלהים עתנו" על שם שברא עופות ודגים ליטבח לישמו; בשישי היו אוכרים: (שם צג) "ה' מלך גאות לבשי" על שם שנמר מראכתו ומלך עליהן; בשביעי היו אוכרים: (שם צד) "מזמור שיר ליום השבת", ליום שיכילו יטבת. אמר ר' נהמיה, מה ראו חכמים לחלק בין הפרקים הללו? אלא בשביעי על שם שישבת; וקמפלגי בדבר קמינא. דאמר רב קמינא שיתא אלבי שני הוי עמי וחד חריב, שנאמר (ישעיה ב) "ונשגב יי לבדו ביום ההוא", אבי אמר תרי חרוב שנאמר (ירוש' ו) "יחיינו מיומים". במוספי דשבתא מה היו אוכרים? אמר רב ענן בר רבא אמר רב, הזיו"לך. ואמר רב חנן בר רבא אמר רב, בדרך שחלוקים כאן כך חלוקין בבית הכנסת. במנחתא דשבתא מה היו אוכרים? אמר ר' יוחנן, אז שירה, ומי כמור, ואז ישיר. איבעיא להו, הני כולוהו בהר שבתא אמר להו, או דילמא כל שבתא ושבתא אמרי חד? תא שבע, דתניא א"ר יוכי, עד שיהראשונה אומרת אחת, שנייה חוזרת שתיים, ישמע מינה כל שבתא ושבתא אמרי חד, ישמע מינה. אמר רב יהודה בר אבדי א"ר יוחנן, עשר מסעות נסעה שכינה, מקראי וכנגדן נלחם סנהדרין, מגמרא. מלישכת הגזית, לחנויות ומחנויות לירושלים, ומירושלים

ר"ט י

קודש, בראש השנה קאי דמשחשכא לילי עשרים והשנה נהגו בו קודש ימא וכואו עדים מחר ויקדשוהו ב"ד ונמצא שהלילה הזה ליל י"ט הוא וכן למחר כל היום עד המנחה, ואם באו עדים קודם חמשתה בית דין מקדשים את החדש וגורע שיצה נהגו בו קודש, ואם מן המנחה ולמעלה באו א"ע"פ שאין ב"ד מקבלין אותן לקדשו היום ויעברו את אלול ויקדשוהו למחר אע"פ גומרים אותו בקדושה ואמרו במלאכה דילמא אתי לזלוולי ביה לשנה הבאה ויעשו בו מלאכה כל היום ראסורו אשתקד נהגנו בו קודש חנם וכן חמשה ולמעלה חזרנו ונהגנו בו חול. גמ' פוק רני להו, שנה להם ברייתא זו שסמנה ולמדו שאמרו שיר על חול. לה' הארץ, כל המזמור. שקנה, שמים וארץ. והקנה, תבל ליושבי בה כלומר קנה כדי להקנות. שחילק מעשיו, הבדיל רקיע בין עליונים לתחתונים; והתעלה וישב בסרום. מה ראה ר"ע לחלק בין הפרשיות הללו, שכל ששת ימים נאמרין הפזקים הללו על שם שעבר ושל שבת על שם לחבא, וקא מיפלגי בדבר קמינא, ר' גרמיה לית ליה דרב קמינא, אלא דאבוי. במוספי דשבתא, כאי שיר אמרי. הזיו"לך, פרשת שירת האזינו חלוקים אותה לששה פרקים: האזינו, זכור ימות עולם, ורכיבוהו על כמותי ארץ, וירא ה' ונאמן, לולי כעס ארץ אגור, כי ידון ה' עמו. בדרך שחלוקין, פירקי השירה הזאת כאן. כך חלוקין בבית הכנסת, כך קוראין אותה ששה הקוראין בספר תורה והו' קודא מן השירה ולחלן. אז ישיר, שירת דים קד מי כמוכה. ומי כמוכר, עד סוף השירה. ואז ישיר, ישראל דעלי כאר. בחד שבתא אמרו להו, הלויים. או דילמא, כל פרק ופרק לשבת אחת פרק אחר. עד שהראשונה, שירת המוספין חזרת דלילה פעם אחת. שנייה, שירת המנחה של תמיד תעריכים. חוזרת שתיים, דהתעשרות פירקי ההכא תלתא: האזינו בשבת אחת, זכור בצבת שנייה וכן כולם. עשר מסעות כו' משום דאמרי סהני בתקנות של יבנה נקט לח חבא. נסעה שכינה, להכתילק מעל ישראל סעט מעט כשתבואו. וסקראי, כלומר דרבי להו וכמני אקראי. מלישכת הגזית, לחנויות ומחנויות לירושלים, ומירושלים

יום טוב של ראש השנה יחל להיות בשבת, במקדש היו תוקעין, אבל לא במדינה, משחרב בית המקדש התקין רבן יוחנן בן זכאי, שיהיו תוקעין בכל מקום שיש בו בית דין. אמר רבי אלעזר, לא התקין רבן יוחנן בן זכאי, אלא ביבנה בלבד; אמרו לו אחד יבנה ואחד כל מקום שיש בו בית דין. ועוד זאת היתה ירושלים יתירה על יבנה, שכל עיר שהיא רואה ושומעת וקרובה ויכולה לבוא תוסעין, וביבנה לא היו תוקעין, אלא בבית דין בלבד. גמ' מנה"מ? אמר רבא רבנן הוא דנזיר ביה, כדרבה, דאמר רבה הכל חייבין בתקיעת שופר, ואין הכל בקיאים בתקיעת שופר, נזירה שמא ימלנו בידו, וילך אצל הבקי ללמוד, ויעבירונו ד' אכות ברה"ה. והיינו טעמא דלולב, והיינו טעמא דמגילה. משחרב בית המקדש התקין רבן יוחנן בן זכאי כו'. חנו רבנן, פעם אחת חל ר"ה להיות בשבת, והיו כל הערים מתכנסין, אמר להם רבן יוחנן בן זכאי לבני בתירה: נתקע; אמרו לו: נדון; אמר להם: נתקע ואה"כ נדון; לאחר שנתקעו אמרו לו: נדון, אמר להם: כבר נשמעת קרן ביבנה, ואין משיבין לאחר מעשה. אמרו לו אחד יבנה ואחד כל מקום שיש בו ב"ד. אמר רב הונא, (ל) בפני בית דין, לאפוקי שלא בפני בית דין דלא? והא, כי אתא רב יצחק בר יוסף אמר, כי הוה מסיים שליחא דציבורא תקיעה ביבנה, לא שמע איניש קל אוניה מתקיעתא דיהודאי? בפני ב"ד היו תוקעין. איתמר נמי, אמר רבי אין תוקעין אלא כל זמן שב"ד יושבין, יתירה על יבנה וכו'. רואה פרט לירושלם בנחל, שומעת פרט לירושלם בראש ההר, קרובה פרט לירושלם חוץ לתחום, ויכולה לבוא פרט למפסיק לה נהרא. מתני' בראשונה היה הלולב נימל במקדש שבעה, ובמדינה יום אחד, משחרב בית המקדש התקין רבן יוחנן בן זכאי שיהא לולב נימל במדינה שבעה זכר למקדש, ושיהא יום הנף כולו אסור. גמ' ומנלן דעבדינן זכר למקדש? דאמר קרא (ירמיה ל) "כי אעלה ארוכה לך ומככותיך ארפאך נאם ה' כי נדחה קראו לך ציון היא דורש אין לה" מכלל דבעיא דדישה. ושיהא יום הנף כולו אסור. אמר רב נחמן בר יצחק רבן יוחנן בן זכאי (ל) בשיטת רבי יהודה אמרה, דאמר (יקרא כג) "עד עצם היום הזה" עד עצמו של יום, וקסבר עד ועד בכלל. ומי סבר לה כותיה והא מפליג פליג עליה? דתנן, משחרב בית המקדש התקין רבן יוחנן בן זכאי שיהא יום הנף כולו אסור; א"ר יהודה, והלא מן התורה הוא אסור, דכתיב עד עצם היום הזה? התם ר' יהודה הוא דקא טעי; איהו סבר רבן יוחנן בן זכאי מדרבנן קאמר, ולא היא, מדאורייתא קאמר. והא התקין קתני? מאי התקין, דרש והתקין. מתני' בראשונה היו מקבלין עדות החדש כל היום, פעם אחת נשתהו העדים מלבוא ונתקלקלו הלויים בשיר, התקינו שלא יהו מקבלין אלא עד המנחה, ואם באו

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אבל לא במדינה, לא בירושלים ולא בגבולין. אלא ביבנה, שהיתה שם כנחורין גדולה כסיו, וכן בכל מקום שגלתה כנחורין. ועוד זאת היתה ירושלים, בעודה בבנינה יתירה בתקיעת שבת על יבנה. גמ' נזירה שמא ימלנו וכו', ובמקדש לא גזר דאין איכור שבות דרבנן במקדש. והו' כל הערים, שסביבות יבנה, מהכנסים, לשם לשמוע תקיעה משליח בית דין לפי שהיו רגילין כן בירושלים. בני בתירה, גדולי הדור היו. נדון, אם יש לגזור אף במקום בית דין שמא ימלנו. ואין משיבין לאדר מעשה, נכאי הוא שנוציא לזיו כושים על עצמינו. איתמר נמי, כרב הונא, אין תוקעין, ויודים ביום הכיפורים ביוזל, אלא בזמן שב"ד יושבין במקומן והתוקעין תוקעין בכל היקף. מתני' ושיהא יום הנפת קומר כולו אסור לאכול מן החדש, ומדאורייתא משהאיר מזהר מורה, בשיטת ר' אמרה, דאמר מן התורה אכור כל היום כוסן הוה דקכבר עד ועד בכלל. מדרבנן קאמר, כלומר רוא בא לגזר עליו מזהר שהוא טעם דלעיל דשמא יבנה. דרש והתקין, דרש להם דמקרא והתקין שינהגו איכור, לפי שערך נכשוו היה חיה ברבר משקרב העומר שהעומר מזהר. מתני' נהגים: וזהו היום

ה' אלהי אבותיכם יוסף עליכם ?" ת"ל (שם ד) "לא תוסיפו על הדבר" והא הכא, כיון דברוך ליה עברה ליה זמניה, וקתני דעבר ? אמר רבא, לצאת לא בעי כוונה, לעבור בזמנו לא בעי כוונה, שלא בזמנו בעי כוונה. אמר ליה רבי זירא לשמעיה, (כ"ב.) איכון ותקע לי, אלמא קסבר משמיע בעי כוונה ? חנאי היא, דתניא יוסף שומע לעצמו, ומשמיע משמיע לפי דרכו ; א"ר יוסי, בד"א בשליח צבור, אבל ביחיד לא יצא עד שיתכוין שומע ומשמיע. מתנאי' (שמות יז) "והיה כאשר ירים משה ידו ונבר ישראל" וגו' וכי ידיו י"ל משה ערשות כלחכה או שוברות מלחמה ? אלא לומר לך : כל זמן שהיו ישראל מסתכלין כלפי מעלה וכשעבדן את לבם לאביהם שבשמים, היו מתנברים, ואם לאו היו נופלים ; כיון דבדבר אהה אומר (במדבר כא) "עשה לך ישרף ושים אותו על נס והיה כל הנשך וראה אותו וחי" וכי נחש ממית או נחש מחיה ? אלא בזמן שישראל מסתכלין כלפי מעלה וכשעבדן את לבם לאביהם שבשמים, היו מתרפאין, ואם לאו, היו נמוקים. חרש, שוטף וקסן אין מוציאין את הרבים ידי חובתן. זה הכלל : כל שאינו מחוייב בדבר, אינו מוציא את הרבים ידי חובתו ; גמ' ת"ר, הכל חייבין בתקיעת שופר. כהנים ולוים וישראלים, נרים תנודים משוהררים וטומטום ואנדרונינוס. מי שחציו עבד והציו בן חורין, טומטום אינו מוציא לא את מינו ולא את שאינו מינו. אנדרונינוס מוציא את מינו, אבל לא את שאינו מינו. אמר ר' הבל חייבין בתקיעת שופר : כהנים לויים וישראלים. פשיטא ! אי הני לא מחייבי, מאן מחייבי ? כהנים איצטריכא ליה, ס"ד אמינא הואיל ותנן, יוהה היובל לר"ה לתקיעה ולברכות, מאן דאיתיה במצות היובל, איתיה במצות דראש השנה, והני כהנים הואיל וליהנהו במצות היובל, אימא במצות דראש השנה לא ליחייבו ? קמ"ל ! תני אהבה בריה דרבי זירא : כל הברכות כולן, אע"פ שיצא מוציא, חוץ מברכת הלחם וברכת היין, שאם לא יצא מוציא, ואם יצא אינו מוציא. בעי רבא, (כ"ב:) ברכת הלחם של מצה וברכת היין של קידוש היום מהו ? כיון דחובה היא, כפיק, או דילמא, ברכה לאו חובה היא ? תא שמע, דאמר רב אשי, כי הוין בי רב פפי הוה מקדש לך, וכי הוה אתי אריסיה מדברא הוה מקדש להו, תנו רבנן, לא יפרוס אדם פרוסה לאורחין, אלא אם כן אוכל עמהם, אבל פרוס הוא לבניו ולבני ביתו, כדי לחנכן במצות, ובהלל ובמנילה אף על פי שיצא מוציא.

הדרן עלך ראוהו בית דין

ר יט"ו

בשמיני בכוכה, שלא לשום מצוה. ולקח, שהרי עובר משום כל תוסף ? מצות אין עובר עליו, בבל תוסיף אלא בזמן כגון חמשת מינין בלולב אבל תוספת יום על ימים או שעה על שעה אין זה מוסף. איכון ותקע לי, תתכוין לתקוע בשמי להוציאני ידי חובתי. משמיע בעי כוונה, להוציא השומע. גמ' ועבדים משוחררין, אבל שאינן משוחררין לא, וטומטום ואנדרונינוס, שמה זכר הוא, מי שחציו עבד, משום צד חירות שבו. את מינו, טומטום כמותו, שמה תוקע זה נקבה וחבירו זכר. מוציא מינו, אנדרונינוס כמותו, מי שחציו עבד כו', דלא אתי צד עבדות דמשמיע ומפיק לצד חירות השומע. אף על פי שיצא מוציא, שהרי כל ישראל ערבין זה בזה למצות. חוץ מברכת הלחם והיין, שאינן חובה אלא שאסור ליהנות סן העולם הזה בלא ברכה. ברכת הלחם, של אכילת מצה שמברכין לפנייה המוציא. וברכת היין, שמברכין לפני קידוש. מ"ה, על אכילת מצה ומקדש ישראל לא תיבעי לך דהובה ניהו ומפיק, אלא ברכת המוציא וברכת היין. דאי אפשר דלא יתיב ליה לחד מיניהו למטעם ובעי ברכה מאי ? כיון דחובה היא, אכילת מצה חובה עליו וכן קידוש היום חובה עליו. או דילמא, ברכת התנאה לאו חובה למצוה אתיא שאף בכל התניות היא נהגת. לא יפריק, ברכת המוציא שאינה חובה עליהם.

הדרן עלך ראוהו בית דין.

מבחוץ אם נשתנה קולו מכמות יתיה פכול, ואם לאו כשר; נסדק לארכו פסול, לרחבו אם נשתיר בו שיעור תקיעה כשר, ואם לאו פסול; וככה שיעור תקיעה? פירש רשב"ג, כדי שיאחזנו בידו ויראה לכאן ולכאן; היה קורו דק או עבה או צרור כשר, שכך הקולות כשירין בשופר. ילחו ליה לאבוה דשמואל: קדחו ותקע בו יצא. פשיטא! כולוה נמי מיקדח קדחו להו! אמר רב אשי שקדחו בזכרותו, כהו דתימא מין במינו חוצין? קמ"ל! התוקע לתוך הבור או לתוך הדות. אמר רב הונא, לא יטנו אלא לאותן העומדים על שפת הבור, אבל אותן העומדין בבור יצאו. (כח.) שמע מקצת תקיעה בבור, ומקצת תקיעה על שפת הבור, יצא; מקצת תקיעה קודם שיעלה עמוד היחור, ומקצת תקיעה לאחר שיעלה עמוד היחור, לא יצא. אמר ליה אביי, מאי יטנו התם, דבעינא כולה תקיעה בחיובא וליכא? הכא נמי בעינא כולה תקיעה בחיובא וליכא? הכי השתא! התם לילה לאו זמן חיובא הוא כלל, הכא בור מקום חיובא הוא לאותן העומדין בבור. למימר דסבר רבה: שמע סוף תקיעה בלא תחילת תקיעה יצא, וממילא תחילת תקיעה בלא סוף תקיעה יצא? ת"ש! תקע בראשונה ומיך בשנייה כשתיים, אין בידו אלא אחת, ואמאי תסלק לה בתרתי? פסוקי תקיעתא מהדרי לא פסקינן. אמר רבא, המורד הנאה מחבירו, מותר לתקוע לו תקיעה של מצוה; המורד הנאה משופר, מותר לתקוע בו הקיעה של מצוה. ואמר רבא, המורד הנאה מחבירו, מזה עליו מי הטאת בימות הנשמים, אבל לא בימות החמה. המורד הנאה ממעיין, מובל בו סבילה של מצוה. בימות הנשמים, אבל לא בימות החמה. ילחו ליה לאבוה דשמואל: כפאו ואכל מצה יצא. כפאו מאן? א"ר אשי, שכפאוהו פרסיים. אמר רבא, זאת אומרת התוקע לשיר יצא, פשיטא, היינו הך! מזה דתימא, התם אכול מצה אמר רחמנא, והא אכל. (כח.) אבל הכא (ויקרא כג) „וזכרון תרועה" כתיב והאי מתעסק בעלמא הוא, קמ"ל! איחיביה, נתכוון שומע, ולא נתכוון משמיע, משמיע ולא נתכוון שומע לא יצא, ער שיתכוון שומע ומשמיע. בשלמא נתכוון משמיע ולא נתכוון שומע, כסבור חמור בעלמא הוא, אלא נתכוון שומע ולא נתכוון משמיע, הכי משכחת לה, לאו בתוקע לשיר? דילמא דמא מנבא נבוחי. א"ל אביי, אלא מעתה, הישן בשמיני בסוכה ילקח? א"ל, שאני אומר מצות אינו עובר עליהן אלא בזמנן. מתיב רב שמן בר אבא, מניין לכהן שעולה לרוכב, יטלא יאמר הואיל ונתנה לי תורה רשות לברך את ישראל אוסיף ברכה אחת מיטלי, כנון (דברים א)

ר י"ט

הסדק עד מקום הגהת פה שיעור תקיעה כשר. צורו, לשון יכש. קדחו, נקבו וקסיד בקב הגהת פה קאמר, שקדחו בזכרותו, כשהוא כתובר בבהמה עצם כולל מן הראש ונכנס לתוכו ויסודין אותו מתוכו, וזה לא הוציאו, אלא נקב את הזכרות. אותן העומדין בבור יצאו שהן כולל השופר לעולם שמעו. שמע מקצת התקיעה בבור כו', קא כלקא דעתך דהכי קאמר: היה צריך הוא בשפת הבור וחבירו תוקע בבור ויצא להיין בחצי התקיעה, ואשמעינן הכא דבקצת נמי יוצא. קדם עמוד השחר, לאו זמניה הוא כדאמרין במכבת מגילה: כל היום כשר לתקיעת שופר ויליף מקמא מיום תרועה יהיה לכך, יום ולא לילה. תקע בראשונה, פשוט שלפני תרועת המלכיות. וסדר בשנייה, בפסוקה של אחריה כשתיים ונתכוין לצאת בה אף ידו פסוקה שלפני תרועת הזכרות שעתיד עליו לתקוע תיכף לזו. מותר לתקוע לו, טעמא דכולהו משום דמצות לאו ליתכרות ניתנו חבירו מזה עליו בימות הנשמים, שאין כאן אלא הגהת קיום המצות. אבל לא בימות החמה, ראינא הגהת הגוף. שכפאוהו פרסיים, ואנ"ג שלא נתכוין לצאת ידי חובת מצה בליל ראשון של פסח יצא. התוקע לשיר, לשורר ולומר כך שמעתי מפי מורי הזקן. פשיטא, דזאת אומרת כן. מה דתימא התם אכול מצה קאמר רחמנא והא אכל, ונהנה באכילתו הלכך לאו מתעסק הוא. קא משמע לן, דאנ"ג דמתעסק הוא יצא. א"ל מעתה, דשאין מתכוין למצוה כמתכוין דמי. הישן

התנן שופר של ר"ה של יעל פשוט? הוא דאכר כי האי תנא; דהניא ר' יהודה אומר, בר"ה היו תוקעין בשל זכרים כפופין, וביובלות בשל יעלים. בכאי כמיפלגי? כר סבר בר"ה כמה דכייף איניש דעתיה טפי מעלי, וביה"כ כמה דפשיט איניש דעתיה טפי מעלי, וכחעניות כמה דכייף איניש דעתיה טפי מעלי. (זב.) ופיו מצופה זהב. יהתניא ציפהו זהב בכוס דנהת פיו פסול, שלא בכוס הנחת פיו כשר? אמר אביי, כי תנן נמי כתניתין שלא בכוס הנחת פה תנן. ויחתי חצוצרות כן הצדדים. ויחתי קלי מי משתמעי? לכך מאריך בשופר, לידע שמצות היום בשופר, ובתעניות של זכרים כפופין ופיו מצופה כסף. מאי שנא התם דזהב, וכ"ש הכא דכסף? כל כינופיא דכסף הוא, דכתיב (במדבר י) "עשה לך שתי חצוצרות כסף". רב פפא בר יכואל כבר למיעבד עובדא כמתניתין, אמר ליה רבא: לא אמרו אלא בכקדיש. תניא נמי הכי. במה דברים אמורים בכקדיש, אבל בבבלי, כקום שיש חצוצרות אין שופר, כקום שיש שופר אין חצוצרות. וכן הנהיג רבי הלפתא בציפורי, ורבי הנניא בן תרדיון בככני; וכשבא דבר אצל חכמים אמרו: לא היו נוהגין כן אלא בשערי מזרח ובהר הבית בלבד. אמר רבא ואיתימא רבי"ל מאי קרא? דכתיב (תהלים נח) "בהציצרות וקול שופר הריעו לפני המלך ה'", לפני המלך ה' הוא דבעינן חצוצרות וקול שופר, אבל בעלמא לא. שוה היוכל לר"ה לתקיעה ולברכות כו'. א"ר שמואל בר יצחק כמאן מצלינן האידנא: זה היום תחילת מעשיך זכרון ליום ראשון? כר' אליעזר, דאמר בתשרי נברא העולם. כתיב רב עינא: שוה יוכל לר"ה לתקיעה ולברכות, והא איכא זה היום תחילת מעשיך זכרון ליום ראשון, דבר"ה איתא ויזבל ליתא? כי קתני אשאר. ברתנ' שופר שנסקר ודבקו פסול, דיבק שבירי שופרות פסול; (זב.) ניקב וסתמו אם מעכב את התקיעה פסול, ואם לאו כשר. התוקע לתוך הדות, או לתוך הפיטכ, אם קול שופר שמע יצא, ואם קול הכרה שמע לא יצא; וכן מי שהיה עובר אחורי בית הכנסת, או שהיה ביתו סמוך לבית הכנסת, ושמע קול שופר, או קול מנילה אם כיון כבו יצא, ואם לאו לא יצא, אע"פ שזה שמע זה שמע: זה כיון לבו, וזה לא כיון לבו. גמ' ת"ר, ארוך וקצריו כשר, נדרו והעמידו על גלדו כשר; ציפהו זהב מבפנים פסול, מלחוץ, אם נשתנה קולו מכמות שהיה פסול, וא"ל כשר; ניקב וסתמו אם מעכב את התקיעה פסול, וא"ל כשר; נתן שופר בתוך שופר, אם קול פנימי שמע יצא, ואם קול חיצון שמע לא יצא. דיבק שבירי שופרות פסול. ת"ר, הוסיף עליו כ"ש, בין במינו בין שלא במינו פסול; ניקב וסתמו בין במינו ובין שלא במינו פסול; רבי נהן אומר, במינו כשר שלא במינו פסול. אר"י, והוא שנפחת רובו, מכלל דבמינו אע"פ שנפחת רובו כשר; ציפהו זהב מבפנים פסול,

רש"י

כפשוטין, ולברכות, דבעי למימר תשעה ברכות ביום הכיפורים של יובל. נמ' ושל כל השנה, של תעניות. במאי קא מיפלגי, תנא קמא ור' יהודה. כמה דכייף איניש, בתפלתו פניו ככושין לארץ טפי עדיף. כמה דפשיט טפי עדיף, הילכך בראש השנה בפשוטין דלתפלה הוא ודיום הכיפורים נמי משום דכייף שוה ובתענית דלכינופיא לא איכסת לן ועבדינן כפופין להכירא. במקום הנחת פה פסול, שהתקיעה כזהב ולא בשופר. לכך מאריך בשופר, תירוצא הוא. למיעבד עובדא, בחצוצרות ושופר, מקום שיש שופר, כגון ר"ה ויובל, מקום שיש חצוצרות, כגון תעניות. הנהיג, כמשנתינו שופר וחצוצרות. ובהר הבית, הוא מילתא היא בשערי מזרח בהר הבית, וי"א בשערי מזרח בעזרת נשים. מתנ' ודבק, בדבק, פסול דהוה ליה כשני שופרות, על גלדו, גלד דק. פסול, שהתקיעה כזהב. לא יצא, דאיכא מחיצות, הפנימי מפסקת התקיעה. במינו כשר, אם אינו מעכב את התקיעה. נסדק, כולו, וכן נסדק לרחבו, כל רחבו להקיפו. אם נשתיר בו, מן מקום

מקדש מקודש. ראוהו שלשה והן ב"ד, יעמדו השנים וישיבו מחביריהם אצל היחיד ויעידו בפניהם ויאמרו מקודש מקודש, שאין היחיד נאמן ע"י עצמו. גמ' ראוהו ב"ד יעמדו שנים ויעידו בפניהם: ואמאי, לא תהא שמיעה גדולה מראייה? א"ר זירא, כגון שראוהו בלילה. ראוהו שלשה והן בית דין יעמדו שנים וישיבו מחביריהם אצל היחיד. אמאי הכא נמי נימא לא תהא שמיעה גדולה מראייה? וכי תימא ה"נ כגון שראוהו בלילה, היינו הך? סיפא איצטריכא ליה, דאין היחיד נאמן על ידי עצמו, דסלקא דעתך אמינא הואיל ותנן דיני ממונות בשלשה, ואם היה מומחה לרבים דן אפילו ביחיד, הכא נמי יקדשה ביחיד? קא משמע לן! ואימא הכי נמי? אין לך מומחה לרבים בישראל יותר ממשה רבינו, וקאמר ליה הקב"ה עד דאיכא אהרן בהרד, דכתיב (שמות יב) "ויאמר ה' אל משה ואל אהרן בארץ מצרים לאמר החדש הזה לכם". למימרא דעד נעשה דין? לימא מתני' דלא בר"ה, דתניא, סנהדרין שראו אחד שהרג את הנזיש (ב"ב). מקצתן נעשו עדים, ומקצתן נעשו דיינים, דברי רבי טרפון; רבי עקיבא אומר, כולן נעשין עדים, ואין עד נעשה דין? אפילו תימא רבי עקיבא, עד כאן לא קאמר רבי עקיבא התם, אלא בדיני נפשות, דרחמנא אמר (מדבר יח) "וישפטו העדה והצילו העדה" וכיון דהויה דקטל נפשא, לא מצי חזו ליה זכותא, אבל הכא, אפילו רבי עקיבא מודה. מתני' כל הישפחות כשרים חזן משל פרה, מפני שהוא קרן, אמר רבי יוסי, והלא כל הישפחות נקראו קרן! "שנאמר (יהושע ו) "ביושך בקרן היובל". מאי משמע דהאי יובל לא לישנא דכרוא, הוא? דתניא, אמר ר' עקיבא, כשהלכתי לערביא היו קורין לדכרוא, יובלא. (ב"ב). לא הווי ירעי רבנן מאי (מכיל ד) "כלסלה ותרוממך" יומא חד שמעוה לאמתא דבי רבי, דהוות אמרה להווא נברא, דהוה קא מהפך בשעריה, "אמרה ליה עד מתי אתה מסילסל בשערך? לא הווי ירעו רבנן מאי (תלם נה) "השלך על ה' יהבך". אמר רבה בר בר חנה, יומא חד הוה אזלינא בהדי ההוא טייעא, הוה דרינא טונא, ואמר לי שקול יהבך ושרי אנלא. מתני' שופר של ראש השנה של יעל פשוט, ופיו מצופה זהב, ורשני חצוצרות מן הצדדין, שופר מאריך וחצוצרות מקצרות, שמצות היום בשופר: ובתעניות בשל זכרים כפופין, ופיהן מצופה כסף, ורשני חצוצרות באמצע, שופר כקצר וחצוצרות מאריכות. יוהה היובל לר"ה לתקיעה ולכרבות, ר"י אומר בר"ה תוקעין בשל זכרים, וכיובלות בשל יעלים. גמ' אמר ר' לוי מצוה של ר"ה ושל יוה"כ בכפופין, ושל כל השנה בפשוטין.

ר"ש"י

ונחקרו העדים, אי נמי נחקרו העדים. ראוהו ב"ד בלבד, שאין מי שיעיד אלא הם, ולא ארישא קאי ככבוד לחשיכה, אלא שהיה שהות לקדש. יעמדו שנים ויעידו בפניהם, ואע"פ שכולן ראוהו, ויעידו בפניהם, השנים. שאין היחיד נאמן, לומר מקודש בפני עצמו, לכך צריך להושיב מחביריהם אצלו. גמ' ואמאי, יעמדו שנים ויעידו הלא ראוהו כולן וקדשוהו בראיתם. כראוהו בלילה, הילכך למחר אי לאו שמיעה על מה יקדשו, למימרא דעד נעשה דין, כי שראו להיות עד בדבר נעשה דין, ואלו כולן ראויים להיות עדים שררי כולם ראוהו. מקצתן נעשין עדים, ויעידו בפני חביריהם, ומקצתן נעשין דיינים, אבל המעידים לא ישבו ודונו עכסם, וגבי עדות החדש גופה נמי לא אפשרנא במתני' להיות העדים נעשים דיינים, דאי"כ למה לי וישיבו מחביריהם? ויעידו בפני יחיד ואחר כך ישבו הם עמו ויקדשו. כולן עדים הם, ראויים להעיד. והצילו העדה, והכבו בזכותו. מתני' שהוא קרן, אינו קרן שופר וגבי יה"כ שופר כתיב. בקרן היובל, ויובל היכרא הוא. ופיו מצופה זהב, בשל מקדש קאמר. שופר מאריך, לאחר שהחצוצרות פוסקין תקיעתן, נשכני קול השופר. ובתעניות, דאמרינן בתעניות תקעו הכהנים תקעו. בשל זכרים, אילים שחמון כפופין, ורשני חצוצרות באמצע, שני שופרות להן א' ככאן ואחד מכין והן באמצע. שמצות היום בחצוצרות, דלכפופין בעלמא נינהו וכל כפופין בחצוצרות דכתיב ויהיה לך למקרא העדה. לתקיעת

שחל יוה"כ להיות בחשבוננו. עמד רבן נמליאל ונשקו על ראשו, אמר לו: בוא בשלום רבי ותלמידי, רבי בחכמה, ותלמידי יסקבלת את דברי. גב' תניא אמר להם רבן נמליאל לחכמים: כך מקובלני מבית אבי אבא, פעמים שבא בארוכה ופעמים שבא בקצרה. רבי חייא חזיין לסיהרא דהוה קאי בצפרא דעשרים ותשעה. שקל קלא פתק ביה, אמר, לאורתא בעינן לקדושי בך, ואת קיימת הכא? זיל איכסי! אמר ליה רבי לרבי חייא, זיל לעין טב וקדושי לירחא, ושלח לי סימנא: דוד מלך ישראל חי וקים. תנו רבנן, פעם אחת נתקשרו ימים בעבים ונראית דמות לבנה בעשרים ותשעה לחדש, כסבורים העם לומר ר"ה, ובקשו בית דין לקדשו, אמר להם ר"ה: כך מקובלני מבית אבי אבא: אין חדושה של לבנה פחותה מעשרים ותשעה יום ומחצה ושני שלישי יצעה וע"ג חלקים, ואותו היום מתה אמו של בן זאז והספידה ר"ה הספר גדול, לא מפני שראויה לכך, אלא כדי שידעו העם שלא קידשו בית דין את החדש. בא לו אצל ר' דוסא בן הורכנים כו'. ת"ר, למה לא נתפרשו שמותם של זקנים הללו? שלא יאמר אדם: פלוני כעשה ואהרן? פלוני כנדב ואביהוא? פלוני כאלרד ומירד? ואומר (שמואל א יב) "ואמר ימליאל אל העם ה' אשר עשה את משה ואת אהרן", ואומר (שם) "וישלח ה' את ירובעל ואת בדן ואת יפתח ואת שמואל ירובעל, זה נדען, ולמה נקרא שמו ירובעל? שעשה מריבה עם הבעל, בדן זה שמשון, ולמה נקרא שמו בדן? דאתי מדן, יפתח כמשמעו, (כח): ואומר (תלים צט) "משה ואהרן בכהניו ושמאל בקוראי שמו", שקל הכתוב שלשה קלי עולם כשלשה חמורי עולם לומר לה, ירובעל בדורו כמשה בדורו, בדן בדורו כאהרן בדורו, יפתח בדורו כשמואל בדורו; ללמדך שאפילו קל שבקלין ונתמנה פרנס על הצבור הרי הוא כאביר שבאבירים, ואומר (דברים יז) "ובאת אל הכהנים הלויים ואל השופט אשר יהיה בימים ההם", וכי תעלה על דעתך שאדם הולך אצל הדיין שלא היה בימיו? הא אין לך לילך אלא אצל שופט שבימי, ואומר (קהל ז) "אל תאמר מה היו שהימים הראשונים היו טובים מאלה". נמל מקלו ומעותיו בידו. ת"ר, אמר לו: אשרי הדור שהנדולים נשמעים לקטנים ומתוך זה נושאים הקטנים ק"ו בעצמן.

הדרן עלך אם אינן מכירין

ראוהו בית דין וכל ישראל, נחקרו העדים ולא הספיקו לומר מקודש, עד שחשיכה, הרי זה מעובר. ראוהו ב"ד בלבד, יעמדו שנים ויעידו בפניהם ויאמרו:

ר ט"ז

רואה אני את דברך, לעבר את החדש. הלך ומצאו, הלך ומצאו ר"ה לרבי יהושע מיצר על שהנשיא גזר עליו לחלל יוה"כ. אשר תקראו, בקריאת בית דין הלאו הכתוב. בא לו, רבי יהושע אצל רבי דוסא. גב' חזיין לסיהרא, ויטרה. שקל קלא, פיכת רגבים. לאורתא בעינן לקדושיך, צריכין אלו לעשות הלילה יו"ט של ר"ה להכר את אלול. ואת קיימת הכא, ואם תהא נראית ערבית שוב לא יקדשו את החדש למחר. זיל לעין טב וקדושי. מורי פירש שגזרו שסדר במקומו שלא יקדשו את החדש. דוד מלך ישראל, נמשל כלבנה שנאמר בו ככאו כשמש נגד כירח יכון לקולם. שידעו שלא קדשו ב"ד את החדש, שאין מספידין ביום, שלא יאמר אדם, על ב"ד שבימיו וכי פלוני ופלוני כעשה ואהרן שאשמע לו? עכשיו שלא נתפרשו אומר לו אם אינו כעשה ואהרן, הרי הוא כאחד משאר זקנים שאינך יורק מי הם. איך עשה את משה ואת אהרן, שמואל הנביא אמר לישראל הקב"ה עשה לכם נסים ע"י משה וזקנים הללו: משה ואהרן ירובעל ובדן ויפתח ושמאל. ושמאל בקוראי שמו, הרי ששקל הכתוב שמואל עם משה ואהרן, ובכתובים הראשונים כתוב ירובעל בדן ויפתח עם משה ואהרן ושמאל שלשה קלים עם שלשה חמורים. הא אין לך ללך כו', הרי למדך הכתוב כאן, שאין לך לבקש אלא שופט שהיה בימך.

הדרן עלך אם אינן מכירין

אמר רבי, אמר קרא (ויקרא כג) „וידבר משה את מועדי ה'“ מכאן שראש ב"ד אומר מקודש. וכל העם עונים אחריו מקודש מקודש. מנלן? אמר רב פפא, אמר קרא (דם) „אשר תקראו אותם“, קרי ביה אתם. ר"נ בר יצחק אמר (שם) „אלד הם מועדי“ הם יאמרו מועדי. מקודש מקודש תרי זימני למה לי? דכתיב „מקרא קודש“. ר"א בר צדוק אומר אם לא נראה בזמנו אין מקדשין אותו. תניא לימו א מר, בזמנו אין מקדשין אותו, שלא בזמנו מקדשין אותו; רבי אלעזר אומר, בין כך ובין כך אין מקדשין אותו, שנאמר (שם כה) „וקדשתם את שנת החמשים“ שנים אתה מקדש ואי אתה מקדש הדשים. א"ר יהודה אמר שמואל, הלכה כרבי אלעזר בר צדוק. אמר אביי, אף אנן נמי תנינא: ראוהו ב"ד וכל ישראל, נחקרו העדים ולא הכפיקו לומר מקודש עד שחשיכה, הרי זה מעובר; מעובר אין, מקודש לא? מעובר אצטריכא ליה, ס"ד אמנא הואיל וראוהו ב"ד וכל ישראל, איפרסמא וקא לעברה, קמ"ל. כתנ"י דמות צורות לבנה היו לו לר"נ בטבלא ובכותל בעלייתו, שבהן מראה את ההדיוכות ואומר: חכזה ראית, או כוח? גמ' ומי שרי? (כד:) והתניא „לא תעשן אתי“ קא תעשן בדכות שמימי המשמשין לפני, כגון חמה ולבנה, כוכבי' ומזלות? שאני ר"נ, דאהרין עשו לו. והאר"י האחרים עשו לו וא"ל שמואל לר"י: שינא, כמי עיניה דדן? התם חותמו בולט הוה ומשום חשדא. ומי חיישין לחשדא? והא ההוא בנישטא דשפוייתיב בגדרדעא דהוה ביה אנדרטא, והוה עיילי רב שמואל ואבוא דשמואל ולוי ומצלו התם ולא חיישי לחשדא? רבים שאני. והא ר"נ יחיד הוה? כיון דנשיא הוא שכיחי רבים נביה. ואבע"א להתלמד עבד, וכתיב (דברים יח) „לא תלמד לעשות“, אבל אתה למד להבין ולהורות. מתנ"י שעשה שבאו שנים ואמרו: ראינוהו שחרית במזרח (כד.). וערבית במערב, א"ר יוחנן בן נורי, עדי שקר הם, כשבאו ליבנה קיבלן רבן גמליאל; תעד באו שנים ואמרו: ראינוהו בזמנו ובלייל עיבורו לא נראה, וקיבלן ר"נ. א"ר דוכא בן הורכנס עדי שקר ה'; היאך מעירין על האשה שילדה, ולמחר כריסה בין שיניה? אמר לו ר' יהושע: רואה אני את דבריך. שלח לו ר' גמליאל: נחריני עליך שתבא אצלי במקלך ובמעוטיך ביה"כ שחל להיות בחשבונך. הלך ומצאו רבי עקיבא מיצר. אמר לו, יש לי ללמוד שכל מה שעשה ר"נ עשוי, שנאמר (ויקרא כג) „אלה מועדי ה' מקראי קודש אשר תקראו אתם“ בין בזמן בין שלא בזמן, אין לי מעודות אלא אלו. בא לו אצל ר' דוכא בן הורכנס, אמר לו: אם באן אנו לדון אחר בית דינו של רבן גמליאל, צריכין אנו לדון אחר כל בית דין ובית דין שעמד מימות משה ועד עכשיו, ינאמר (שמות כד) „ויעל משה ואהרן נדב ואביהוא ושבעים מזכני ישראל“ תמה לא נתפרשו שכותן של זקנים? אלא ללמד שכל שלשה ושלשה שעמדו בית דין על ישראל הרי הוא כבית דינו של משה. נכל מקלו ומעותיו בירו והלך ליבנה אצל ר"נ ביום

ר ש"י

מרתני, כדי לחזק קליו. כוכיחא עיבא, עגול של עב לבן. מקראי קדש, תרי זימני משכע. בזמנו אין מקדשין אותו, שאינו צריך היוזק. מעובר אין, ומדמע משחשיכה נתקבר. ומקדש לא, קתני תרי זה מתקדש למחר. אצטריכא ליה, כיוסר לעולם למחר בעי קידוש, והא דלא תניי כיום דא פריכא לצטמוינן מעובר, ובזמנו ראוהו, כד"א לא לעברה, ואי תנא הרי זה מתקדש למחר הוה אמנא לעולם מיומא קמא מתקנינן מועדות ה. דשפוייתיב בגדרדעא, מיום הוה, ויש נותין כחבד וחזר וגבנה. אנדרטא, גלס דמות הסלך. והא ר"ג יחיד הוה, וניהוש נמי לישראל. מתנ"י ראינוהו כורית במזרח, את היבנה. וערבית במערב, את הירושה. עדי שקר הם, דקימא לן עשרים וארבעה שני כדירא. ראינוהו בזמן, ביום שלשים. ולל לשנים, דהו מצעין ב"ד והקם שתחא מגולה וראוה מאחר שהקדים ראוה ביום, לא נראה להם.

בלתי. מאי בית בלתי? אמר רב (בבבא): זו בירם. מאי נולח? אמר רב יוסף, זו פומבדיתא. מאי כמדורת האש? תנא כל אחד ואחד נוכל אבוקה בידו ועולה לראש גג. ברתני' חצר גדולה היתה בירושלים ובית יעקב היתה נקראת, ולישם כל העדים מתכנסין. וב"ד בודקין אותם שם וכעורות גדולות עושין להם, בשביל שיהיו רגילין לבא. בראינות לא היו זזין מימם כל היום, התקין רבן גמליאל הזקן, שיהיו מהלכין אלפים אמה לכל רוח; ולא אלו בלבד, אלא אף חכמה הבאה ליילד, והבא להציל מן הדליקה, מן הנייס, ומן הנהר, ומן המפלות, הרי אלו כאנשי העיר, ויש להם אלפים לכל רוח. כיצד בודקין את העדים? זוג שבא ראשון, בודקין אותו ראשון, ומכניסין את הנדול שבהן ואומרים: לו? אמור, כיצד ראית את הלבנה, לפני החמה, או לאחר החמה? לצפונה, או לדרומה? כמה היה נבזה? ולאין היה נוטה? וכמה היה רחב? אם אמר לפני החמה, לא אמר כלום. ואח"כ היו מכניסין את השני ובודקין אותו, אם נמצאו דבריהם מכוונים, עדותן קיימת, ושאר כל הזוגות שואלין אותן ראשי דברים, לא שיהיו צריכים להם, אלא כדי שלא יצאו בפחי נפש, בשביל שיהיו רגילים לבוא: גמ' היינו לפני החמה, היינו לצפונה? היינו לאחר החמה, היינו דרומה? אמר אביי, פנימית לפני החמה, או לאחר החמה, אם אמר לפני החמה, לא אמר כלום, דא"ר יוחנן, מאי דכתיב (איוב נה) „המטל וכחד עמו עושה שלום בכרמיו“, מעולם לא ראתה חמה פנימית של לבנה, ולא פנימית של קשת. (בבבא). כמה היה נבזה ולאין היה נוטה כו'. תנא חרא: לצפונה דבריו קיימין, לדרומה לא אמר כלום, והתניא איפכא: לדרומה דבריו קיימין, לצפונה לא אמר כלום? לא קשיא, כאן בימות החמה, כאן בימות הנשימים. ת"ר, אחד אומר נבזה ב' מדרעות, ואחד אומר נ', עדותן בטילה, אבל מצטרפין לעדות אחרת. ת"ר, ראינוהו במים, ראינוהו בעששית, ראינוהו בעבים, אין מעידין עליו; חציו במים חציו ברקיע, חציו בעבים, אין מעידין עליו, כל הכי חזו לה ואולי? אמר אביי ה"ק: ראינוהו מאלינו ושבתו לראותו מדעתנו ולא ראינוהו, אין מעידין עליו, מ"מ? אומר כוביתא דעיבא בעלמא הוא דחזי. ברתני' ראש ב"ד אומר מקודש. וכל העם עונים אחריו מקודש כקודש. בין שנראה בזמנו, בין שלא נראה בזמנו כקדשין אותו. ר"א בר צדוק אומר, אם לא נראה בזמנו אין מקדשין אותו, שכבר סידשוהו שמים. גמ' מנהגי מילי? א"ר חייא בר נמדא א"ר יוסי בן יואל

ר יט"ו

ר"ה אבל כי עבדינן משואות אדיר לאור יום ל' ידעי שביום ל' נקבע ויעשו מלאכה למדר. אדרא, כד שם חזיין, לא נקיה, לא אנקם מרמם של ישראל. מותני' כל העדים מתכנסין, ביום השבת שחללהו לבוא ולהקדיש, לא היו זזין משב, לפי שיצאו חוץ לתחום אין לו אלא ד' אמות. ומן הנהר, שהוא גדל פתאום ושומק את בני העיר ואת הילדים. לפני החמה, החמה הולכת לעולם ממזרח לדרום ומדרום למערב ומערב לצפון, והלבנה אינה נראית ביום שלמים לעולם אלא כמור לשקיעת החמה, שמתוך שהוא דק וקטנה אינה נראית בעיר שהחמה גבוהה; מכלא קתני לזוהרה או למערבה שמע מינה אין נראית להם בדרום וקא כ"ד שהיו שואלין את העדים: אם ראו מהלכת לפני החמה, או לאחריה? לצפונה של חמה ראיתם אותה, או לדרומה של חמה? כמה היה נבזה, מן הארץ, לפי ראיית עיניכם. לאין היה נוכח, ראשי הנגימה לאיזה צד נוטין: לצד צפון, או לצד דרום? גם היינו לפני החמה היינו לצפונה, הא הרא מילתא היא כדפרישית לעיל. פנימית לפני החמה, פונה לצד הדרום או לצד אחר, ועלה קתני כיפא. אם אמר לפני החמה לא אמר כלום, דמיעולם לא ראתה חמה פנימית של לבנה. בימות הנשימים נמצאת לבנה בצפון, ובימות החמה נמצאת בדרום, אבל מצטרפין לעדות אחרת, אחד מהן מצטרף גם עד אחר שיאמר כמותו. ראינוהו במים, הוק נהר או מעיין ראינו דמורה של לבנה. בעבים, יום המעונן היה, וראינוהו מאורה דרך עיבוי של עב, כל הכי חזי ואולי, ובי לעולם הם צריכים לראותה

שלהם העיד עדותו ויצא, שלנו אמרו לו: אמור, כיצד ראית את הלבנה? אמר להם יגולה הייתי במעלה אדומים, וראיתי שהוא רבין בין ב' כלעים, ראשו דומה לענף, אזניו דומין לגדי, קרניו דומות לצבי, זנבו מונחת לו בין ירכותיו, והיצצתי בו ונרתעתי ונפלתי לאחורי, ואם אין אתם מאמינים לי, הרי מאתים זוז צרורין לי בסדיני. אמרו לו מי הזקיקך לכך? אמר להם, שמעתי שבקשו ביהוסוס להטעות את חכמיכ, אמרתי אלך אני ואודיע להם, שמא יבואו בני אדם שאינם מהוננין ויטעו את החכמים. אמרו לו כאתים זוז נתונין לך במתנה, והיטובך יתה על העמוד. באותה שנה התקינו שלא יהו מקבלין אלא מן המכירין. **בתנ"י** בראשונה היו משיאין מישואות, משקלקלו הכותים התקינו שיהו שרוזין יוצאין. כיצד היו משיאין מישואות? מביאין כלונסאות של ארז ארוכין, וקנים ועצי שמן ונעורת של פשתן, וכורף בכשיחה ועויה לראש ההר, והצית בהן את האור, ומוליך ומביא ומעלה ומוריד עד שהוא רואה את חבירו שהוא עושה כן בראש ההר השני, וכן בראש ההר השלישי. ומאין היו משיאין מישואות? מהר המישחה לסרטבא, ומכרנבא לגרופינא, ומגרופינא לחוורן, וכחוורן לבית בלתיין, ומבית בלתיין לא זוז מים, אלא מוליך ומביא, ומעלה ומוריד, עד שהוא רואה כל הגולה לפניו כמדורת האש. **גב' ת"ר**, אין משיאין מישואות אלא על ההרש שגורא בומנו לקדישו, ואימתי משיאין? לאור עיבורו. למיכרא דאחכר עבדין אמלא לא עבדין? (**בב.**) וליעביד אמלא ולא ליעביד אחכר כלל? אינר אבין מישום ביטול מלאכה לעם שני ימים. כיצד היו משיאין מישואות מביאין כלונסאות וכו'. אמר רב יהודה, ד' מיני ארזים הן: ארז, קתרום, עין שמך, וברוש; קתרום, אמר רב, אדרא. **א"ר** יוחנן, כל שיטה ושיטה שנטלו אימות מירושלים עתיד הקב"ה להחזירן לה, שנאמר (ישעיה מה) „אחך במדבר ארז שיטה“, ואין במדבר אלא ירושלים, שנאמר (שם כד) „ציון מדבר היתה“ וגו', ואמר רבי יוחנן, כל הלכוד תורה וכלמדה במקום שאין תלמיד חכם, דומה להרש במדבר, דחביב; וא"ר יוחנן, אוי להם לרומאים שאין להם תקנה, שנאמר (שם כ) „תחת הנחשת אביא זהב ותחת הברזל אביא כסף ותחת העצים נחשת ותחת האבנים ברזל“, תחת רבי עקיבא וחביריו מאי מביאין? ועליהם הוא אומר (יואל ד) „ונקיתי דמם לא נקיתי“. ומאין היו משיאין מישואות כו' ומבית

ר י"ט

אחד בשבת, לפי שהן דורשין ממחרת השבת ינופגו, ממחרת שבת בראשית כמשמעות. אחד משלנו, ולא הכירוהו. מאתים זוז נתונים לך במתנה, ותהא רשאי לעכבן ואעפ"י שלא השלמת תנאי שלך, ושוכרך דיש רשות לב"ד לקנוס ממון, ולעשותו הפקר. יסתח על העמוד, למלקות. בראשונה היו משיאין מישואות, לאחר שקדשו החדש ולא היו צריכין לשכור שלוחים לשלוח לגולה לתודיע, כי המישואות מודיעים אותן. משקלקלו הכותים, הדיכאו גם הם מישואות שלא בזמן החדש להטעות ישראל וצ"ד לא היו משיאין מישואות אלא בחדש שנתקדש ביום ל' בדאמרי' בפירקין, וכשלא היו משיאין לערב של יום ל' הכל יודעין שהחדש מעובר, ופעם אחת עיבדו כ"ד את החדש ולא השיאו מישואות לערב ל', והכותים השיאום בחרים שלהם והטעו את בני הגולה לעשותו הכר. ארוכים, כדי שיראו למרחוק. וקנים ועצי שמן ונעורת של פשתן כל אלו מרכים שלהבת, וכורכן במשיחה, קושרם בהוט של משידה בראשי הכלונסאות. ומאין היו משיאין מישואות, מה שם ההרים? מהר המישחה, מתחילין, הוא הר הזיתים שלפני ירושלים עד שרואין כן בהר כרנבא. לחוורן וכו' את הגולה, בני בכל אנשי פומבדיהא, והמה מודיעין לכל בני כריתת בכל. גמ' לקדשו, להודיען שנתקדש. לאור עיבורו, לערב יום שלשים נגדו ל"א, יום שלשים קרוי יום עיבורו, וליעביד אמלא, ולא אחזר, וכי מקלע ר"ח הכר בערב שבת ולא עבדין מידע ידעי דהסר הוא, וכל הדשים חכרין לא עבדין והאי נמי לא עבוד. אמר אבין מישום ביטול מלאכה כו', אין לך ר"ח שאין כתבלין בני הגולה ממלאכה שני ימים: יום ל' שמא היום ר"ח, ויום ל"א שמא עיבורו את החדש והיום

מארבעים זוג ועיכבן ר"ע כו'. תניא א"ר יהודה, ח"ו שר"ע עיכבן, אלא שופר ראשה של גדר עיכבן, ושלח רבן נמליאל והורידוהו מנדולתו. ברתני' אב ובנו שראו את החרש ילכו, לא שמעטרפין זה עם זה, אלא שאם יפסל אחד מהן, יצטרף השני עם אחר. ר"ש אומר, אב ובנו וכל הקרובין כשרין לעדות החרש. א"ר יוסי, מעשה בטוביה הרופא, שראה את החרש בירושלים הוא ובנו ועבדו משוחרר, וקבלו הכהנים אותו ואת בנו, ופסלו את עבדו, וכשבאו לפני ב"ד קבלו אותו ואת עבדו, ופסלו את בנו. גמ' א"ר לוי, מאי טעמא דר"ש? דכתיב (שמות יב) "ויאמר ה' אל משה ואל אהרן בארץ מצרים לאמר החרש הזה לכם" עדות זו תהא כשרה בכס, ורבנן, עדות זו תהא מסורה לכם. אמר ר' עקיבא אמר שמואל הלכתא כר"ש. ברתני' אלו הן הפסולין: המשחק בקוביא, ומלוי ברביית ומפריחי יונים, וסוחרי שביעית, ועבדים. זה הכלל: כל עדות שאין האשה כשירה לה, אף הן אינן כשרין לה. מי שראה את החרש, ואינו יכול להלך, מוליכים אותו על החמור, אפילו במטה, ואם צודה להם, לוקחין בידן מקלות, ואם היתה דרך רחוקה, לוקחין בידם מזונות, ישל מהלך לילה ויום מחללין את הישבת, ויוצאין לעדות החרש, שנאמר (ויקרא כג) "אלה מועדי ה' אשר תקראו אותם במועדם".

הדרן עלך ארבעה ראשי שנים

אם אינן מכירין אותו, משלחין עמו אחר להעידו. בראשונה היו מקבלין עדות החרש מכל אדם, משקללו הבייתוסים, התמינו, שלא יהו מקבלין אלא מן המכירין. גמ' מאי אחר? (בבב:) זוג אחר. ה"נ מסתברא, דאי לא תימא הכי? אם אינן מכירין אותו, מאי אותה? אילימא אותו חד, וחד מי מהימן? (תלמי פא) "משפט" כתיב ביה, אלא מאי אותו, אותו הזוג, ה"נ מאי אחר, זוג אחר. וחד לא מהימן? והתניא, מעשה ברבי נהוראי שהלך אצל העד להעיד עליו בשבת באושא? סהדא אחרינא הוה באושא, ואזל רבי נהוראי לאצטרופי בהדיה. אי הכי, מאי למימרא? מהו דתימא מספיקא לא מחללינן שבתא, קמ"ל! כי אתא עולא אמר: קדשוה לירחא במערבא. אמר רב כהנא לא מיבעיא עולא דנברא רבה הוא דמהימן, אלא אפילו איניש דעלמא נמי מהימן, מ"ט? כל מילתא דעבידא לאנלוי לא משקרי בה אינשי. בראשונה היו מקבלין עדות החרש מכל אדם וכו'. תנו רבנן, מה קילקול קילקלו הבייתוסין? פעם אחת בקשו להטעות את חכמים, ש"כרו יוני אדם בד' מאות זוז, אחד משלנו ואחד משלהם,

ר"ש י

עדים זוג אחר זוג, שופר, כך שמו. מתני' שאם יפסל, יכשל בציו כשיבדקוהו, נמ' תהא כשרה בכס, ואע"פ שהם אחים. תהא מכורה לכם, לחשובי הדור אני מוכר שיקבלו העדות ויקדשו החרש ולא להכשיר קרובים בא. מתני' המשחק בקוביא, חתיכות של עצם שמשחקין בערבון, ומלוי ברביית, לאו גולגולין דאורייתא ניהו למיפסל משום אל תשת עד חמס. מפריחי יונים, היינו נמי כעין קוביא. וסוחרי שביעית, ערשין סהורה בצירי שביעית, ולפי שנחשדו כל אלו לעבור על דת מחמת ממון חשדום להיות מעידים שקר ע"י ממון ושחור. מי שראה את החרש כו', מרכיבין אותו אף בשבת. ואם צודה להם, אם יש אורכים בדרך, והבייתוסים והכותים הם היו אורכים להם לעיכבם כדי להטעות את החכמים.

הדרן עלך ארבעה ראשי שנים

אם אינן מכירין, ב"ד את העד אם נאמן וכשר הוא. משלחין, ב"ד שבעירו. אחר עמו, להעיד עליו לפני ב"ד הגדול. נמ' חד מי מהימן, לעדות החרש. באושא, כשישבה סנהדרין שם ושם היו מקדשין את החרש. סהדא אחרינא הוה באושא, המכיר את העד הזה, מספיק, ימא אין אותו העד בביתו. להטעות את הדכמים, שאירע יום ל' של אדר בשבת ולא נראה חרש בזמנו, והבייתוסין מהאויין שיהא יום ראשון של פסח בשבת כדי שתהא הנפת העומר באחר בשבת, ונעצרת

רבי זירא אמר רב נחמן כל סזיקא לקמיה שדינן, למיטרא דחמיסר ושיתסר עברינן ארביסר לא עברינן. וליעבר נמי ארביסר, דילמא חסרוה לאב וחסרוה לאלול? (בא) תרי ירחי חסרי קלא אית להו. לוי אקלע לבבל בחדסר בתשרי, אמר בסים תבשילא דבבלאי ביומא רבא דמצדבא. אמר ליה, אסחיד! אמר להו, לא שמעתי מפי ב"ד: מקודש. מברז רבי יוחנן, כל היכא דמטו שלוחי ניסן ולא מטו שלוחי תשרי ליעברו תרי יומי: נזירה ניסן אטו תשרי. רבא הוה רגיל דהוה יתיב בתעניתא תרי יומי; זימנא חרא אשתכח בוותיה. רג' יתיב בתעניתא כוליה יומי דכיפורי. לאורחא אתא ההוא גברא, א"ל למחר יומא רבא במצדבא. קרי עליה (איכה ד) קלים היו רודפינו. אמר להו רב נחמן להנהו נחותי ימא: אתון דלא ידעיתו בקביעא דירחא, כי חיותו סיהרא דמשלים ליומא, בעירו חסירא. (בא:) מתני' על שני חדשים מחללין את השבט על ניסן ועל תשרי, שבהן שלוחין יוצאין לסוריא, ובהן מתקנין את המועדות. וכשהיה בית המקדש קיים מחללין אף על כולן מפני תקנת הקרבן. גמ' על ב' חדשים ותו קא? ורמינהו, על ו' חדשים השלוחין יוצאין? אמר אביי ה"ק: על כולן שלוחין יוצאין מבגרב, על ניסן ועל תשרי עד שיטמעו מפי ב"ד: מקודש! ת"ר, מניין שמחללין עליהן את השבת ת"ל (ויקרא כג) „אלה מועדי ה' אשר תקראו אותם במועדם", יכול כשם שמחללין עד שיתקדשו כן מחללין עד שיתקיימו? ת"ל „אשר תקראו אותם", על קריאתם אתה מחלל, ואי אתה מחלל על קיומן. וכשהיה ב"ה קיים מחללין אף על כולן מפני תקנת הקרבן. ת"ר, בראשונה היו מחללין אף על כולן, משחרב בית המקדש אמר להו רבן יוחנן בן זכאי: וכי יש קרבן? התקינו שלא יהו מחללין אלא על ניסן וג' תשרי בלבד. מתני' בין שנראה בעליל בין שלא נראה בעליל מחללין עליו את השבת. רבי יומי אומר, אם נראה בעליל אין מחללין עליו את השבת. מעשה שעברו יותר מארבעים זוג ועיכבם ר"ע בלוד, שלח לו ר"ג אם מעכב אתה את הרבים נמצאת מבטלין לעתיד לבא. גמ' ת"ר, (קהלת יב) „ביקש קהלת למצוא דברי חפץ" ביקש קהלת לרח דנין יבבלב שלא בעדים ושלא בהתראה, יצתה ב"ק ואמרה לו „וכהוב יושר דברי אמת", (שם יז) ע"פ שנים עדים ונומר". (בב.) מעשה שעברו יותר

ר ט"ו

של אדר ושל אלול מחמת ספק שמא קדשו ב"ד את החדש ביום עשרים ותשעה, אבל צריכין אנו לעשות יום טוב שני ביום ט"ו מספק שמא עיברו ב"ד את האדר וקבעו ניסן ביום שלשם ואחר זכן באלול. למיטרא דחמיסר ושיתסר כו', בניחותא, כלומר אשמעינן רב נחמן חכי, דילמא חסרו לאב, ונמצא יום עשרים ותשעה באלול שלנו שעוברנו את אב היה יום שלשים שלהן וקבעו בו ראש השנה, וכן לענין ניסן דילמא חסרו לשבט. בסים תבשילא דבבלאי, אכלו להם למעדרים ביה"כ שבאי, שחרי ב"ד עיברו את החדש והיו מתענים. אסחיד, ונקבל עלינו ולא נאכל. לא שמעתי מפי ב"ד מקודש. שלא הייתי במקום שישבו כנחרין סם. דמטו שלוחי ניסן. שלוחי ניסן מניין למקום שאין שלוחי תשרי מניין, שהרי אין ימים טובים בנתיים לעכבם ובתשרי יש ר"ה ויה כ שאין השלוחין תולכין בו. ליעברו תרי יומי, כבי ואע"פ שהגידו להם השלוחים יום קביעתו. נזירה ניסן אטו תשרי, שאם נתניהם לעשות בניסן יום אחד ויחגו כן בתשרי שלא ע"פ שלוחים ועפ"ם שמינן. יתיב בתעניתא תרי יומי, עם לילותיהם, שמא עיברו ב"ד את תחדש יום אחד עשר שלנו הוא עשירי שלהן. סתרא דמצלים ליומא. שהיח מכלים כאורו עם הנץ תחכה שאינו מחשיך עד שעת זריחה. מתני' מחללין את השבת, עדים שראו את תחדש. שבתם שלוחים, ב"ד שולחין לכוריא להודיע לגולה יום קביעותם. תקנת קרבן, של ר"ה שיקרב בזמנו. גמ' יוצאין מבגרב, ואין ממתנין עד למחר שיטמעו מקודש מפי ב"ד. על ניסן ועל תשרי, אין שלוחין יוצאין עד שיטמעו מפי ב"ד מקודש. במועדם שלא יעברו המועד של זמן קריאתו. יכול כשם שמחללין, יעדים כיו שיתקדשו בזמן. כך מחללין, השלוחים עד שיתקיימו המועדות בזמן. מתני' (נראה בעליל, מפרש בגמרא לשון גלוי כמו בעליל לארץ). אין מחללין, לפי שאין צורך. ארבעים זוג, שני

דקתני על תשרי מפני חקנת המעדות, י"ט. ועל ככליו מפני חנוכה ועל אדר מפני הפורים. ואילו נתעברה השנה, יוצאין אף על אדר ימי מפני הפורים לא קתני? מתניתין דלא כרבי, דתניא רבי אומר אם נתעברה השנה, יוצאין אף על אדר השני מפני הפורים. (ב.) כי אתא עולא אמר, עברוה לאלול. אמר עולא, ידעי תברין בבלאי מאי טיבותא עבדינן בהדיהו. מאי טיבותא? עולא אמר משום ירקא, רבי אחא בר חנינא אמר משום מתיא. מאי בינייהו? איכא בינייהו י"ט הכמך לשבת בין מלפניה בין מלאחריה: מאן דאמר משום ירקא, מעברין, ומ"ד משום מתיא, אפשר בעממי. אי הכי, מאי שנא לדיחא אפילו לדידהו נמי? לדיחא חכיל לן עלמא, לדידהו לא חכיל להו עלמא. איני, והתני רבה בר שמואל, יכול כשם שמעברין את השנה לצורך, כך מעברין את החדש לצורך? ת"ל, (שמות יב) "החדש הזה לכם ראש חדשים". כזה ראה וקדש? אמר רבא, ל"ק, כאן לעברו, כאן לקדשו, והכי קאמר: יכול כשם שמעברין את השנה ואת החדש לצורך, כך מקדשין את החדש לצורך? ת"ל, "החדש הזה לכם" כזה ראה וקדש. (ב:) אמר שמואל יבילנא לתקוני לכולה נולה. אמר ריה אבא אבוב דרבי שמלאי לשמואל ידע מר האי מילתא דתניא בכוד העיבור: נולד קודם חצות או נולד אחר חצות? א"ל, לא; אמר ריה, מדהא לא ידע מר, איכא מילי אחרנייתא דלא ידע מר. כי סליק רבי זירא שדה להו: צריך שיהא לילה יום מן החדש, חו' שאמר אבא אבוב דר' שמלאי: מחשבין את חולדתו, נולד קודם חצות בידוע שנראה סמוך לשיקיעת החמה, לא נולד קודם חצות בידוע שלא נראה סמוך לשיקיעת החמה. למאי נפקא מינה? אמר רב אימי, לאכחשי כהדי. אמר

ר י"ט

מתיא. והא קמיקלקלא ראש השנה, דנמצא שלא נשאום בני תגולה כהלכה אם מעברין אלול, ידעי תברין בבלאי, כלומר נותנין לב להכיר טובה שיעשו עמיהו בני ארץ ישראל שעברו את אלול. משום ירקא, להפריד שבת ויום זה כזה, כדי שלא יכמושו יריקות הנאכלות כשהן חיים בשבת שאחר יום או ביום שאחר שבת. משום מתיא, להפריד שבת ויום זה כזה, שלא יכריח את שימור באחד מהן שיהא ראשון, ולא יקבר לא חיום ולא לברר. מאי בינייהו, תרומיהו איתגרו. אפשר בעממי, דאמר מר מת ביום ראשון ותעבדו בו עממי. לדיחא חכיל לן עלמא, אנו בני בבל חם לנו העולם ויש לנו הבל, לפי שבבל עמוקה היא ואינה ארץ הרים וגבעות כא"י, ואין שורש בא אור, ואין בני ארץ ישראל צריכין לעבר משום מהיא ומשום ירקא, אלא בשבילנו. איני, וכי מעברין חדש לצורך. כשם שמעברין את השנה לצורך, מפני האביב והתקופה ופירות האילן כדאיתא בפ' קמא ורנהדרין. כזה ראה וקדש, כיון שתראה קדש בו ביום, לעברו, לקשת את החבר מלא לצורך מותר. לקדשו, ביום שלשים והלבנה לא נראית, ואם ימצינו עד יום מחר יהא שבת ויום הכפורים כמוכין, אין מקושין לצורך. כזה ראה וקדש, ראה תחלה ואח"כ קדש, אבל כשאתה מעברו ראה וקדש הוא. יבילנא לתקוני, בלא ראיית עדים כי בקי אני בתולדות הלבנה והחילוקה וסדר המזלות. כוד העיבור, בריתא שניה ברמזים. או לאחר חצות, כך שני מה ורמז בעלמא הוא לומר קודם חצות חלוק מנולד לאחר חצות. ידע מר, כזה חלוק יש? שיהא יתו, לחבירו שבבבל שני דברים שלמד כאן. מן החדש, היום חולך אחר הלילה להיות היום מן החדש שהיה בו ליל שלפניו, למדנו שאם נראית הלבנה הושגה מכתשיבה יום עשרים והשעה שהוא ליל שלשים אין מקדשין אותו ביום שלשים. אבוב דר' שמלאי, לפני שמואל, ולא ידע לפרש, כזה חילוק בין נולד קודם חצות לנולד לאחר חצות, אני מפרשה לכם. מחשבין, את מולד הלבנה, נולד קודם חצות, היום בידוע שנראה היום קודם שתשקע החמה שאין הלבנה מתכסה מפני אי שיהא במערב אלא שש שעות אחר חידושה מתוך קוטנה שהלבנה לעולם כשש שעות לאחר חידושה בקרן מערבית דרומית ונראית להם. אחר חצות, בידוע שלא יראה היום שהוא קטנה כל שש שעות ונעלמת מעין כל. למאי נפקא מינה, למיהשב? הרי על פי עדים אנו מקדשין! לאכחשי כהדי, אם נולד אחר חצות, ואמרו ראינו החדשה לפני שיקיעת החמה, כדי לקדשו היום, עדי שיקר דב. כל נפקא לקמיה שדינן, אין אנו צריכין להקדים פסח או מכות בידי ליום שלשים

ליה שביעי? שביעי לחדשים. צום העשירי, זה עשרה בטבת, שבו סמך מלך בבל על ירושלים, שנאמר (יהונקאל כד) „ויהי דבר ה' אלי בשנה התשיעית בחדש העשירי בעשור לחדש לאמר בן אדם כתב לך את שם היום את עצם היום הזה סמך מלך בבל אל ירושלים“, ואמאי קרי ליה עשירי? עשירי לחדשים, והלא היה ראוי זה ליכתב ראשון, ולמה נכתב כאן? כדי להסדיר חדשים כתיקנן; ואני איני אומר כן, אלא צום העשירי, זה חמשה בטבת, שבו באת שמועה לגולה שהוכתה העיר, שנאמר (שם לז) „ויהי בשתי עשרה יונה בעשירי בחמשה לחדש לגלותינו בא אלי הפלים מירושלים לאמר הוכתה העיר“, ועשו יום שמועה כיום שריפה, ונראין דברי מדבריו, שאני אומר על ראשון, ראשון ועל אחרון, אחרון, והוא אומר על ראשון, אחרון, ועל אחרון, ראשון, אלא שהוא מונה לכדר חדשים, ואני מונה לסדר פורעניות. איתמר, רב ורבי חנינא אמרי, בטלה מנילת תענית; ר' יוחנן וריב"ל אמרי, לא בטלה מנילת תענית; רב ור' חנינא אמרי בטלה מנילת תענית, הכי קאמר: בזמן שיש שלום, יהיו לישון ולשמה, אין שלום, צום; והנך נמי כי הני, ר' יוחנן ור' יהושע בן לוי אמרי לא בטלה מנילת תענית, והני הוא דתלינהו רחמנא בבנין ב"ה, אבל הנך כדקיימו קיימי. (יב.) מהיב רב טובי בר מתנה: בעשרים ותמניא ביה אחת בשורתא טבחא ליהודאי דלא יעידון מאורייתא. שנוה המלכות גזירה, שלא יעסקו בתורה, ואלא ימלוו את בניהם, ושיחללו שבתות. מה עשה יהודה בן שמוע וחביריו? הלכו ונסלו עצה ממטרות אחת, שכל גדולי העיר מצוין אצלה, אמרה להם: בואו והפנינו בלילה. הלכו והפנינו בלילה; אמרו: אי שמים! לא אחיכם אנחנו? ולא בני אב אהר אנחנו? ולא בני אם אחת אנחנו? מה נשתנינו מכל אומה ולשון, צאתם נחרין עלינו נזירות קשות? וביטנום. ואותו היום עשאוהו יום טוב. ואי ס"ד, בטלה מנילת תענית, קמיייתא במל, אחרנייתא מוסיפין? (יג.) תנאי היא, דתנאי: הימים האלו הכתובין במנילת תענית, בין בזמן שכית המקדש קיים, בין בזמן שאין בה"מ קיים, אכורין; דברי ר"מ, רבי יוסי אומר: בזמן שבה"מ קיים, אסורין, מפני שכתבה היא להם, אין בית המקדש קיים, מותרין, מפני שאכל הוא להם. והילכתא במל, והילכתא לא בסמו. קטא הילכתא אהילכתא? לא קטא, כאן בחנוכה ופורים, כאן בשאר יומי. על אלו ספני ר"ה ועל תשרי כפני תקנת המועדות. כיון דנפקי להו אלו, אחשרי למה להו? וכי תימא, דילמא עברוה לאלול? והאמר רבי חנינא בר כהנא אמר רב מימות עזרא ואילך לא מצינו אלו מעוברי? לא מצינו, דלא איצטריך; הא איצטריך מעברין ר"ה? הא מקלקל ר"ה! מוטב תיקלקל ראש השנה, ולא יתקלקלו ביהו מועדות. דיקא נמי,

ר י"ש

הללו כו', וזו אחת מהן והנ' שנוין בהוכפתא רכוסה. כמך מלך בבל, התחיל לצור עליה, שבעה לצולה, לגלות יבנה, שאני אומר על ראשון, שבכדר מקרא. ראשון, לפורענות בתחילה הוכקה העיר ואחר כך נשרף הבית בתשיעה באב ובתשרי שלאחריו נהרג גדליה ובטבת שלאחריו באה השמועה. והוא אומר על ראשון, שבפסוק, אחרון לפורענות. ועל אחרון, שבמקרא, ראשון לפורענות שהרי תחילה כמך ואה"כ הוכקה, נמצא י"ז בתמוז שהוא ראשון במקרא אחרון לכיבת בבל, שהוא מאחר במקרא. אלא שהוא מונה לכדר חדשים, ואמר שלא הקפיד המקרא אלא על כדר החדשים, לכך מנה תמוז קודם לטבת, ואני מונה אף לכדר פורענות. בטלה מנילת תענית, ימים טובים שקבעו חכמים ע"י ניסים שאירעו בהם ואכזרו בתענית. אין שלום צום, ואיני נזכר הבית קרינהו מוקדים טובים. והנך נמי. דמנילת תענית, כי הני משוית להו, כי היכי והני נבלי, הני נמי במל. דתלינהו בבנין, דע"י החורבן הוקבעו לצום וע"י הבנין הוקבעו לישן. בקיטין ותמניא ביה, באדר. דלא יעידון מן אורייתא, שלא יצרכו לנתק עצמן מן התורה. תענית, נעקו בשוקים וברחובי. תנאי היא, אי בטלה מנילת תענית, הא איצטריך, אי משום יקא, אי כדום

(שמואל א ג) "ולכן נשבעתי לבית עלי אם יתכפר עון בית עלי בזבח ובמנחה". אמר רבא, בזבח ובמנחה אינו מתכפר, אבל מתכפר בתורה. אבוי אמר, בזבח ובמנחה אינו מתכפר, אכל מתכפר בתורה ובנמילות חסדים. רבה ואבוי מדבית עלי קאתו; רבה דעסק בתורה, היה ארבעין שנים; אבוי דעסק בתורה ובנמילות חסדים היה שיתין שנים. ת"ר, משפחה אחת היתה בירושלים שהיו כתיבה מהין בני י"ח שנה, באו והודיעו את רבן יוחנן בן זכאי, אמר להם, שמא ממשפחת עלי אתם? דכתיב ביה (שם ב) "וכל מרבית ביתך ימותו אנשים", לכו ועסקו בתורה וחיו. הלכו ועסקו בתורה וחיו. והיו קורין אותה משפחת רבן יוחנן על שמו. אמר רב שמואל בר אינאי משמיה דרב, מניין לגור דין של ציבור. שאע"נ שנדחתם, נקרע? כנאמר (דברים ד) "כה" אלהינו בכל קראנו אליו", והכתיב (ישעיה נה) "דרשו ה' בהמצאות" התם ביחיד, הכא בציבור. ביחיד איכא? אמר רבה בר אבבה, אלו עשרה ימים שבין ר"ה ליה"כ. בר"ה כל באי העולם עוברין לפניו כבני מרון. מאי כבני מרון? הכא תרגמו כבני אימרנא; ריש לקיש אמר כמעלות בית מרון. ורב יהודה אמר שמואל כחיליות של בית דוד. אמר רבה בר בר חנה א"ר יוחנן, וכולן נסקרין בסקירה אחת. אמר רב נחמן בר יצחק אף אנן נמי תנינא (תהלים לג) "היוצר יחד לבם" היוצר רואה יחד לבם ומביא אל כל מעשיהם. מתני' על ששה חדשים השלוחין יוצאין: על ניסן מפני הפסח. על אב מפני התענית, על אלול מפני ר"ה, על תשרי מפני תקנת המועדות, על כסליו מפני חנוכה, ועל אדר מפני הפורים. וכשהיה ב"ה קיים יוצאין אף על אייר, מפני פסח קטן. נ"מ' וליפקו נמי אתמוז וטבת? (י"ח:) דאמר רב הנא בר ביזנא אמר ר"ש חסידא, מאי דכתיב (זכריה ה) "כה אמר ה' צבאות צום הרביעי וצום החמישי וצום השביעי וצום העשירי יהיה לבית יהודה לששון ולשכחה", קרי להו צום, וקרי להו ששון ושכחה? בזמן שיש שלום, יהיה לששון ולשכחה, אין שלום, צום? אמר רב פפא הכי קאמר: בזמן שיש שלום יהיו לששון ולשכחה, יש גזרת המלכות, צום, אין גזרת המלכות ואין שלום, רצו כחענין, רצו אין כחענין. אי הכי, מ"ב נמי? אמר רב פפא, שאני מ' באב הואיל והוכפלו בו צרות, דאמר כר ב"מ באב חרב הבית בראשונה ובשנייה ונלכדה ביתר ונחרשה העיר. תניא אמר ר"ש, ד' דברים היה ר"ע דורש ואני אין דורש כמותו: צום הרביעי, זה תשעה בתמוז, שבו הובקעה העיר, שנאמר (ירמיה נב) "בחדש הרביעי בתשעה לחדש וגו' ותבקע העיר", ואמאי קרי ליה רביעי? רביעי לחדשים. צום החמישי, זה מ' באב, שבו נשרף בית אלהינו ואמאי קרי ליה חמישי? חמישי לחדשים. צום השביעי, זה נ' בתשרי, שבו נהרג גדליה בן אחיקם ששקולה מיתתו של צדיקים כשריפה בית אלקינו. ואמאי קרי

ר ש"י

לצאת כאחד. כמעלות בית מרון, הדרך קצר ואין שנים יכולין לילך זה בצד זה. כחיליות של בית דוד, מרון, לשון מרות ואדנות, וכך היו מונין אותם: יוצאים זה אחר זה בצאתם למלחמה, אף אנן נמי תנינא, דכולן נסקרין בסקירה אחת. מתני' על ששה חדשים השלוחים יוצאין, שקדשו כ"ד תחדש י"ג עדים כשראו את הדרש ומודיעים השלוחים לגולה יום שקדשוהו, אם ביום שיש, וחדש שקבר חסר, או ביום ל"א, וחדש שקבר מלא. ועל אלול מפני ר"ה, מודיעים כתי התהיל אלול וקדשין ר"ה ביום שלשים לאלול בגולה, דרוב שנים אין אלול מעובר, ועל תשרי מפני תקנת הסוכות, לאחר שקדשוהו כ"ד להשרי השלוחין יוצאין ליום הכהרת והולכין עד מקום שיכלין להניף עד התג ומודיעין אם עיברו בית דין את אלול ואם לאו. פסח קטן, פסח שני. נ"מ' דאמר רב חמא בר ביזנא כו', דכולהו ימי תענית נינהו בזמן הזה שאין ב"ה קיים. שיש שינוי, שאין יד אלהי' תקיפה על ישראל. יהיו לששון ולשמחה, ליאמר בהכפד ובתענית. יש גזרת המלכות צום, חובה להתענות בהן. רצו אין כחענין, וכיון דרשות הוא לא מפרהינן שלוחים עלייהו. ד' דברים

רבי אלעזר רמי, כתיב (שם כב) "וקד' ה' חסד", וכתיב "כי אתה תשלם לאיש כמעשיו". בתחילה כי אתה תשלם כמעשהו, ולבסוף וקד' ה' חסד. אילפי ואמרי לה אילפא רמי, כתיב (שמות לד) "ורב חכד", וכתיב "ואמת?" בתחילה ואמת, ולכנוף ורב חסד. "ויעבור ה' על פניו ויקרא", א"ר יוחנן אלמלא כקרא כתוב אי אפשר לאומרו, כלשד שנתעמף הקב"ה כשליח צבור והראה לו למטה סדר תפלה, אמר לו כ"ו שיישראל חוטאין, יעשו לפני כסדר הזה, ואני מוחל להם. "ה' ה'" אני הוא קודם שיחטא האדם, ואני הוא לאחר שיחטא האדם ועשה תשובה; "אל רחום וחנון" אמר רב יהודה ברית כרותה ל"ג מדות שאין חזרות ריקם, שנאמר (שם) "הנה אנכי כורת ברית". א"ר יוחנן, גדולה תשובה שמקרעת נזר דינו של אדם, שנאמר (ישעיה ו) "השמן לב העם הזה וגו' ובאזניו ישמע ולבבו יבין ושב ורפא לו". א"ל רב פפא לאביו, ודלמא לפני נזר דין? א"ל "ורפא לו", כתיב, איזהו דבר שצריך רפואה? הו' אומר זה נזר דין! מיתבי השב בינתיים, מוחלין לו, לא שב בינתיים, אפילו הביא כל אילי נכיות שבעולם אין מוחלין לו? לא קשיא, הא ביחיד, הא בצבור. ת"ש, (תלם קו) "יורדי הים באניות עושי מלאכה במים רבים המה ראו מעשי ה' וגו' ואמר ויעמד רוח כערה ותרוכם גלי יחונו וינתעו כשבור וגו' ויצעקו אל ה' בצר להם וגו' יורדו לה' חכדו וגומר", עשה להן סימניות, כאכין ורקין שבתורה, קומר לך צעקו קודם נזר דין; נענין, צעקו לאחר נזר דין, אינן נענין? הני נמי ביחידין דמו. ת"ש, "שאלה בלוריא הנורות את רבן גמליאל: כתיב בתורתכם (דברים י) "אשר לא ישא פנים", וכתיב (במדבר ו) "שא ה' פניו אליך", נטפל לה רבי יוס' הכהן, אמר לה אמשול לך משל, למה הדבר דומה? לאדם שנוטה בהבירו מנה, ויבע לו זמן בפני המלך, ונשבע לו בחיי המלך, הניע זמן ולא פרעו, בא לפייס את המלך, ואמר לו עלבוני מחול לך, לך פייס את חבריך; הכא נמי, כאן בעבירות שבין אדם למקום, כאן בעבירות שבין אדם לחבירו. (י"ד). וגזר דין דיחיד תנאי היא, דתניא, היה ר"מ אומר: שנים שעלו לגדרום לידן ודינן שוה, זה ירד חה לא ירד, זה ניצל, חה לא ניצל; מפני מה זה ירד, חה לא ירד, זה ניצל חה לא ניצל? זה התפלל ונענה, חה התפלל ולא נענה. מפני מה זה נענה, חה לא נענה? זה התפלל תפילה שלימה, נענה, חה לא התפלל תפילה שלימה, לא נענה. רבי אלעזר אמר, כאן קודם נזר דין, כאן לאחר נזר דין. רבי יצחק אמר, יפה צערה לאדם בן קודם נזר דין בן לאחר נזר דין. וגזר דין דציבור מי מיקרע? והא כהוב אחד אומר (ירמיה ד) "כבסי מרעה לבך", וכתיב (שם ב) "כי אם תכבסי בנזר ותרכי לך בורית נכתם עונך לפני", מאי לאו כאן קודם נז"ר, כאן לאחר נז"ר? לא, אירי ואירי לאחר נזר דין, ולא קשיא, כאן בנזר דין שיש עמו שבעה, כאן בנזר דין שאין עמו שבעה, כדבר שמואל בר אמי, דאמר רב שמואל בר אמי, ואמרי לה א"ר שמואל בר נחמני א"ר יונתן, מנין לנזר דין שיש עמו שבעה שאינו נקרע? שנאמר

ר' יצ"י

כשרואה שאין הקולם מתקיים בדין. ה' ה', מדת רחמים, אני מרחם קודם וגם אחר שיחטא אם ישוב. ברית כרותה לשלם עשרה מדות הללו שאם יזכירם ישראל בתפילות תעניתם אינן חזרות ריקם. הנה אנכי כורת ברית, על האומר למעלה. בינתיים, בין ראש השנה ליום הכפורים, כיסניות, בין פזוק לפזוק יש כיסנין הפוכין כזה ז'. אכין ורקין, באין לדרגה למעט את הרבוב כאכין ורקין שהן מיעוטין לומר לא בכל שעה שיעקו אל ה' בצר להם יוציאם כמצוקותיהם, אלא אם כן צעקו קודם נזר דין. לגדרות, בית וועד שדנים בו נפשות להרעה, ודינם שוה, שניהם נתפשו על דבר אחד, זה ירד, מן המטה, זה ניצל, מן הוועד. תפילה שלימה, נתכונן, ויחיד אימת, מצוי לו דכתיב בהכצאנו, כבני אכרנא, ככבשים שמונין אותן לעשרת ויוצאין זה אחר זה בפתח קבן שאין

„אהבתי כי ישמע ה' את קולי“, ועליהם אמר דוד כל הפרשה כולה „לדתי ולי יהרסיע“. פושעי ישראל בנופן, ופושעי עכו"ם בנופן יורדין לניהנם ונידונן, בה"ב חרש, לאחר י"ב חדש נופן כלה ונשרף ורוח מפזרתן תחת כפות רגלי צדיקים, שנא' (מלאכי ג) „ועסותם רשעים כי יהיו אפר תחת כפות רגליכם“. אבל המינין והמסורות והאפיקורסים שכפרו בתורה, ושכפרו בחיית הכתים, ושיפירשו מדרכי צבור, ושנתנו חיתיתם בארץ חיים, ושחטאו והחטאו את הרבים, כגון ירבעם בן נבט וחביריו, יורדין לניהנם ונידונן בה לדורי דורות, שנאמר (ישעיה כו) „ויצאו וראו בפני האנשים הפושעים ביי“ ונומר, ניהנם כלה והן אינן כלין, שנאמר (הלל כג) „וצורם לבלות שאול“, וכל כך למה? מפני שפלטו ידיהם בזבול, שנאמר „מזבול לו“. ועליהם אמרה חנה (שמואל א ב) „ה' יחתו מריביו“. א"ר יצוק בר אבין, ופניהם דומין לסול קדירה. ואמר רבא ואינהו משפירי שפירי בני כהנא, וכקריין בני ניהנם. פושעי ישראל בנופן מאי ניהו? אמר רב קרקהא * דלא מנח תפילין, פושעי עכו"ם בנופן, בעבירה. ושנתנו חיתיתם בארץ חיים, אמר רב חכדא, „זה פרנס המטיל אימה יתירה על הציבור שלא לשם שמים. א"ר יהודא אמר רב, כל פרנס המטיל אימה יתירה על הציבור שלא לשם שמים, אינו רואה בן תלמיד חכם, שנאמר (איוב לו) „לכן יראוהו אנשים לא יראה כל חכמי לב“. בה"א ורב חסד מטה כלפי חסד, היכי עביר? רבי אליעזר אמר, כובשו, שנאמר (מיכה ז) „ישוב ירחמנו יכבוש עונותינו“. ר' יוסי בר חנינא אמר נחשא, שנאמר (שם) „נושא עון ועובר על פשע“. תנא דבי רבי ישמעאל, מעביר ראשון ראשון, וכן היא המדה. אמר רבא, ועון עצמו אינו נכסה, דאי איכא רובא עונות מחשיב בהדיהו. ואמר רבא, כל המעביר על מדותיו, מעבירין לו עק כל פשעיו, שנאמר „נושא עון ועובר על פשע“, למי נחשא עון? כמי שעובר על פשע. רב הונא בריה דרב יהושע הלש, על רב פפא לשילי ביה, חזיה דהליש ליה עלמא, אמר להו: צביתו ליה זודתא. לכוף איהבח, הוה מיכסוף רב פפא למיהזייה, א"ל מאי חזית? אמר להו אין הכי הוה, ואמר להו הקב"ה הואיל ולא מוקים במיליה, לא תקומו בהדיה, שנאמר „נושא עון ועובר על פשע“ למי נחשא עון? לעובר פשע; (שם) „לשארית נחלתו“ אמר רבי אחא בר חנינא, אליה וקוץ בה: לשארית נחלתו, ולא לכל נחלתו, (ז'): למי שמישים עצמו בשירים. רב הונא רמי: כתיב (הלל קמה) „צדיק ה' בכל דרכיו“, וכתיב, „וחסיד בכל מעשיו?“ בתחילה צדיק, ולבסוף חסיד.

ר ט"ו

המינין, האנשים אשר הגבו דברי אלהים חיים לרעה. והמכורות, מלשינים. אפיקורוס, מכזה הלכודי הכמים, שכפרו בתורה, האוכרין אין תורה מן רשמים. תורם, כמו תורתו, שפלטו ידיהם בזבול, שהחריבו בה בעונם. בני כהנא, מיוננים ודמונים היו. ומקריין בני גיהנם, כך יקראו להם. [בעבירה, בעריות שכן נח מוחר ע"יו כדאיתא בפ' ארבע כיתות (תוכת)]. כובש, את כף המאזנים של זכות ומכריעין את העונות, נושא, מנכה כף מאזנים של עון. מעביר ראשון ראשון, עון שבראשונים הבאים להם לכף מעבירו ושוכטו וכך היא המדה. ועון עצמו אינו נכסה, דאי איכא רובא עונות בחי הוה עון מתחבב בהדיהו. דמעביר על מדותיו, שאינו מדרקק למדרד מדה למצערין אותו. מעבירין לו על כל פשעיו, אין מדה הדין מדרקקת אדריהו. צביתו ליה זודתא, תקינו לו צדה לדרך, כה היא צידת המהו? הכריכו. איתפח, נתרפא. רבי הוה, מיהה בקנכה עלי. לא מוקי במיליה, אינו מעמיד על מדותיו. לא תקומו בהדיה, לא תדרקו אחרייו. אליה, שמינה יש כאן. וקוץ בה, כלומר דבר תנודמין יש כאן, אפ"ל יש-קנאכה-דבר קשה יאמינו שוה לכל. צדיק, במשפט אמת, חסיד, נכנס לפנים כן השורר. ולבסוף, וכלין

(* עיין הארה על פירושיו של המאמר הזה בכוף הסככתא.)

תורה הביאו שתי הלחם בעצרת? מפני שעצרת זמן פירות האילן הוא, אמר הקב"ה: הביאו לפני שתי הלחם בעצרת. כדי שיתברכו לכם פירות האילן, ומפני כה אמרה תורה, נסכו מים בחג? אמר הקב"ה: נסכו לפני מים בחג, כדי שיתברכו לכם נשמי שנה, ואמרו לפני בר"ה: מלכיות, זכרונות ושופרות; מלכיות, כדי שתמליכוני עליכם; זכרונות, כדי שיעלה זכרוניכם לפני למוכה, ובמה? בשופר. א"ר אבהו, למח הוקעין בשופר של איל? אמר הקב"ה: תקעו לפני בשופר של איל, כדי שאזכור לכם עקידת יצחק בן אברהם, ומעלה אני עליכם כאילו עקדתם עצמכם לפני. (מ"ז: א) א"ר יצחק, אין דנין את האדם אלא לפי מעשיו של אותה שעה שנאמר (ראשית כא) "כי ישמע אלהים אל קול הנער כאשר הוא שם"; וא"ר יצחק, ג' דברים מכירין עונותיו של אדם, אלו הן. קיר נמוי, ועין תפלה, ומוסר דין על חבירו, דא"ר אבין כל המוסר דין על חבירו הוא נענש תחילה, שנאמר (שם יו) "ותאמר שרי אל אברם חמסי עליך", וכתיב (שם כג) ויבי, אברהם לספד לשרה ולבכותה [וה"מ דאית ליה דינא בארעא (בב"ק גג)]; וא"ר יצחק, ד' דברים מקרעין גזר דינו של אדם. אלו הן: צדקה, צעקה, שינוי השם, ושינוי מעשה; צדקה, דכתיב (מש"י) "וצדקה תציל ממות", צעקה, דכתיב (תהלים קו) "ויצעקו אל ה' בצר להם וממצוקותיהם יוציאם", שינוי השם, דכתיב (ראשית יו) "שרי אשתך לא תקרא את שמה שרי כי שרה שמה", וכתיב, "וברכתי אותה וגם נתתי כמנה לך בן", שינוי מעשה, דכתיב (יונה ג) "וירא האלהים את מעשיהם", וכתיב, (שם) "וירחם האלהים על הרעה אשר דבר לעשות להם ולא עשה", וי"א אף שינוי מקום, דכתיב (בראשית יב) "ויאמר ה' אל אברם לך מארצך והדר", ואעשך לגוי גדול. א"ר כרוספדיא א"ר יוחנן, ג' ספרים נפתחין בר"ה: אחר של רשעים נמורין, ואחד של צדיקים נמורין, ואחד של בינוניים; צדיקים נמורין נכתבין ונחתמין לאלתר לחיים, רשעים נמורין נכתבין ונחתמין לאלתר למיתה, בינוניים תליין ועומדין מר"ה ועד י"ה, כ, זכה נכתבין לחיים, לא זכה נכתבין למיתה. א"ר אבין, מאי קרא? (תהלים מט) "ימחו מספר חיים ועם צדיקים אל יכתבו". תניא ב"ש אומרים ג' כתות הן ליום הדין: אחת של צדיקים נמורין, ואחת של רשעים נמורין, ואחת של בינוניים; צדיקים נמורין נכתבין ונחתמין לאלתר לחיי עולם, רשעים נמורין נכתבין ונחתמין לאלתר לניהנם, שנאמר (וינאל יב) "ורבים מישי אדמת עפר יקצו אלה להי עו"ם ואלה לחרפות לדראון עולם", בינוניים יורדין לניהנם (י"ז). ומצפצפים ועולין, שנאמר (זכריה יג) "והבאתי את השלישית באש וצרפתים כצירוף את הכסף ובחנתים כבחן את הזהב הוא יקרא בשמי ואני אענה אותו", ועליהם אמרה חנה (שמואל א ב) "ח' מסית ומחיה מוריד שאול ועל". בה"א "ורב חסד", מטה כלפי חסד, ועליהם אכר דוד (הלים קי)

ר ש"י

מתני' בר"ה ורבי יהודה ביה"כ אמר. וכי קתני כתניהון, ארבעה פרקים. אהחילת דין, אבל גזר דין דאדם ביה"כ. קצירי, חולים. מייעי, ת"ח דהן תשמי כח. כרבי יוסי, דאמר אדם נידון בכל יום ויחלל שידונו אותו לזכות. שהשנה זמן תבואה היא, זמן שהתבואה נידונה בו. שתי הלחם, ירצו על פירות האילן שדן כחירין להביא ככורים. של אותה שעה, זאמלו הוא עתיד לדרשית לאחר זמן. שנאמר כאשר הוא שם, אינו דן את העולם אלא בשנתו. קיר נמוי, וקובר תחתיו ומזכיר קנותיו, שאומר כלום ראוי זה לעשות לו נכ? ומתוך כך הוא נבדק. ועין תפלה, כוסף על תפלתו שהוא נשמעת ומתאמן לכון לבו. מוכר דין, כמו ישנים ה' ביצי ובינך, אומרי כלם ראוי הוא שיענש חבירו על ידו? ויבא אברהם וגו', הוא קבר אותה. שינוי מעשה, שב מרעתו. שלשה כפרים נפתחין, ספרי זכרון של מעשה הבריות. ליום הדין, כשיחיו הסתים, רשעים נמורים, רובם עוונות. בינוניים, מחצה על מחצה. מצפצפים, צועקים וכוכים מתוך יכורן שעה אחת ועולין. מטה כלפי חסד, הואיל ומחצה על מחצה הם מטה את ההכרע לצד זכות.

מתעשר לשנה הבאה. אמר ר' נחמיה: במה דברים אמורים באילן שעושה שתי בריכות בשנה; שתי בריכות ס'ד? אלא אימא כעין שתי בריכות, אבל אילן העושה בריכה אחת, כגון דקלים חיתים וחרוכין, אף על פי שחנמו פירותיהן קודם מ"ו בשבט, מתעשרין לשנה הבאה. א"ר יוחנן, נהנו העם בחרובין כרבי נחמיה. איתיביה ר"ש לקיש לרבי יוחנן: בנות טוח שביעית שלהן שנייה, מפני שעושות לשלש השנים? אישתיק. (מ"ז.) ברתני בארבעה פרקים העולם נידון: בפסח על התבואה, בעצרת על פירות האילן, בר"ה כל באי עולם עוברין לפניו כבני מרון, שנאמר (תלים לג) "היוצר יחד לבם המבין אל כל מעשיהם", ובחג נידונין על המים. (מ"ב) הי תבואה, אימא הא תבואה דקיימא? כל הני הרפתקי דעדו עלה אימת איתדן? אלא תבואה דמזרעת, למימרא דחד דינא מתדנא? והתני: תבואה שאירע בה קרי או אונס קודם הפסח, נידונית לשעבר, לאחר הפסח נידונית להבא, אדם שאירע בו קרי או אונס, קודם יה"כ נידון לשעבר, לאחר יה"כ נידון להבא! אמר רבא, ש"מ תרי דיני מתדנא. אמר אביי, הלכך כי חזי איניש דמצלח זרעא אפלא, ליקדים ולזרע הרפא, דער דמטי למדייניה, קדים סליק. מני מתני? לא ר"מ, ולא ר' יהודה, ולא ר' יוסי, ולא רבי נתן! דתניא: הכל נידונים בר"ה, וגזר דין שלהם נחתם ביה"כ, דברי ר"מ; רבי יהודה אומר, הכל נידונין בר"ה, וגזר דין שלהם נחתם כל אחד ואחד בזמנו: בפסח על התבואה, בעצרת על פירות האילן, בחג נידונין על המים, ואדם נידון בר"ה, וגזר דין שלו נחתם ביה"כ: רבי יוסי אומר, אדם נידון בכל יום, שנאמר (איוב ז) "ותפקדנו לבקרים" רבי נתן אומר, אדם נידון בכל שעה, שנאמר (שם) "לרגעים תבחננו" וכי תימא לעולם רבי יהודה היא, וכי קתני מתני' אגזר דין, אי הכי, קשיא אדם? אמר רבא, האי תנא דבי ר' ישמעאל היא, דתנא דבי רבי ישמעאל: בארבעה פרקים העולם נידון: בפסח על התבואה, בעצרת על פירות האילן, בחג נידונין על המים, ואדם נידון בר"ה, וגזר דין שלו נחתם ביה"כ, וכי קתני מתני', אתחילת דין. אמר רב חסדא: ורבי יוסי מ"ט לא אמר כרבי נתן? בחינה עייני בעלמא היא. פסידה נמי עיונא בעלמא היא? אלא אמר רב חסדא טעמיה דרבי יוסי מהכא (מלכים א ח) "לעשות מטפט עבדו ומטפט עמו ישראל דבר יום ביומו". א"ר יוסף כמאן מצלינן האידינא אקצירי ואמריעי? כרבי יוסי. תניא א"ר יהודה משום ר"ע, מפני מה אמרה תורה הביאו עומר בפסח? מפני שהפסח זמן תבואה הוא: אמר הקב"ה, הביאו לפני עומר בפסח, כדי שתתברך לכם תבואה שביעית; ומפני מה אמרה

ר' ט"י

ספרה הבריכה ראשונה, כעין שתי בריכות, שאין פירותיו נגמרין כא' כגון חאנים כדאמרן גבי קמניות מתוך שששין פרכין. אבל אילן, שפירותיו נלקטין כאדר, בטר לקימה אולגין בהו. בנות שח, מפרש במככת ק"ז תאני חירותא. שביעית שלהן שנייה, שביעית שלהן נהגת בשנה שנייה של שמטה. משני שעושות לשלש שנים, פירות החוגסים בה בשביעית אין נגמרין עד שנה שנייה של שמטה. מתני' בארבעה פרקים, בשנה. נט' תבואה דקיימא, השתא במחזור. הרפתקי, מקראות. דעדו עלה, שעברו עליה. דמזרעת, שעתיד לזרוע במרחצון הבא. דחד דינא, פעם אחת. קרי, כגון ברד או שדפון. נידונית לשעבר, קודם שגזרית דהיינו פכה של אשתקד. נידונית להבא, בפכה שאחר זריעתה. נידון לשעבר, וביה"כ של אשתקד נגזר עליו. להבא, ביה"כ שעבר עכשיו בקרב. תרי דיני מתדנא, קודם זריעתה וכמוך לקציר, כי חזי איניש דמצלח זרעא אפלא, הטה וכוכמת שגורעין במרחשין שאין מסהרין להתבשל. ליקדים ולזרע חרנא, השעורה מסהרת להתבשל וזורעים אותה בשבט ואדר, דכיון דאפלא מצלח שמע מינה לטובה נידון בפכה שעבר, לזיכר ובהר לזרוע בזריעה שניה. דעד דמטי למדייניה, בפכה הבא. קדים כלל, וגל קצת ואינו מסהר שוב להתקלקל. וכי קתני מתני', ארבעה פרקים אגזר דין. קשיא אדם, דהני

על כל מים ומתעשרין לשנה הבאה. מאי בינייהו? א"ר אבהו בצלים הסריסין ופול המצרי איכא בינייהו: דתנן, בצלים הסריסין ופול המצרי שמנע מהן מים שלשים יום לפני ראש השנה, מתעשרין לשעבר ומותרין בשביעית, ואם לאו אסורין בשביעית ומתעשרין לשנה הבאה. באחד בשבט ר"ה לאילן. מ"ט? א"ר אלעזר א"ר ארשעיא הואיל ויצאו רוב גשמי שנה. אע"פ שרוב תקופה מבחור. ת"ר, מעשה ברבי עקיבא שליקט אתרוג באחד בשבט, ונהג בו שני עישורין: (י"ד:) אחד כדברי בית שמאי, ואחד כדברי בית הלל. רבי יוסי בר יהודה אומר לא מנהג בית שמאי ובית הלל נהג בה, אלא מנהג רבן גמליאל ור' אליעזר נהג בה. באחד בשבט כבית שמאי נהג בה? אמר ר' חנינא ואיתימא רבי חנניא הכא באתרוג שחנמו פירותיה קודם חמשה עשר דאידיך שבט עסקינן, ובדין הוא אפילו קודם לכן, ומעשה שהיה כך היה. רבינא אמר כרוך ותני: לא אחד בשבט היה, אלא ט"ו בשבט היה, ולא מנהג בית שמאי ובית הלל נהג בה אלא מנהג רבן גמליאל ורבי אליעזר נהג בה. (ט"ו.) אמר רבה בר הונא: אף על גב דאמר רבן גמליאל אתרוג אחר לקיטה כירה, ראש השנה שלו שבט. מאי שנא התם דקתני: אם היתה שנייה נכנסת לשלישית, ומאי שנא הכא דקתני: אם היתה שלישית נכנסת לרביעית? מילתא אנב אורחיה קמ"ל, דאתרוג קשיא ליה ידא, ואידי רממשמשי בה כולי עלמא בשביעית, לא מנהג פירי עד תלת שנין. בעא מיניה רבי יוחנן מרבי ינאי: אתרוג ראש השנה שלו אימתי? אמר ליה: שבט. שבט דחדשים, או שבט דתקופה? א"ל: דחדשים. בעא מיניה: רבא מרב נחמן, ואמרי לה רבי יוחנן מרבי ינאי: היתה שנה מעוברת מהו? א"ל, הלך אחר רוב שנים. (ט"ו.) איתמר, רבי יוחנן וריש לקיש אמרי תרייהו: אתרוג בת ישיבת שנכנסה לשביעית אפי' כוזה ונעשית ככר, חייבין עליה מיזום טבל. ת"ר, אילן שחנמו פירותיו קודם ט"ו בשבט, מתעשר לשנה שעברה, אחר חמשה עשר בשבט

ר ש"י

המצרי שזרעו לירק, דאי זרעו לזרע קטנית הוא ולא הילכו בו אלא אחר השרשה. איכא בינייהו. כגון שמנע מהם מים ולא השקן ל' יום לפני ר"ה ולקטן אחר ר"ה, דתנן, כו' ר' יוחי הגלילי אית ליה הא מתניתין, דכיון דמנע מים שלשים יום לפני ר"ה נמצאו גדילין על מי שנה שעברה, ולר"ע הרי גדילים על כל מים ומתעשרין להבא. באחד בשבט ר"ה לאילן, ואין תורמין סצורות אילן שחנמו פירותיו קודם לכן על פירות האילן שחנמו לאחר מכאן. הואיל ויצאו רוב גשמי שנה, יכבד רוב ימות הגשמים שהוא זמן רביעה וקלה השרף באילנות ונמצאו הפירות חונטין מערה. שליקט אתרוג, פירות אילן אתרוג. שני עישורים, מעשר שני בשנה שנייה ומעשר עני בשנה שלישית, שהיתה שנייה נכנסת לשלישית. אחד כדברי ב"ש, שאמרו נהחדש שנה כבר נכנסה שלישית מצדשיכה, ואחר כדברי ב"ה, האומרים לא נהחדש שנה עד חמשה עשר בו. לא מנהג ב"ש כו', שני עישורין שנהג בה לאו משום כפ"ש כפ"ש כב"ה, אלא משום כפ"ש הלכה כר"ה, דאמר אתרוג אחר לקיטה כירק, או שמא כר"א דאמר אחרי חכמה הלכו בו כשאר אילנות, דאידיך שבט, דאשתקד, ובט"ו בשבט דאשתקד נכנסה שנה שלישית ועדיין לא יצאת שלישית, נמצאת שחנמה בשנייה ונלקטה בשלישית. ובדין הוא, דאם לקטה קודם לכן גמי חזק נהג בה שני עישורין, משום מנהג ד"ג ור"א. אלא מעשה שהיה, באחד בשבט היתה כרוך והני, כפול את דברי רבי יוחי שנהג בה שתי מרלוקות. אתרוג קשיא ליה ידא, קשה לעין האתרוג ימים כמשכשות בו. שבט דחדשים, של לבנה, או שבט דתקופה, לכופ שלשים של תקופה מכת נכנס שבט של חמה. היתה שנה מעוברת מהו, אימתי ר"ה? שבט חכמוך לטבת, או אדר הראשון שהוא במקום שבט? אמר רוב שנים, מי ששמו שבט, לעולם ששית, חייבת במעשר ופסולה מן הביקור. אפילו כוזה, אפילו לא גדלה בששית אלא מעט ורובה גדלה בשביעית עד שנגעשית ככר, חייבת מיזום טבל דהרי נהגה אוליגן. שתי בריכות ס"ד, אין לשון זה נוכל אלא בעופות. כדתנן: חלוקת פירות שובך

דכל תבואה שנקצרה בחג, בידוע שהביאה שלישי לפני ר"ה, וקא קרי לה בצאת השנה. מתקיף לה רבי חנינא, ומי מצית אמרת דהאי אסיף קציר הוא, והכתיב (דברים יו) „באסף מגרנך ומיקבך“, ואמר מר בפסולת גורן ויקב הכתוב מדבר? א"ר זירא הא מילתא הואי בידן, ואתא ר' חנינא ושרא ביה גרנא, אלא, מנלן? כדתניא, רבי יונתן בן יוסף אומר (ויקרא כה) „ועשת את התבואה לשלש השנים“, (י:) אל תקרא לשלש, אלא לשליש. והא מיבעי ליה לנופיה? כתיב קרא אחרינא (ויקרא כה) „חרעתם את השנה הסימינית ואכלתם מן התבואה ישן עד השנה התשיעית“. תנן החם, האורז והדוחן והפרגין והשומשמן יתעשרו לפני ר"ה, מתעשרין לשעבר וזותרין בשביעית, ואם לאו אסורין בשביעית ומתעשרין לשנה הבאה. אמר רבה, אמור רבנן: איקן בתר חנטה, תבואה חיתים בתר שלישי, ירק בתר לקיטה, הני כמאן שוינהו רבנן? הדר אמר רבה, מתוך שעשוין פרכין פרכין אזלי רבנן בתר השרשה. (יד:) תניא רבי יוסי הגלילי אומר (דברים יו) „באסף מגרנך ומיקבך“ מה גורן ויקב מיוחדין שנדילין על מי שנה שעברה ומתעשרין לשנה שעברה, אף כל שנדילין על מי שנה שעברה, מתעשרין לשנה שעברה, יצאו ירקות שנדילין על מי שנה הבאה, ומתעשרין לשנה הבאה. ויבי עקיבא אומר „באסף מגרנך ומיקבך“ מה גורן ויקב מיוחדין שנדילין על רוב מים ומתעשרין לשנה שעברה, אף כל שנדילין על רוב מים, מתעשרין לשנה שעברה, יצאו ירקות שנדילין

ר י"א

אסיף קציר, וה"ק חג אשר הוא באסף את מעשרך מן השדה, אסיף אשר אתה קוצר בו אינו משנה הנכנסת, אלא משנה היוצאת, ולמדך כגון שקציר ההג הולך אחר שנה שעברה, וקם להו לרבנן שאמרו תתבואה אחר שלישי, דכל תבואה שנקצרת כרג בידוע שהביאה שלישי לפני ר"ה. וקא קרי ליה בצאת השנה, שהיא סכנה היוצאת, אלמא תבואה אחר שלישי. דהאי אסיף קציר, דקאמרת דהאי אסיף יתירא למידרשיה לשון קציר הוא. והא כתיב, בעלמא באסף מגרנך ומיקבך, ואמר מר, שלמדך הכתוב לעשות סכך של סוכה בפסולת גורן ויקב כגון קשין וחמורות, דבר שאין מקבל כוסתא ונידולו מן הארץ. הא מילתא הוה בידן, היינו סבורין שנלמוד מכאן שהתבואה אחר שלישי. ואתא רבי חנינא ושרא ביה גרנא, לומר דהאי אסיף קציר משתמע בלשנא דקרא ולא יתירא הוא. ועשת את התבואה לשלש השנים אל תקרי לשלש אלא לשליש, שעשתה כשהיא בשליש בשולח. לנופיה, השוכה על מה נאכל בשנה השביעית, האורז והדוחן כו', מיני קטניות הן. מתעשרין לשעבר, במעשרות שנה שעברה, אם שנייה מעשר שני ואם שלישית מעשר קני. ומותרין בשביעית, אם השרישו ערב שביעית לפני ר"ה, ומתעשרים לשנה הבאה, בשנה לקיטתן אם משאר שני שבועות, שאינה שביעית. בתר חנטה, לקמן תנא לה בפירקין אילן שחנפו פירותיו קודם המשה עשר בשבט, שהוא ר"ה לאילניו, מתעשר לשנה שעברה. ירק בתר לקיטה, כדאמרן לעיל לקיטת ירק ערב ר"ה כו'. הני, קטניות כמאן שוינהו, שהלכו בהן אחר השרשה. מתוך שעשוין פרכין פרכין, מתוך שגורנן עשר מעט מעט, שאין נלקטין כאחר, אלא היום לוקטין ומערכין מעט, ולמחר מעט ונמצאו חרש וישן מעורבין יחד, הנצרכין לפני ר"ה עם הנצרכין לאחר ר"ה, אם הולכין בהן אחר לקיטה כשאר ירק כשהוא מפרש מעשרותיו, ה"ל מעשר מן החרש על הישן וכן הישן על החרש, אזלי בהו בתר השרשה, שבשנה אחת משרשת כל השדה, שהרי בבת אחת זורעין אותה ומעשר פירות האילן וקטניות וירק מדרבנן הן, ויכולת ביד החכמים לקבוע זמן לפי דעתם לכל אחד ואחד. באסף מגרנך ומיקבך, מכאן נלמדו חכמים לקבוע זמן מעשר ירק דדבריהם אחר לקיטה לאספכתא בעלמא, כל אסיף שלך יהא כתרוכת גורן ויקב, שהילכת בהן תורה אדר שנה שהביאה שלישי, הרי שהילכת בהן אחר שנה שגדלו במימיה, שהנצת שלישי שלהן היא גדילה, שסאותה שנה ראוייה לקצר בדוחק. אף כל כו', לכך הלכו באילן אחר הנכח, שכל גדלה פירותיו ע"י שהעלאת שרף האילן לפני הנפה הוא. יצאו ירקות שנדילין על שנה הבאה, והיינו שנת לקיטתן, שהרי גוזזין אותה והיא חוזרת וגדלה. רוב מים, הם מי גשמים, שרוב זרעים גדלים על ידם. על כל מים, אף על שאובין שדילין ומשקין אותן חמיר, כענין שנאמר וחשקית ברגלך כגן הירק, סתם גן הירק דרכו בהשקאה, כצלים הכריכים, שאין נעשין גדולין כשאר בעלים. ותל

וקתני דאורייתא. וליתני דאורייתא ברישא? אידי דחביבא ליה אקדמה. ותנא ריקן תנא דרבנן וכ"ש דאורייתא. ת"ר ליקט ירק-ערב ר"ה עד שלא תבא השמש. ופוגע וליקט (י"ב): משתבא השמש, אין תורמין ומעשרין מזה על זה, לפי שאין תורמין ומעשרין לא מן החדש על הישן ולא מן הישן על החדש. אם היתה שנייה נכנסת לשלישית, שנייה מעשר ראשון ומעשר שני, שלישית מעשר ראשון ומעשר עני, מנה"מ? אמר ריב"ל (דברים כו) "כי תכלה לעשר את כל מעשר תבואתך בשנה השלישית שנת המעשר", שנה שאין בה אלא מעשר אחד, הא כיצד? מעשר ראשון ומעשר עני, ומעשר שני יבטל; או אינו אלא אף מעשר ראשון נמי יבטל? ת"ל (במדבר יח) ואל הלוים תדבר ואמרת אליהם כי הקחו מאת בני ישראל את הכעשר אשר נתתי לכם מאתם בנחלתכם" הקישו הכתוב לנחלה, מה נחלה אין לה הפסק, אף מעשר ראשון אין לו הפסק. ולנדרים וכו'. ת"ר. המודר הנאה מחבירו לשנה, מונה שנים עשר חודש מיום ליום, ואם אמר לשנה זו, אפילו לא עמד אלא בעשרים וחשנה באלול, כיון שהגיע יום אחר בתשרי, עלתה לו שנה, לצעורי נפשיה קביל עליה והא צמכער ליה. ואימא ניכין? בנדרים הלך אחר לשון בני אדם. תנן התם, התלתן משתצמח, התבואה והזיתים משיביאו שליש, מאי משתצמח? משתצמח לזרעים. התבואה והזיתים משיביאו שליש, מנה"מ? אמר רב אסי א"ר יוחנן ומסו בה משמיה דרבי יוסי הגלילי, אמר קרא (דברים לא) "כקץ שבע שנים במעוד שנת השמיטה בחג הסוכות" שנת השמיטה מאי עבדתיה בחג הסוכות, שכינית היא? אלא לומר לך כל תבואה שהביאה שליש בשביעית לפני ר"ה אתה נוהג בו מנהג שביעית בשכינית. אמר ליה רבי זירא רב אבי (יג.) ודילמא לא עייל כלל וקאמר דרמנא השכט וחזיל עד חג הסוכות? לא ס"ד, דכתיב (דמות כג) "וחג האסיף בצאת השנה" מאי אסיף? אלימא חג הכא בזמן אסיפה, הכתיב "באספך", אלא מאי אסיף, קציר, וקים להו לרבנן,

ר ש"י

דתנא לירקות ולא תנא למעשרות. תנא דרבנן, ואשמעינן דיום קבוע לו כ"ש דאורייתא. ליקט ירק, אשמעינן דירק בטר לקיבה אויל לענין מעשר, ואע"פ כגזל בשנה א', אם נלקט בשתי שנים היו חדש וישן, שאין תורמין מן החדש על הישן, דכתיב שנה שנה, שנייה, מה שנלקט בשנה שנייה של שמיטה מעשר ראשון ללוי ומעשר שני ביורשלים, ומה שנלקט בשנה שלישית מעשר ראשון ומעשר עני, מנא הני מילי, דשלשית אינו נודג בה מעשר שני. שנה שאין נודג בה אלא אחד, כן המעשרות שנהגו בדתי ענים שלפניה. הא כיצד מעשר ראשון, יהן כדרך שנתן עד הנה. ומעשר עני, יוכיף במקום מעשר שני כדכתיב לגר ליתום ולאלמנה, והוא מעשר עני. או אף מעשר ראשון יבטל, ושנת המעשר חר קאמר, ההיא דספוס ואויל ללוי לגר ליתום ולאלמנה, והוא מעשר עני שאף לו בכלל עני שאין לו דלק בארץ. ובא הלוי, למעשר ראשון כל זמן שנא וכו' והא בשנה שלישית כתיב: מקצה שלש שנים וגומר ובא הלוי וגו'. לשון בני אדם, שאין אדם נודר אלא על לשון שהוא נגיל לדבר, ודרך בני אדם לקרות תשרי ר"ה. התלתן, מין תבלין. משתצמח, יודר שנת צמיחתו הוא מעשר ולא אחר שנת לקיטתו. משתצמח לזרעים, שהורע צומח בהוכו. התבואה, דגן ותירוש קרוין תבואה, דכתיב כתבואה גורן וכתבואה יקב, והזיתים, יצהר משיביאו שלש מעשרין אחר שנה שהגיעו בו לשלש ביכולם אם שנייה אם שלישית. מנא הני מילי, אתבואה ואזיתים קאי דמעשר דידרו דאורייתא, ומגלן דבתר שלש אזלי? מאי עבדתיה, לקרות דג חכוכות עבכוף שבע ענים שנת השמיטה, הרי כבר יצאה השמיטה מר"ה וכבר נכנסת שמיטה. אלא לומר לך כו', ח"ק קרא יש לך דבר שהוא של שמיטה והוא אכור בשביעית ואינו זו תבואה שהגיעה שליש. ודילמא לא עייל כלל, ואפילו לא ההויל להתבשל בשביעית קאמר דרמנא כמות שביעית לימשך איכורה עד הג חכוכות כלהרש ולקצור. לא כ"ד, דלשתני קרא אלא כשהביאו שליש דמוכח קרא אחרינא. מאי דג האכף, אלימא ודחא עם כוכות וכשום דבא בזמן אכיה למח לי דכתיב בחד קרא תרי זימני? הא כתיב בתריה קרא גופיה באספך את מעדקי. אלא מאי

כל איש ישראל בירח האיתנים בחג ירח שנולדו בו איתני עולם. כאי כשעם דהאי איתן לישנא דהקפיו הוא? כדכתיב (במדבר כד) „איתן מושבך“, ואומר (מכה ו) „שמעו הרים את ריב ה' והאיתנים מוסרי ארץ“. רבי יהושע אומר „מנין שבניסן נולדו אבות? שנאמר (מלכים א ו) „ויהי בישמונים שנה וארבע מאות שנה לצאת בני ישראל מארץ מצרים בשנה הרביעית בחדש זיו“ בירח שנולדו בו זיוטני עולם. מ"ד בניסן נולדו, בניסן מתו; מ"ד בתשרי נולדו, בתשרי מתו. שנאמר (דברים לא) „ויאמר אליהם בן מאה ועשרים שנה אנכי היום“ שאין ת"ל היום, ומה ת"ל היום? היום כלאו ימי ושנותי, למדך שהקב"ה יושב וממלא שנותיהם של צדיקים מיום ליום ומחדש לחדש, שנאמר (שמות כג) „את מכפר ימיד אמלא“. בפכח נולד יצחק, מנלן? כדכתיב (בראשית יח) „למועד אשוב אליך“ אימת קאי? אילימא בפכח, וקאמר ליה בעצרת, בחמשין יומין מי קא ילדה? אלא דקאי בעצרת וקאמר ליה בתשרי, אכתי בחמשה ירחי מי קא ילדה? אלא דקאי בחג וקאמר ליה בניסן, אכתי בשיחא ירחי מי קא ילדה? תנא אותה שנה מעוברת היתה, ואמר כר זיכרא, אפי' למ"ד יולדת לחשעה אינה יולדת למקוטעין, יולדת לשבעה יולדת למקוטעין שנאמר (שמות א) „ויהי לתקופת הימים“ מיעוט תקופות שנים ומיעוט ימים שנים. בר"ה נפקדה שרה, רחל וחנה, מנלן? א"ר אלעזר, אחיא פקידה פקידה, אחיא זכירה זכירה, כתיב ברחל (בראשית ל) „יזכור אליהם את רחל“, וכתיב בחנה (שמות א) „וזכרה ה'“ ואחיא זכירה זכירה מר"ה, דכתיב (תקרא כג) „שבתון זכרון תרועה“, פקידה פקידה, כתיב בחנה (שמות א) „כי פקד ה' את חנה“ וכתיב בשרה (בראשית כא) „וה' פקד את שרה“. בר"ה יצא יוסף מבית האכורין, מנלן? דכתיב (תהלים כא) „תקעו בחדש יסופר בכסה ליום חגינו כי חק לישראל הוא ונומר“ (י"א): „עדות ביהוסף שמו בצאתו ונומר“. בראש השנה במלה עבודה מאבותינו במצרים, כתיב הכא (שמות ו) „והוצאתי אתכם מתחת סבלות מצרים“ וכתיב התם (תהלים נא) הסירותי מסבל שכמו. בניסן ננאלו, כראיתא, בתשרי עתידין לינאל: אחיא יסופר יסופר, כתיב הכא „תקעו בחודש יסופר“ וכתיב התם (ישעי כז) „ביום ההוא יתקע בשופר גדול“. רבי יהושע אומר בניסן ננאלו, בניסן עתידין לינאל, מנלן? אמר קרא (שמות יב) „ליק שמורים“ ליל המשומר ובא מששת ימי בראשית. (י"ב). ת"ר, חכמי ישראל מונין למבול כר' אליעזר, ולתקופה כרבי יהושע; חכמי אומות העולם מונין אף למבול כר' יהושע. ולירקות. תנא לירקות ולמעשרות ולנדרים, לירקות מאי נינהו מעשר ירק? היינו, כעצירות! הנא דרבנן,

ר י"ט

בחודש זיו, אייר הוא, שנולדו בו זיוטני עולם, כשנחתהש אייר גדלו כבר בניסן, א"צ זיסנין דניסן דתקופה נמשך בתוך אייר של לבנה. להתנאות, להנות. למועד אשוב אליך, ל"ט הכא ראשון ולשני בן. אפילו למ"ד, בסוכת גדה, אינה יולדת למקוטעין, אלא לחדשים שלמים של שלשים יום. עדות ביהוסף שמו, בתריה דההוא קרא כתיב דכי חק לישראל. הכירותי מכבד שכמו, ביוסף כתיב בתר עדות ביהוסף. המדבור וכו', לגאולה. דכמי ישראל מונין למבול כרבי אליעזר, מונין עדות נז ובריתא עולם עדות הדורות מתחדר החילת השנים, ולא משום דכביר' להו בתשרי נברא העולם, אלא דתשרי ראש השנה לשנים; ולתקופה כרבי יהושע, כשמונין תקופת החמה והלבנה כיונין מניסן, לומר שניסן נברא, ובתחילת ליל רביעי שמשח חמה בניסן, לפיכך אין תקופת ניסן נוצלת אלא בר' רביעי היום. אף למבול, כלומר למנין שנות הדורות מתחילין מניסן למנות, וכבול כאייר ירד, ק"ב שנתאמר כאחת ויש מאות בראשון שחכרו המים, ניסן הוא שחרי משפט דור המבול שנים עשר רדש. ולירקות, מעשר ירק לענין רדש וישן, שאין תורמין מירק הנלקט ערב ר"ה על הנלקט אחר ראש השנה, ולנדרים, לקמן מפרש. הנא דרבנן, השמיעך ביש ר"ה קבוע לענין הדש וישן במעשר ירק דרבנן, והדר תנא מעשר דגן באף לו יום קבוע לחדש וישן שלו. ותנא דידן,

אחר? וכי תימא, אי אפשר דליכא חד בסוף העולם דלא משלה, זו מסורה לבית דין
 חזו אינה מסורה לבית דין. אמר רבי חייא בר אבא א"ר יוחנן זו דברי ר' יהודה ור'
 יוסי, אבל חכמים אומרים שלשתן מעכבות בו, וקסברי, כקרא נדרש לפניו ולפני
 פניו ולאחריו. והכתיב "יובל" שהוא דאפילו בחוצה לארץ, והכתיב "בארץ" שהוא.
 בזמן שנוהג דרור בארץ, נוהג בחוצה לארץ, בזמן שאינו נוהג בארץ, אינו נוהג בחוצה
 לארץ, ולנמיעה. מנלן דכתיב (ויקרא יט) "שלוש שנים ערלים" וכתיב (שם) "ובשנה
 הרביעית" ויליף שנה שנה מתשרי דכתיב (דברים יא) "מראשית השנה". ת"ר, אחד
 הנומע ואחד המברך ואחד המרכיב ערב שביעית, שלשים יום לפני ראש השנה
 עלתה לו שנה; ומותר לקיימן בשביעית, פחות מל' יום לפני ראש השנה, לא עלתה
 לו שנה, ואסור לקיימן בשביעית. (י). ופירות נמיעה זו, אסורין עד ט"ו בשבט,
 אם לערלה ערלה, ואם לרכעי רבעי. מה"מ? א"ר חייא בר אבא אמר ר' יוחנן ומסו
 בה משמיה דר' ינאי, אמר סרא, (ויקרא יט) "ובשנה הרביעית ובשנה החמישית"
 פעמים שברביעית ועדיין אסורה משום ערלה, ופעמים שבחמישית ועדיין אסורה משום
 רבעי. (י): תניא, ר"א אומר, בתשרי נברא העולם. בתשרי נולדו אבות, בתשרי מתו
 אבות, בפסח נולד יצחק, בר"ה נפקדה שרה רחל וחנוה, בראש השנה יצא יוסף מבית
 האסורין, (יא). בר"ה בטלה עבודה מאבותינו במצרים, בניסן ננאלה, בתשרי עתידין
 לינאל. רבי יהושע אומר בניסן נברא העולם, בניסן נולדו אבות, בניסן מתו אבות,
 בפסח נולד יצחק, בר"ה נפקדה שרה רחל וחנוה, בר"ה יצא יוסף מבית האסורין,
 בר"ה בטלה עבודה מאבותינו במצרים, בניסן ננאלה, בניסן עתידין לינאל. תניא רב
 אליעזר אומר, מניין שבתשרי נברא העולם? שנ' (ראשית א) "ויאמר אלהים תדע
 הארץ דשא עשב מזריע זרע עין פרי" איזהו חדש שהארץ מוציאה דשאים ואילן מלא
 פירות, הוי אומר זה תשרי, ואותו הפרק זמן רביעה היתה, וירדו נשמים וצמחו
 שנאמר (שם ב) "ואד יעלה מן הארץ". ר' יהושע אומר, מניין שבניסן נברא העולם?
 שנאמר (שם א) "ותוצא הארץ דשא עשב מזריע זרע ועין עושה פרי" איזהו חדש
 שהארץ מליאה דשאים ואילן מוציא פירות, הוי אומר זה ניסן; ואותו הפרק זמן
 בהמה וחיה ועוף שמזדווגין זה אצל זה. שנאמר, (תלים כה) "לבשו כדים הצאן רבוס",
 ר"א אומר מניין שבתשרי נולדו אבות? שנאמר (מ"א ח) "ויקהלו אל המלך שלמה

ר ש"י

ואי אפשר, שלא יהא שופר מצוי בעולם לפיכך יש לנו לומר כשתלה הכתוב לא תלה אללא בוני
 המצוי לעולם. ד"א תקיעת שופר מכורה לב"ד. לצוות לשלוחם לתקוע, ושלוח עבדים מסורות
 ליחידים ואם ימאן יכטל חיובל הלכך לא תלאו הכתוב בו, ולאחריו, שמיסת קרקעות דכתיב בתורה
 ושבתם איש אל אחוזתו. והכתיב יובל, לרבות במשמע יובל מ"ס, ולנמיעה מניין, דר"ה שנה
 תשרי? מברך, כזף את הזמורה בארץ. מרכיב, אילן בחבירו. עלתה לו שנה, כיון שהגיע יום
 אחד בתשרי עלתה לו שנה למנין שני ערלה. פחות משלושים יום לא עלתה לו שנה, עד תשרי
 הבא, אם אינה ערב שביעית, ואם ערב שביעית היא אכור לקיימו בשום תוספת שביעית
 מחול על קודש, אכורים כו', ואצ"ל שאמרנו עלתה לו שנה אם חננו בה פירות לאחר ר"ה של
 שנה שלישית מיד עדיין אכורין הן עולמית משום ערלה, שאף על פי שראש השנה תשרי לנמיעה,
 מ"ו בשבט ר"ה לאילן; וזו כבר נעשית אילן, לפיכך אין שנתה מתחדשת לצאת מיד ערלה עד
 מ"ו בשבט. כנא הני מילי, ששנות ערלה ורבעי נמשכין לאחר פירות החנוטים קוד' מ"ו בשבט
 לאחר שכלו עלתה שני ערלה? ומטו בה, יש מנין ומצדדין בשמוע' זו לאומרת משמיה דר' ינאי.
 פעמים שברביעית, כגן אם מיהר פירותיו לחנוט ברביעית לפני שבט. פעמים שבחמישית, כגן
 פירות שרגמו בה קודם שבט טעונין חלול. נולדו אבות, אברהם ויעקב. נפקדה שרה, בא זכוכה
 לסוכה וגזר עליה הריון. בטלה עבודה מאבותינו, ששה חדשים לפני גאולתם פסק השיטות.
 עין פרי, שנגמר פרי, ועין עושה פרי ולא עין פרי גמור. לבשו כדים, בזמן שיתרעעו שיבולים בצוקן.

תניא אידך, כי חק לישראל הוא. אין לי אלא לישראל לאוה"ע מניין? ת"ל "משפט לאלהי יעקב" א"כ מה ת"ל "כי חק לישראל"? מלמד, שישראל נכנסין תחילה לדין. כדרב חסדא דאמר, מלך וציבור, מלך נכנס תחילה לדין. שנאמר (מלכים א ח) "משפט עבדו ומשפט עטו" מאי מעמא? אי בעית אימא, לאו אורח ארעא למיזם מלכא אבראי, ואי בעית אימא, מקמי דליפוט חרון אף. ולשמיתין. מנלן? דכתיב (ויקרא כה) "ובשנה השביעית שבת שבתך יהיה לארץ" ונמר שנה, שנה מתטרי, דכתיב (ויקרא כה) "מראשית השנה". וליוכלות. ויכולות באחד בתטרי, ב' בתטרי הוא? דכתיב (ויקרא כה) "ביה"כ תעבירו שופר" הא מני, רבי ישמעאל בנו של רבי יוחנן בן ברוקה היא, דתניא (שם) "וקדשתם את שנת החמישים שנה", מה ת"ל? לפי שנאמר "ביה"כ" יכול לא תהא מתקדשת אלא מיה"כ ואילך, ת"ל וקדשתם את שנת החמישים מלמד שמתקדשת והולכת מתחילתה, מכאן א"ר ישמעאל בנו של ר' יוחנן בן ברוקה: מר"ה עד יה"כ לא היו עבדים נפטרין לבתיהן, ולא משתעבדין לאדוניהם, אלא אוכלין ושותין ושמחין ועסותיהן בראשיהן; כיון כשהגיע יה"כ, תקעו ב"ד בשופר, נפטרו עבדים לבתיהם, ויטות חרות לבעליהן. תניא אידך, תניא אידך, "מה ת"ל"? לפי שנא' "וקדשתם את שנת החמישים", יכול כשם שמתקדשת והולכת מתחילתה, כך מתקדשת והולכת בסופה; ואל תתמה, שהרי מוכיפין מחול על קדש? ת"ל (שם) "יובל היא שנת החמישים", שנת החמישים אתה מקדש ואי אתה מקדש שנת החמישים ואחת. (מ) ורבנן, שנת חמישים אתה מונה, ואי אתה מונה שנת חמישים ואחת. לאפוקי מדר' יהודה, דאמר, שנת חמישים עולה לכאן ולכאן, קא משמע לן, דלא. (מ) חנו רבנן (ויקרא כה) "יובל היא" אע"פ שלא שמטו אף על פי שלא תקעו. יכול אע"פ שלא שלחו? תלמוד לומר, היא! דברי רבי יהודה; רבי יוסי אומר, "יובל היא" אע"פ שלא שמטו, אע"פ שלא שלחו, יכול אף על פי שלא תקעו? ת"ל היא! וכי מאחר שמקרא אחד מרבה ומקרא אחד ממעט מפני מה אני אומר יובל הוא אע"פ שלא שלחו ואין יובל אלא א"כ תקעו? לפי שאפשר לעולם בלא שילוח עבדים, ואי אפשר לעולם בלא תקיעת שופר. דבר אחר, זו מסורה לבית דין, וזו אינה מסורה לבית דין. מאי דבר

ר' יו"י

יהא משפט להקב"ה. מלך וציבור, כשהקב"ה דן אותם מלך נכנס תחילה. משפט עבדו, שלמה קאמר ליה. דליפוט חרון אף, בשביל עוונות ציבור. מנלן, ששנת שמינה מקדשת מריה ואכור בעבודת הקדש? וקדשתם שנת החמישים מה ת"ל, מכיון שאמר שבע שבתות שנים והעברת שופר בחדש חסביני, יודע אני שהיא שנת החמישי. שנים אתה מקדש, כששנת יובל נכנסת, מצוה על ב"ד לומר מקדשת השנה. ואי אתה מקדש שום חיש, כר"א בר"ש דאמר לקמן בין שנראה בזמנו בין שלא נראה בזמנו אין מקדשין אותה. לפי שנאמר וקדשתם את שנת הרמישים, דליצינ מיניה שמתקדשת מתחילתה. יכול כך מתקדשת בכופה, אחר ר"ה ותמשך עד יה"כ? וא" תתמה, אם משמטין אותה בתוך שנה שלאחריה. ידחי מוכיפין מחול על קדש, כדאמרין לקמן. ת"ל יובל היא, מיניסא היא. ורבנן, דלא ילפי מוקדשתם שמתקדשת מתחילתה ולא איצטריך היא למינטי כופה דרשי ליה הכי: שנת החמישים אתה מונה ואי אתה מונה שנת היובל שנת חמישים לכופ יובל שיעבר ואחת למנין יובל הבא, ואי אתה מונה שנת היובל הבא אלא משנה שלאחר היובל, ולאצוקי מדר' יהודה, דאמר במסכת גדרים שנת חמישים עולה לכאן ולכאן, שנת היובל שנה ראשונה לשמיטה הבאה. יובל היא יובל אע"פ ש"א שמטו כ"ל, לעיל מיניה כתיב והעברת שופר וקדשתם את שנת החמישים שנה וקראתם דרור כתיב יובל היא תהיה לכם וקרא יהורא הוא לדרשא ויובל היא לכם מכל מקום ואפילו לא נקצו בו דברים הללו: העברת שופר ולכופ אל אחוזה, אע"פ כן שם היובל עליו להיות אכור בוריעה ובצירה וקצירה. יכול אע"פ שלא שלחו עבדים, יהא יובל? ת"ל היא, אם עשית דברים הללו היא יובל, ואם לאו אינו יובל. שאפשר לעולם בלא שילוח עבדים, פעמים שאין עבד עברי בישראל שיטעון שילוח.

אנר איניש ביתא, לכולהו ימות הנשמים אנר; והנא קמא דברייטא, ותנא דידן, בניסן נמי מישכח ישיב קיטרי: „באחד באלול, ראש השנה למעשר בהמה.“ מני? אמר רב יוסף, רבי היא ונסיב לה אליבא דהנאי: ברנלים סבר לה כרבי שמעון, ובמעשר בהמה סבר לה כרבי מאיר. אי הכי ארבעה, חמשה הו? אמר רבא ארבעה לדברי הכל! לרבי מאיר ארבעה, דל רנלים, לרבי שמעון ארבעה, דל מעשר בהמה. רב נחמן בר יצחק אמר, ארבעה חדשים, ובהן כמה ראשי שנים. (ח.) „רבי אלעזר ורבי יסמון אומרים באחד בתשרי.“ א”ר יוחנן, וסניהם מקרא אחד דרשו, שנאמר (תהלים כה) „לבשו כרים הצאן ועמקים יעכפו בר יתרועעו אף יישירו“ ר”מ סבר, אימתי לבשו כרים הצאן, בזמן שעמקים יעטפו בר; ואימתי עמקים יעכפו בר, מאדר: מתעברות באדר, ויולדות באב, ר”ה שלהן אלול. רבי אלעזר ור”ש אומרים אימתי לבשו כרים הצאן? בזמן שיתרועעו אף יישירו, אימתי יעכפו אומרות שירה? בניסן; מתעברות בניסן ויולדות באלול, ר”ה שלהן תשרי. רבא אמר דכ”ע, לבשו כרים הצאן בזמן שעמקים יעטפו בר באדר, והכא בהאי קרא קשיפילני (דברים יז) „עשר תעשר“ ביני מעשרות הכהוב מדבר: אחד מעשר בהמה, ואחד מעשר דגן; ר”מ סבר, כק”ש מעשר בהמה למעשר דגן, מה מעשר דגן סמוך לגמרו עיטורו, אף מעשר בהמה סמוך לגמרו עיטורו. ור”א ור”ש סברי, כק”ש מעשר בהמה למעשר דגן, מה מעשר דגן ר”ה יטלו תשרי, אף מעשר בהמה, ר”ה יטלו תשרי. „באחד בתשרי ר”ה לשנים:“ למאי הלכתא? אמר רבי זירא לתקופה. ור”א היא, דאמר בתשרי נברא העולם. רב נחמן בר יצחק אמר, לדין, דכתיב (דברים יא) „מראשית השנה ועד אחרית שנה“ מראשית השנה נידון מה יהא בסופה. מכאי דתשרי הוא? דכתיב (תהלים כא) „תקעו בחדיד שופר בכנס ליום חנינו“, אי זהו חנ (ח:)? שהחודש מתכסה בו? הוי אומר, זה ר”ה; ובכתיב (תהלים כא) „כי חק לישראל הוא, מיטפם לאלהי יעקב.“ ת”ר „כי חק לישראל.“ מלמד, שאין ב”ד של מעלה נכנסין לדין, אא”כ קידשו ב”ד של מטה את החדש.

ר י”י

דליכא לסיבר דאדקתא דהיא שהא אגרא. דלא כרח אינש למיגר ביתא לבציר כחלתין יומין. ואימא תשרי, ר”ה לשכירות בתים, אם לא עבר אלא בא’ באלול כיון שהגיע תשרי עלתה לו שנה? ומשני כי אנר אינש ביתא סמוך לתשרי לכולהו ימי הגזמים אנר. ות”ק דברייטא, דלא אמר לשכירות בתים, קיטרי, עבים מתקשרין וגשמים יורדין והוי כימות הגזמים, רבי היא, הוא אמרה למתני’, ונסיב מילתא חדא כחד תנא, וחדא כחד תנא. אי הכי, דחד גברא אמרה למתניתין ונסיב מילתיה חדא כחד תנא, המשה ראשי השנים נינהו: אחד בניסן, וחמשה עשר בניסן, ואחד באלול, ואחד בתשרי, וחמשה עשר בשבט! הא ניחא אי מוקמת לה לחשא כרבי שמעון, שפיר, דלדריה ארבעה נינהו, דלית ליה אחד באלול, אלא אי חד תנא אמרנהו קשיא! אמר רבא, לעולם רבי היא, ורבי קאמר: אנא חמשה סבירא לי, ומיהו הכל מודים לי בארבעה, לרבי מאיר, דאית ליה אחד באלול, דל רנלים, דלדריה כנגד אחד עובר בכל תאמר, דתניא דברייטא דלייל. ולר’ שמעון דל מעשר בהמה, דליתיה אלא באחד בתשרי, ונלאו מעשר נמי ראש השנה הוא, ובהן כמה ראשי שנים, הילכך ניכר דאית ביה תרי, חד קחשיב ליה, לבשו כרים הצאן, מהלכשות חכבשים שמתעברות. יעטפו בר, שהזריקה צומחת וניכרת יפה. יתרועעו אף יישירו, בניסן כשיגיע זמן הקציר והתבואה בקש’ שלה וחרות מנשבת והן נוקשים זו על זו, נשטף הקול וגראית כמסודרות, זמן עיבור והבנה דקה חכמה חדשים. ר”ה שלהן אלול, דכמוך לגמרו זמן הרש וזמן שלהן להודוש השנה, בזמן שיתרועעו, השיבולים. מעשר דגן סמוך לגמרו עיטורו, ר”ה למעשרות תשרי והכי תני ליה לקמן, ותשרי סמוך לגמרו היא, דכל ימות דרמה כניד’ ליבש בגרנות שבשדות, לתקופה, לומר שמתנין לבריתן, הילוכן של תקופות הרמה ומולדות דלכנה מהשר. לדין, שהקב”ה דן בתשרי את כל באי העולם, דתחדש מתכסה בו, לרחוקים כגון עדרות לבני מקרב וערבות לבני מרחק לפי שקבנה היא כמוך להירדשהו אלא אם כן קדשו תחדש בו, ות”ק אב קבעו ישראל את חק תחדש

א"ל אביי, ותיפוק ליה, דהא איתח בשמחה! איבעיא להו, בכור, מאימתי מונין לו שנה? אביי אמר משעה שנוגד, רב אחא בר יעקב אמר משעה שנראה להוצאה; ולא פליגי, הא בתם, (ז.) הא בבעל מוס. בעל מוס מי מצי אכיל ליה? דקים ליה ביה שכלו לו חדשיו. ת"ר, באחד בניסן, ר"ה לחדשים, ולעיבורין, ולתרוסת שקלים. ויש אומרים, אף לשכירות בתים. לחדשים מנלן? דכתיב (שמות יב) "החדש הזה לכם ראש חדשים ראשון הוא לכם לחדשי השנה", וכתיב (דברים יז) "שמור את חדש האביב" איזהו חדש שיש בו אביב? הוי אומר זה ניסן, וקרי ליה ראשון. ולימא אדר? בעינא רוב אביב, וליכא. מידי רוב אביב כתיב? אלא אמר רב חסדא מהכא: (ויקרא כג) "אף בחגשה עשר יום לחדש השביעי באספכם את תבואת הארץ" איזהו חדש שיש בו אסיפה? הוי אומר, זה חשרי, וקא קרי ליה שביעי. ואימא אלול? ומאי שביעי, שביעי לאדר? בעינא רוב אסיף, וליכא. מידי רוב אסיף כתיב? אלא אמר רבינא, דבר זה מתורת משה רבינו לא למדנו. מדברי קבלה למדנו, (אמור ג) "בחדש הראשון הוא חדש ניסן". ולעיבורין. לעיבורין מניכן מנינן? והתניא אין מעברין אלא אדר! אמר רב נחמן בר יצחק, מאי עיבורין? הפסקת עיבורין. ותנא דידן, בהתחלה קמייירי בהפסקה לא קמייירי. ולתרוסת שקלים. מנלן? א"ר יאשיה אמר קרא (במדבר כח) "זאת עולת חדש בחדשו לחדשי השנה", אמרה תורה חדש, והבא קרבן מתרומה חדש; ונמרי שנה שנה מניסן, דכתיב (שמות יב) "ראשון הוא לכם לחדשי השנה". אמר רב יהודה אמר שמואל, קרבנות צבור הבאין באחד בניסן, מצוה להביא מן החדש; ואם הביא מן הישן יצא אלא שחיכר מצוה. ויחיד שהתנדב משלו כשירין, ובלבד שימסרם לצבור. פשיכא! מהו דתיכא, ליחוש שמא (ז:) לא ימסרם לציבור יפה יפה, קא משמע לן. ותנא דידן, כיון דקתני אם הביא יצא, לא פסיקא ליה. "ויש אומרים אף לשכירות בתים". תנו רבנן, המשיכיר בית לחבירו לשנה, מונה שנים עשר חדש מיום ליום, ואם אמר לשנה זו, אפילו לא עמד אלא באחד באדר, כיון שהגיע יום אחד בניסן עלתה לו שנה. ואימא תשרי? סתם כי

ר ש"י

לא שייך בה זמן גרסא לכל תאחר, או דילמא מתייבא למיסק משום שמחה, דכתיב ושמרת בהגר. הא בתם, דקאי להוצאה מצנראה להוצאה. בעל מוס, שנוגד בטומו ועומד לשחט בחוץ, מיום שנוגד הוא ראוי לכך ומונין לו מצנראה. מי מצי אכיל ליה, פיוס שנוגד דילמא נפל תח וזאין שחיטה מכהרתו עד ששהם צמונה ימים? לחושים, למנין חדשי השנה. לעיבורין, קא כלקא דעתיה לישב בית דין ולעיין, אם השנה הבאה צריכה להתעבר. ולתרוסת שקלים, להקריב ראשון קרבנות הלוקחים מתרומת קופות של שקל שנה זו. אף לשכירות בתים, המשיכיר בית לחבירו ואמר לשנה זו, כלתה שנתו באחד בניסן, ואפי' לא דר בו אלא חדש אדר. הרוש הזה לכם, וסנלן דניסן? דכתיב ויבחו להם שה לפכה, וכתיב קרא אחרינא דהפכה כחדש האביב, שיש בו אביב, שהתבואה בכירה בו להיות מבושלת גבגר בצולה. בעינא אביב וליכא, שכבר נגמרה מניסן, ואי איכא זרעא אפילה אין זה בכיר, אלא אפיל. ואימא אדר, דאיכא זרעא חרפא המתבכר מאדר. רוב אביב, שידו רוב תבואות כתבכרות בו. שיש בו אכילה, שמכניסין בו פירות לבית מפני רגשמים, וכל הקיץ הן נשיות גדישין לייבש. אין מעברין, אין מעינין בצרכי ציבור להודיע לגולה שעיברו ב"ד את השנה, בלא יטהר הדבר עד אדר הבא. אין מעברין אלא אדר, אין מוכיפין חודש על השנה אלא אדר, דכתיב שמור את חוש האביב, חדש הכסוד עבר, שיכוא אביב בזמנו. הפסקת עיבורין, שכיון שקדשו את החדש לשם ניסן פסקה שנה שעברה מלהיות מעוברת עוד שאין ראשון לעשות ניסן אדר, שכבר נכנסה שנה אדרת לענין עיבור. בהפסקה לא קא מיירי בראשי שנים דהפסקה לא קא מיירי. חדש ברזש לחדש, חדש יחידא לרעא, יפה יפה, בלב שלם. ותנא דידן, דלא תגיה בסתני'. כיון דקתני אם הביא יצא לא פשיכא ליה מילהא דליהשבה בראשי שנים, אלא באחד באדר, אבל בבציר מחבי לא אמרנן עלתה לו שנה ודר בה שנה שלימה,

ה' אלהיך, אלו צדקות ומעשרות ובכור. (שם) "מעמד", זה לקט שכחה ופאה (שם) "והיה בך חטא" ולא בקרבנך חטא. (ו.) ת"ר. (דברים כג) "מוצא שפתיך" זו מצות עשה. "תשמור" זו מצות לא תעשה. "ועשית" אוהרה לב"ד שיעשך. "כאשר נדרת", זה נדר. "לה' אלהיך" אלו חטאות ואשמות, עולות ושלמים. "נדרבה" כמשמעו. "אשר דברת", אלו קדשי בדק הבית. "בפיך" זו צדקה. אמר רבא, וצדקה מיהייב עלה לאלתר. מ"ט? דהא קיימי עניים. פשיטא! מהו דתימא כיון דבענינא דקרבנות כתיבא, עד דעברי עליה ג' רגלים בקרבנות, קמ"ל, התם הוא דתלנהו רחמנא ברנלים, אבל הכא לא. דהא שכיחי עניים. (ו.) ואמר רבא, כיון שעברו עליו ג' רגלים, בכל יום ויום עובר בכל תאחר. מיתיבי, אחד בכור ואחד כל הקדשים, כיון שעברו עליהם שנה בלא רגלים, רגלים בלא שנה, עובר בכל תאחר! והאי מאי תיובתיה? אמר רב כהנא, מאן דקא מוטיב, שפיר קא מוטיב: מכדי תנא אלאוי קא מהדר, ליתני בכל יום ויום עובר בכל תאחר? ואידך, תנא למקבעיה בלאו קא מהדר, בלאוי יתירי לא קא מהדר. בשלמא רגלים בלא שנה משכחת לה. אלא שנה בלא רגלים, היכי משכחת לה? הניחא למאן דאית ליה כסדרן, משכחת לה, אלא למאן דלית ליה כסדרן היכי משכחת לה? בשלמא לרבי משכחת לה בשנה מעוברת, דאקדשה בתר חג המצות; דכי מטא שילחי אדר בתראה, שנה מלא, רגלים לא מלא, אלא לרבנן היכי משכחת לה? כדתני רב שמעיה: עצרת, פעמים חמישה פעמים ששה, פעמים יטבעה, הא כיצד? שניהן מלאין, חמשה. שניהן חסרין, שבעה. אחר מלא ואחד חסר, ששה. בעי ר' זירא, יורש מהו בכל תאחר? (דברים כג) "כי תדור נדר" אמר רחמנא והא לא נדר, או דילמא (דס' ג) "ובאת שמה והבאתם שמה" והא מתייב! ת"ש, דתני רבי חייא (דס' כג) "מעמד", פרט ליורש, והאי "מעמד" מיבעי ליה, זה לקט שכחה ופאה? קרי ביה עמד, וקרי ביה מעמד. בעי רבי זירא, אשה מה היא בכל תאחר? מי אמרינן, הא לא מתייב בה בראיה, או דילמא הא איתה בשמחה?

ר יט

לפעולה במקרא, נדרוש ביה לאתוי צדקות ומעשרות שכתוב בהן שם זה: ולך היתה צדקה לפני ה' אלהיך ואכלת לפני ה' אלהיך מעשר דגנך. מעמד זה לקט שכחה ופאה. שחן הלוקי של עני דכתיב ביה את העני עמר. ולא בקרבנך חטא, אין הקרבן נסכל בכך. מוצא שפתיך זו מצות עשה, דמחטא הכי אמר קרא: מוצא שפתיך קיים. השמוד זו מצות לא תעשה, שלא תאחר, כד' אבן א"ר אילעאי כל מקום שנאמר השמר בן ואל כו'. ועשית, על כרחך, מכאן אוהרה לביד לבן. לה' אלהיך, קרא יתירא הוא לדרשא, לרבות דבר שבחובת. כיון זו צדקה, קרא יתירא דריש. וקריב אותו, קרא יתירא הוא, דהא כתיב ברישית וקריבנו. שנה בלא רגלים, לקמיה מפרש. למקבעיה בלאו קא מהדר, להודיעך כל צידי זמן התחלת כל תאחר שבו, אלאוי יתירי לא מהדר, להודיעך לאותן הרבים שבו. הניחא למאן דבעי כסדרן משכחת לה, דעברה שנה ולא עברו רגלים כסדרן, ולמדך דכיון דעברה שנה, אע"פ שלא עברו רגלים כסדרן, הייב, וסבר לה כר"ש בחדא ופליג עליה בחדא. בשלמא לרבי, ראב"ד הרש העיבור אינו מן השנה חוץ מ"א יום ששנת חמה יתירא על הלכנה, משכחת לה בשנה מעוברת. בחר הג המצות, בתוך הרגל, ואית דאמרי לאחר הרגל ושלחי אדר בתרא לאו דוקא, אלא לאחר כיצא אדר קאמר. שנה מלא, ג' מאות ורששים והמשה ימים. פעמי' ששה, שהוא ששה בכיון יום הרששים לעומר. שניהם מלאים, ניכין ואייר, הרי ס' ימים בניכין ול' דאייר מלא להו חמשים בחמשה בכיון. אחד מלא כו', ומשכחת לה שנה בלא רגלים, כגון שניהם מלאים, ואירע עצרת בה' בכיון, והקדישה למדרת כו' בכיון, ולכנה הבאה היו שניהן חסרים, ואירע עצרת כו' בכיון, והשנה מלא' ביום ו' בכיון מצהקדוש, ועדיין לא עבר עצרת עליו. יורש מהו בכל תאחר, על ג' אביו. קרי ביה עמד ומעמד, ודרש בה תרתין: דעמד משמע ליה חלקו של עני ומ' יתירא למעמד יורש. מי אמרינן הא לא מתייב בה בראיה, דכתיב כל זכורך, וכיון דלא מתייב למיכך

לרגלים. נפקא מינה, לנודר, למיקם עליה בבל תאחר, ורבי שמעון היא, דאמר ג' רגלים כסדרן וחג המצות תחילה. ת"ר, חייבי הדמין והערבין והחרמין וההקדשות חטאות ואשמות עולות ושלמים, צדקות ומעשרות, בכור ומעשר ופסח, (ד:) לקט שכחה ופאה, כיון שעברו עליהן שלשה רגלים, עובר בבל תאחר; ר"ש אומר שלשה רגלים כסדרן, וחג המצות תחילה. ר"מ אומר, כיון שעבר עליהן רגל אחד עובר בבל תאחר. ר' אליעזר בן יעקב אומר, כיון שעברו עליהן שני רגלים, עובר בבל תאחר. ר"א בר"ש אומר, כיון שעבר עליהן חג הסוכות עובר עליהן בכך תאחר. מ"מ דתנא קמא? מכדי מינייהו סליס למה לי למהדר ומיכתב (דברים נז) "בחג המצות ובחג השבועות ובחג הסוכות?" שמע מינה, לבל תאחר. ור"ש אומר אינו צריך לומר בחג הסוכות, שבו דיבר הכתוב, למה נאמר? לומר שזה אחרון. ור"מ מ"מ? דכתיב (שזי) "ובאת שמה והבאתם שמה". ור' אליעזר בן יעקב מאי טעמא? דכתיב (במדבר כח) "אלה תעשו לה' במועדיכם" מיעוט מועדים שנים. ור' אלקעזר בר"ש מ"מ? דתניא ר"א בר"ש אומר: לא יאמר חג הסוכות שבו דיבר הכתוב, למה נאמר? לומר שזה נודר. ור"מ ורבי אליעזר בן יעקב, האי "בחג המצות ובחג השבועות ובחג הסוכות" מאי דרשו ביה? מיבעי להו לכדרכי אלעזר אמר ר' ארשעיא, דאמר ר"א א"ר ארשעיא: מניין לעצרת שיש לה תשלומין כל שבעה? ת"ל "בחג המצות ובחג השבועות ובחג הסוכות" מק"ש חג השבועות לחג המצות, מה חג המצות יש לו תשלומין כל שבעה, אף חג השבועות יש לו תשלומין כל שבעה. למאי הילכתא כתביה רחמנא לחג הסוכות? לאקריה לחג המצות, (ד:) מה חג המצות טעון לינה, אף חג הסוכות טעון לינה. והתם מנלן? דכתיב (דברים יז) "ופנית בבקר וחלכת לאהלך". (ד:) מנהני מילי? דתנו רבנן (דברים כג) "כי תדור נדר", אין לי אלא נדר, נדבה מניין? נאמר כאן נדר ונאמר להלן (ויקרא ז) "אם נדר או נדבה", מה להלן נדבה עמו, אף כאן נדבה עמו, "לה' אלהיך", אלו הדמין הערבין והחרמין וההקדשות. (דברים כג) "לא תאחר לשלמו" הוא וזא חילופיה, (שכ) "כי דרש ידרשנו" אלו חטאות ואשמות עולות ושלמים, (שז) ר' ש' י

בחדש חכנס באחד בניסן הוא ר"ה לרגלים. נפקא מינה, דהאי ר"ה. לענין נדר שהוא בוחר בבל תאחר, וחלה הכתוב איחורו שלשה רגלים ואשמינן מתני' שאינו עובר עד שיהא פסח ראשון לשלשה, שאם עברו קצו שלא כסדרן אינו עובר. חייבי הדמין, אמר רמי עלי. והחרמין, חרמי גבות. בכור ומעשר, מעשר בחמת, מכדי מינייהו סליק, כשאמר הכתוב: שלש פעמים בשנה יראה כל זכורך בחג המצות וגו' כהם היה עולה, כבר כתוב למעלה בענין שמור את חרש האביב: שבעה שבועות תספר לך, חג הסוכות תעשה לך. למה לי למיחדר, וליסגינהו בפרש' חג הסוכות? ש"ס לבל תאחר, דה"ק היו נראין לפניו לשלם נדריכם ולא תבאו ריקם. אין צ"ל חג הסוכות, אף כשתחזירין לבל תאחר לא היה צריך להזכירו שהרי הענין עכשיו בן. שבו דיבר הכתוב למה נאמר לומר שזה אחרון, עד שיעבור אותם בכור הזה. מניין לעצרת, דאילו בדג הסוכות ובדג המצות נפקא לן מוחגותם אותו דג לה' שבעת ימים יכול יהו חוגגין כל ז' ת"ל אותו, אותו אתה חוגג, ואי אתה חוגג כל ז'; אם כן למה נאמר ז' ? לתשלומין, שאם לא חג חגיגתו בראשון, יקריבנה בשני. טעון לינה, לל חרש"מ. וצנית בבקר, ב"ס לא קאמר קרא, שהרי הוא יוז שחיבו לראות בעצרת. מנא הני מילי, דאכל הגר דתניא במתני' לעיל איכא כל תאחר? נדר, הרי עלי. נדבה, הרי זו. נאמר להלן נדר, ואם נדר או נדבה וגו'. אלו הדמין הערבין כו', שהן קרשי בדק הבית וכולן לה' ואין לכתנים בהן כלום. הוא ולא הילופיו, עליו אתה עובר ולא על חילופיו. אלו חטאות ואשמות, שהן נדרשין כסך. שהרי תובה הם כוונתין עליך. ועולות ושלמים, כגון עולות ראיה ושלמי חגיגה שהן חובה, דאילו נדר ונדבה ברישא דקרא כתיב, והיה נבי לבכור ולמעשר וזבה. ה' אלהיך אלו צדקות ומעשרות, דהא קרא יתירא הוא, דההו ליה למכתב כי דרוש ידרשנו, ובכר ה' כתיב

כאן ליציאת מצרים. וממאי דמעשה דאב קדים, דילמא מעשה דשבת קדים? לא ס"ד, דכתיב (דס) „אחרי הכותו את סיחון” וכי נח נפשיה דאהרן אכתי הוה סיחון קיים. דכתיב, (ג.) (במדבר כא) „וישמע הכנעני כולך ערד” מה שמעיה שמע? שמע שמת אהרן ונסתלקו ענני כבוד וכסבור ניתנה רשות להלחם בישראל. מי דמי. התם כנען הבא סיחון? תנא, הוא סיחון, הוא ערד, הוא כנען. תניא כוותיה דר' יוחנן. מניין שאין מונין להם למלכים אלא מניסין? שנא, (מלכים א ו) „ויהי בשמונים שנה וארבע מאות שנה לצאת בני ישראל מארץ מצרים ונומר” וכתיב, (במדבר לג) „ויעל אהרן הכהן אל הר ההר על פי ה' ונומר” וכתיב, „ויהי בארבעים שנה בעשתי עשר חדש” וכתיב (דברים א) „אחרי הכותו את סיחון ונומר” ואומר (במדבר כא) „וייכע הכנעני וגו'” ואומר „ויראו כל העדה כי נוע אהרן ונומר”, ואומר (שס י) „ויהי בחדש הראשון בשנה השנית ונומר” ואומר (שמות ט) „ויהי בשנה השנית בחדש השני ונומר” ואומר (שס יט) „בחדש השלישי לצאת בני ישראל ונומר” ואומר (ד"ה ב ג) „ויחל לבנות ונומר”. א"ר חסדא, לא שנו אלא למלכי ישראל, אבל למלכי אומות העולם מתשרי מנין, שנאמר, (נחמיה א) „דברי נחמיה בן חכליה ויהי בחדש כסלו שנת עשרים ונומר” וכתיב (שס י) „ויהי בחדש ניסן שנת עשרים לארתחשסתא ונומר” מדקא בכסליו וקרי ליה שנת עשרים, וקאי בניסן וקרי ליה שנת עשרים, מכלל דר"ה לאו ניסן הוא. בשלכא היאך מפרש דלארתחשסתא, אלא האי, ממאי דלארתחשסתא? דילמא, (ג.) לכנינא אחרינא הוא? אמר רב פפא, שנת עשרים שנת עשרים לגזירה שוה; מה התם לארתחשסתא, אף הכא לארתחשסתא. וממאי דמעשה דכסליו קדים, דילמא מעשה דניסן קדים? לא סלקא דעתך, דתניא, דברים שאמר חנני לנחמיה בכסליו, אכרן נחמיה למלך בניסן, שנאמר, (נחמיה א) „דברי נחמיה בן חכליה ויהי בחדש כסלו שנת עשרים ואני הייתי בשושן הבירה ויבא חנני אחד מאחי ונומר, ויערירה נעתו באש ונומר, ויהי בחדש ניסן שנת עשרים לארתחשסתא המלך יין לפנינו ונומר, וייטב לפני המלך וישלחני ואתנה לו זמן”. מתיב רב יוסף, (הג ב) „ביום עשרים וארבעה לחדש בששי בשנת שתיים לדריש”. וכתיב, (שס) „בשביעי בעשרים ואחד לחדש” ואם איתא, בשביעי בשנת שלישית מיבעי ליה? אמר רבי אבהו כורש מקץ כשר היה לפיכך מנו לו כמלכי ישראל. כחקיקא לה רב יוסף, חדא דא"כ קשו קראי אהרדי! דכתיב (עזרא ו) „ושיצא ביתא דנא עד יום תלתא לירח אדר די היא שנת שית למלוכות דירוש מלכא” והניא, באותו זמן לשנה הבאה עלה עזרא מבבל ונלוותו עמו, וכתיב, (שס ו) „ויבא ירושלים בחדש החמישי היא שנת השביעית למלך” ואם איתא, שנת השמינית מיבעי ליה? ועוד, מי דמי, התם כורש הכא דריש? קשיא. (ד.) ולרגלים, רגלים באחד בניסן הוא, במ"ו בניסן הוא? אמר רב חסדא, רגל, שבו ראש השנה

ד ש"י

לאו ר"ה דאי תשרי ר"ה הוה ליה בשבט שנת כ"א. דילכא להקמת המשכן, שהיה בשנת השנית. דילמא מעשה דשבת קדים, ובתשרי שלפניו נכנכה שנת ארבעים. אחרי הכותו את סיחון, נאמר במשנת תורה, תניא כוותיה דר' יוחנן, בכלי קראי דאיהי לגיל. ויבא חנני, מירושלים בא שכבר עלו בני הגולה מימות כורש והיו שם בימיו ובימי אחשורוש וארתחשסתא, והו דריש שאר ארשורוש, שנכנכה חזית בשנת שתיים לדריש, והרכה נשאריו בבבל, ונחמיה בן חכליה היה שר הכשקים למלך בשושן הבירה. בששי בשנת שתיים, שניהם בנבואות חגי; נבדק במקרא ולא נמצא כתוב בפסוק שני בשנת שתיים אך ו"ל שלפסוק של בקלה היסדו קאי שכתוב בו בשנת שתיים. חדא, דאם כניכין מינין קשו קראי אהרדי. באותו זמן לשנה הבאה, ע"כ שביעית היא לו מסה נפשה. וכתיב בקזרא ויבא ירושלים בחדש החמישי היא שנת השביעית למלך, ואי מנו לו מינין שמינית היא, ועוד, אן בדריש קיימינן ואת אברה כורש מלך כשר היה. רגל שבו ר"ה לרגלים, רגל שהוא

ארבעה ראשי שנים הם: באחד בניסן, ר"ה למלכים ולרגלים. באחד באלול ר"ה למעשר בהמה; ר"א ור"ש אומרים, באחד בתשרי. באחד בתשרי, ר"ה לשנים ולשמיטין וליובלות ולירקות. באחד בשבט, ר' הלאילן, כדברי ב"ש. ב' ה' אומרים, בחמשה עשר בו. ג' למלכים, למאי הילכתא. אמר רב חסדא לשטרות. תנו רבנן מלך שעמד בעשרים ותשעה באדר, כיון שהגיע אחד בניסן עלתה לו שנה; ואם לא עמד אלא באחד בניסן, אין מונין לו שנה, עד שיגיע ניסן אחר, (ב:) וקמ"ל דניסן ר"ה למלכים. ויום אחד בשנה חשוב שנה. ואם לא עמד אלא באחד בניסן, אין מונין לו שנה עד שיגיע ניסן אחר ואע"ג דאימנו עליה מאדר, מהו דתימא נימנו ליה תרתין שנין, קמ"ל. ת' יר, מת באדר ועמד אחר תחתיו באדר, מונין שנה לזה ולזה; מת בניסן ועמד אחר תחתיו בניסן, מונין שנה לזה ולזה; מת באדר ועמד אחר תחתיו בניסן, מונין ראשונה לראשון, ושניה לשני. א"ר יוחנן, מניין למלכים שאין מונין להם אלא מניסן? שנאמר, (מלכים א' ו'), "יהי בשמונים שנה וארבע מאות שנה לצאת בני ישראל מארץ מצרים בשנה הרביעית בחודש זיו הוא החדש השני למלך שלמה על ישראל" מקיש מלכות שלמה ליציאת מצרים, מה יציאת מצרים מניסן, אף מלכות שלמה מניסן. ויציאת מצרים נוסה מנלן דמניסן מנינן, דילמא מתשרי מנינן? לא סלקא דעתך, דכתיב (במדבר לג'), "ועל אהרן הכהן אל הר ההר על פי ה' ימת שם בשנת הארבעים לצאת בני ישראל מארץ מצרים בחדש החמישי באחד לחדש" וכתיב (דברים א'), "ויהי בארבעים שנה בעשתי עשר חדש באחד לחדש דבר משה וגומר" מדקאי באב וקרי לה שנת ארבעים, וקאי בשבט וקרי לה שנת ארבעים, מכלל דר"ה לאו תשרי הוא. בשלמא היאך, מפרש דליציאת מצרים, אלא האי, ממאי דליציאת מצרים דילמא להקמת המשכן? שנת ארבעים שנת ארבעים לגזרה שוה, מה כאן ליציאת מצרים, אף

ר ש"י

למלכים, רגלים היו דמנות זמן שמותיהם לשנות המלך משנה שעמד בה המלך כדאמר' בספכת גיטין משום שלום מלכות, וקבעו חכמים אחד בניסן לתחלת שנתו ואפי' עמד בשבט או באדר כלתה שנתו משהגיע ניסן ויתחילו למנות לו שנה שנייה. למעשר בהמה, שאין מעשרין מן הנולדים בשנה זו על הנולדי בהבירית, לשמיטין וליובלות, משכננס השרי אסור להרוס ולזרוע מן התורה. לגמיעה, למנין שני ערלה ואפי' נטעה באב כלתה שנתה הראשונה לכוף אלול ובכלתו מפרש טעמא בגמ'. לירקות, למעשר ירק שאין תורמין ומעשרין מן הנלקט לפני ר"ה על של אחר ר"ה. לאילן, לענין מעשר, שאין מעשרין פירות האילן שחנטו קודם שבט על שחנטו לאחר שבט, שבאילן הולך אחר חנטה. גמ' למאי הילכתא, כלומר למה הוקבע יום מיוחד למנין המלכים? אימא שעל כל מלך וכלך התחיל שנתו מיום שעמד בו. לשטרות, להבחין אויזה שטר חוב סוקדם למלוה ואיזה מאוחר, עלתה לו שנה, כלומר כלתה לו שנתה ומעתה מונין לו שנה שנייה. דאימנו עליה, גמנו וגמנו השנים למנותו. לזה ולזה, הבא לכתוב שטר באדר לאחר שעמד השני, אם רצה לכתוב בשטר בשנת פלוני למלך שמת כותב, ואם רצה לכתוב בשנה ראשונה למלך פלוני שעמד, מת בניסן ועמד אחר תחתיו בניסן, והוא הדין אם עמד באחד מכל החדשים שעד ניסן הבא, ורוצה למנות בכל השטרות שיכתבו משעמד השני למנין שנת הראשון מונה, ורוצה לכתוב בשנת ראשונה למלך שעמד. ושנייה לשני, הבא לכתוב משעמד זה לא ימנה שנה שנייה למלך שמת, שאין שנה זו שלו ולא ימנה את הראשונה לשני, לקרות שנה שעמד בה שנייה, אלא שנייה זו ראשונה לשני. בחדש זיו, הוא אייר כדמפרש קרא הוא החדש השני ואמרינן לקמן ניסן ר"ה לכדר מנין החדשים. למלך שלמה על ישראל, אשנה רביעית קאי, ומקרא מכוסס הוא: בשנה רביעית למלך שלמה על ישראל בחדש זיו הוא החדש השני. מקיש מלכות שלמה, לענין מנין השנים ליציאת מצרים שהרי המקרא הזה מנה שנה זו שנת ד' מאות ושמונים ליציאת מצרים ובשנת ארבעה למלך שלמה, מה יציאת מצרים, מנין השנה שמונן לה מתחילין מניסן אף מלכות שלמה מניסן. אימא מתשרי, א"י שציאו בניסן משהגיע תשרי קראו לו שנה שנייה, לפי שתשרי ר"ה לשנים הנמנים לכריאת עולם הוא הדין ליציאת מצרים. ויהי בארבעים שנה הואיל משה באר את התורה, מכלל דתשרי

כמוהו ולא לתקן את המנהג מן ההלכה *) בעת שנשנית משנה זו מצאה ארבעה ראשי שנים, בארבעה חדשים. ותבא היא ותלמד להשות את המנהג הזה בכל מקום ותנבל את היום מהחודש, להראשון בו. וצורת המשנה כאשר היתה טרם שם רבי אותה בסדרה ארבעה ראשי שנים הן: באחד בניסן, באחד באלול, באחד בתשרי, ובאחד בשבט. שלא היה לחם כל צורך לפרש, מפני המנהג שהיה ידוע לכל ישראל, ואף רבי המסדר את המשנה שבימיו לא היו עוד מלכי ישראל וגם כבר נתרופף המעשר והתרומה, מפני שהכהנים הלויים לא שרתו עוד בבהמ"ק וממשלתם הוסרה מידם והורה לבית דוד, הוסיף בביאור המשנה, למלכים, למעשר בהמה וגם את דעת ר"א ור"ש שאין עוד צורך למקצת החרדים הנוהגים עוד לעשר את בהמתם ואת תבואתם בחודש אלול כי אין חשש אם גם יתערבו בשנה הבאה, ועל כן תעשרנה בשנה הכללית שהיא תשרי, לרמז כי כן היא גם דעתך; (וכן הוסף כדברי ר"ש ור"א) אולי מפני שבימיו נתאחזה החנטה והוא עצמו היה מבית הלל.)

(3) מן המשנה בארבעה פרקים העולם נדון נראה, שכבר בימי המשנה היה יום ראש השנה כיום תשובה, ועם שעקר התשובה היא שעבוד הלב לאבינו שבשמים והתפלה על סליחת החטאים, בא רבי במשנתו (בפרק ראוהו ב"ד) והיה כאשר ירים משה ידו וכו'. ללמד כי רק ההסתכלות כלפי מעלה ושעבוד הלב לשמים, ידרש בימי התשובה שהוא מן ר"ה עד יום הסליחה, "יוהכ"פ". אך לא ידעה עוד מהספרים הנפתחים בר"ה שהמציאו האחרונים, והמלה "נדון" יש להבינה כמו שאמרו בני בתירא לריב"ז (לקמן בנסרא) נידון ואח"כ נתקע, והראיה מן הכתוב היוצר יחד לבם המבין על כל מעשיהם תתאים לזה, כי ההסתכלות כלפי מעלה נורמת פשטו המעשים שנעשולמטה. **)

(4) אחרי שסדר רבינו את מנין ראשי השנים, את תכלית יום הזכרון, דיני תקיעת השמיעת שופר בקיצור נמרץ. וכן את המנהג שהיה במקדש בשופר שהיה פיו מצופה זהב ושאין שום צורך בהכנה לתקיעת שופר כ"א העובר אחורי בהכנ"ס ושמן קול שופר עשה את חובתו, וגם מנהג אמירת הפסוקים של מלכיות וזכרונות שופרות לפני התקיעות בקיצור נמרץ, אחרי שכבר הקדים להן את עקר הדבר מהסתכלות כלפי מעלה ושעבוד הלב, האריך מאד בכל המשניות הנוגעות בענין ראיית הלבנה, שאך למנן חרשיה ימנו בני, עדי הראיה, צורת המבלות שהיו לר"ג, והקבלות שהיו לו מאבותיו, כלומר החשבון האמתי, שעל פיהם קבל את העדים, ואת התקנות שהתקין ר' יוחנן בן זכאי שבזה השמיע שיש כח ורשות לגדול הדור להתקין דבר גם אם אינו כתוב בתורה, ואם גם יראה כנורע או מוסיף על דבריה, ושך ביד הב"ד הגדול הרשות לתקן חמיעדים והחנים ולא לכ"ד אחר ולאנשים פרטים אף שיהיו מגדולי העם, מפני שצריכה היתה אז האריכות הזאת, כי בימיו החלו כבר בני נולה להתאונן ויחפצו להסיר מהם את עול הנשיאות ולתקן המועדים לעצמם עפ"י חשבון חרשי הלבנה. ועל כן האריך לספר מה שקרה לזקנו ר' גמליאל עם ר' דוסא בן הרכינס ועם ר' יהושע שגם המה החליטו ואמרו שאין לנו אלא מעשה בית דין שבימינו והוא חשוב כמעשה משה רבינו בעצמו אף על פי שנראה לעין כל שמעה או שנה. זו היא כל המסכתא כולה, שממנה תוצאות רבות להיסתורית ימי קדם. זיל גמור!

(*) כל החפץ לדעת את הראיות הנצחות שאין עליהם תשובה לאלו הדברים, יעיין נא בחוברתנו ברקאי מצד 20 והלאה בהערותנו בשולי הגליון; ובמורה נבוכי הוספן שער י"ג ד"ה: "צורת ההלכה" ויקראנו עד תומכו.

(**) מאמרי של ר' כרספדאי בשם ר"י, שבר"ה ספרים נפתחו מקורו מן הכריתא ג' ספרים נפתחים ליום הדין אבל שם תבונה ביום תחיית המתים כפרשו של רש"י (ראה צד 17 בפנים ובאריכות בגמרות חישנות במקום הזה) ואשר אמרו משום ר' יוחנן אין להוש כי כן דרכם היה לתלות באילן גדול דבר אשר רצונם היה שיתקבל, ור' יוחנן החיר זאת ולכן תלו בו, ודי למשכיל.

ססדרי התלמוד ישתמשו במבטא כזה על אדם גדול וקדוש להם כרב אשי וכר בנו. וכן בטורם לא נאים על שארי חכמים וגם על האבות והנביאים וכר' מה גם שאם אמנם לא היו המסדרים האחרונים חכמים כרב אשי וחבריו הלא היו בעלי צורה ובעלי דרך ארץ ולא פיהם יוציא מלך כאלה. — אך התננו בחוכו מאנשי דלא מצלי—ואולם חתימת התלמוד לא הועילה וחפצם לא נעשה, כי הרבנן סבוראי שהיו אחריהם וגם הגאונים הכניסו בתלמוד דברים רבים מדעתם והוסיפו עליו בכל דור חסן.

חכמי הנמרא, שלמען תתגדל ותתקדש המשנה ושכל העם יראו ישיא תלוייה רק בתורת משה, שמו כל מעינם בה רק להלכה, ולכן דקדקו לא לבד בלשונה, כי גם באותיותיה ודרשו גם מהם מיעוטין וריבון כבתורת משה והנביאים ובראותם כי אינה מתאמת עם ההלכה בימיהם, דחקו ולחצו אותה בשנים רבים כאמור למעלה, כאשר כן עשו התנאים עם הכתובים בתנ"ך וכל זה הוכרחו לעשות מפני המגדרים הרבים של הכתובים השונים נגד התורה המסורה שלא הורו רק בתורה הכתובה, שמפני זה שאלו חכמי הנמרא על כל דבר שאינו מפורש במקרא, מנלן? וגם התמיה פשיטא! אם דבר זה כתוב מפורש, או כי פשוט המקרא אינו סובל פירוש אחר מאשר השמיעה המשנה. ועל דברים שבמנהג העברי סודם ולא יוכלו להועיל להרהור ולעתיד, שאלו "למאי הכתבא"?

עד כאן תולדתן בקיצור; ועתה נבאר מטרת ותוכנה של המס' הזאת שאנו עסוקים בה: חסר תואר בתורת משה, הנביאים והכתובים, עקר גדול שממנו יכולנו לדעת את סדר העולם ודברי הימים, והוא מנין השנים, אשר מבלעדו לא נוכל למצוא ימינו ורגלנו, שלא נאמר מאיזה עת חסן, או מאיזה חודש ויום מנו הקדמונים את מנין שנתם.

אמנם כתוב מפורש: החודש הזה לכם ראש חדשים. ראשון הוא לכם לחדש השנה (שמות יב, ד.) שלפי עומק פשוטו מצוה המחוקק: כי לא לבד שהחודש ניסן יהיה ראשון במעלה, כ"א גם ממנו תתחיל טנין השנה, אבל גם כתוב אחר לפנינו הנראה לכאורה כסותר אותו, והוא "וחנן האסיף בצאת השנה" (שם כג, כח) שאם לא נבאר מלות "בצאת השנה" במובן "במשך השנה" יובן עפ"י עומק הפשט החנן של אוסף התבואה בנמר השנה ישיינו חודש אלול. ויען כי קשה היא לפנינו לבא על כונת הכתובים נפן על המעשה הידוע לנו מההיסטוריה ונראה, כי מניסן מנו הזלכים את יטנתם, לא לבד מלכי המצרים כ"א גם מלכי ישראל משלמה והלאה; ולעומת זה נדע כי כל מלכי המזרח הארמנים והכשדים מנו אז את שנתם מחודש סעפטמבר שתוא תשרי. ואם אמנם לא נדע איככה התנהגו בני ישראל ברשתם את ארץ כנען אם מנו את שנתם כהעם אשר יצא ממנו, או כי כהעם אשר ירש את מקומו, הנה ברור הוא: כי בזמן המשנה הקדומה, במלות אחרות, בימי הבית השני, מנו את שנתם הכוללת מתשרי; אבל יתכן עם כל זה כי מלכי הבית השני מנו את שנתם מניסן כחמלכים הקדומים (ואולי חשו גם להנכפל במקרא שתי פעמים "לכם ראש חדשים, ראשון הוא לכם" להזהיר שלא תעשו כמעשה הגוים שאתם באים שמה המונים את שנתם מתשרי) ובכל היסטוריות שנים בני ישראל נקבו במ' את שנת מליכהם כאשר כן היה המנהג אצל כל העמים, היתה איפוא התחלת השנה מניסן. התרומות והמעשרות בזמן הבית השני שברוב שנותיה היתה תחת ממשלת הכהנים ונשמרו בכל תוקף, הפרישו בצאת השנה (למנינה הכללית לא לשנת המלכים) להתרחק מן המחלוקות וערוביאי של התבואות משנה לשנה והוא בחודש אלול. ואך מעשר פירות האילן אחרו עד חודש שבט ר"ל תיכף אחרי החנטה של האילנות ג"כ כדי שלא לערב פירות שנה זו עם שנה הבאה, ולא לתת יד להכהנים הלויים לשלוט במעשי ידם.

(2) המשנה הקדומה שכן היתה דרכה לדבר תמיד מן המנהג ולחקן ההלכה

לתור ולדרוש אחריהם בבתי מדרשים וישיבות שהיו חוץ למקום מושלחם. הקיפו עליו כתרנגולי של בית בוקיא והסתירו אותו ממנו ורבות נסדרו גם במקום ממשלתו בחשאי אשר נתפרסמו רק אחרי מותו, אך תלמידו רבי הסירו מהם את השם „מסנה“ שהוראתה שנית במעלה אחרי תורת משה ויכנון בשם תוכפות שר“ל שנתספו אח“כ, או כי שהנה רק נוספות ולא מן העקריות וגם ברייתות שר“ל שחשיבנה רק לחיצוניות שנשנו חוץ מן כותלי בית המדרש ולצדדיות ולא לפנימיות ולעקריות, אבל גם בזה הזה נפזרו מיד אחרי מותו בכל העולם וכמעט שהחשיכו זהרה של משנתו של רבי, ולא לא נתאספו תלמידיו להחזיק ישיבות גדולות להצדיק את משנתו של רבי, כי עתה כמעט לא היתה לה תקומה בין התוספות וברייתות הרבות שהיו מבלעות אותה ולא נודע כי באה אל קרבנה, שלכן היה כל עסקן של הישיבות במערב ובמזרח, ביישבתן של רב ושמואל בבבל, ור“ ינאי ור“ יוחנן בפלישתא, לעסוק ולהנות במשנתו של רבי לתרץ אותה במקום שיש עליה חולקין בתוספתא וברייתות שקראום ע“ש ר' חייא ור' אושיעא שהיו חביבות בעיני העם; ופעמים רבות קצצו את לשונה והוסיפו עליה בחסורי מחסרא שקבעו בה דעת ולשון הברייתא, או כי אמרו „אימא הכי“ ר"ל ההיפוך מן הכתוב במשנה וקראו כאלו כתובה במשנה, למען תתאים או עם התוספתא המתנגדת לה, או עם המנהג שנשתנה וקבל צורה אחרת מאשר היה לו בזמן רבי, ובמקום שלא היה להם ברירה אחרת הוסיפו גם משנה שלימה בצורתה וכלשונה וסדרה בתוך משנתו.

(ח) החכמים שנזכרו בתוך משנתו של רבי או בתוך התוספתות והברייתות נקראו בשם „תנאים“, ביחיד „תנא“ שהוראתו „מורה“, „מלמד“ Professor.

(ט) לימודיהם של הישיבות במשך שנות מאות שנים אותן רשמו התלמידים לעצמם ונעתקו אח“כ מיד ליד, נקראו בשם נמרא, מן השם נמר וסוף, כי השתדלו לגמור ולהשות את דברי המשנה והברייתא ועפ“י רוב גם לגמור את ההלכה כזה או כזה, (אם כי לא למעשה כי ע“ז הזהיר רבי יוחנן שלא יתנהגו כההלכה הכתובה עד שיאמר בה מפורש בן תעשו), וחכמי הנמרא נקראים בשם אמוראים, ביחיד „אמורא“ שהוא „מתורגמן“, מפרש ומבאר לעם את הדברים שאינו מבין לבדו. ויען כי הנהו גם מפרש ומבאר, אין לו רשות לחלוק על התנא מן המשנה או הברייתא. אם לא שיש לו תנא אחר הסובר כמותו שאז יוכל להתנצל ולומר, כי דעת התנא ההוא ישרה בעיני יותר מדעת התנא הזה. ורבינא ורב אשי שהיו במאה החמישית, למספר הנהוג, המאה השלישית להאמוראים, החלו לסדר את הנמרא במהדורא קמא ולא עלתה בידם היטב ונצרכו לסדר אותה במהדורא תנינא, אבל בתוך כך נאספו אל עמם והכתבים נתגלגלו מיד ליד עד שקם במאה השישית רבנא יוסי ראש ישיבה האחרונה מהאמוראים בפומבדיתא ויער את לבב חבריו לקבץ את כל הכתבים ולהחזיק אורם שלא יהיו רשאים להוסיף עליהם, כי ירא היה פן יאבדו הכתבים מן העולם או כי האחרונים יוסיפו עליהם ויעשו בהם כרצונם, ובדעתו כי לב המלכות מימות פירח רשיעא לא טוב לבית ישראל וישיבתו היא האחרונה להאמוראים, קבץ בחפזו גדול את כל הכתבים סדרם ויחתמם. וההפזון הזה גרם כי נסדרו מאמרים רבים מאד שלא במקום הראוי, שנישנו דברים רבים פעמים רבות בלי שינוי לשון ובשינוי ותוספות, וגם מאמרים רבים התנבנו בהם ממנדי התלמוד ומננדיה. מפני שגא היתה להם עת ראויה לבקר את כל המאמרים, (כי אך שבע עשרה שנה מלך רבנא יוסי בישיבתו) ומאמרים רבים הכביטו אויבי התלמוד בודון למען יאבד התלמוד את ערכו בעיני העמים. שכן התנבב הסבטאי „הא דרב אשי בדותא היא“ כעשר פעמים בתוך התלמוד מה שלא נוכל להאמין.

מבוא קצר

להתלמוד בבבלי, ולמס' ראש השנה בפרט.

יען כי עלה הגורל על המסכתא הזאת כי תעלה בדפוס ראשונה, נחשוב לחיבה לתת לה מבוא קצר שבו יבנם הקורא הטתהיל - הארוך, יבא אי"ה במקומו - והיה אם ימצאו הקוראים, כי דרכנו במבוא הזה אינה דרך כבושה מאישר קדמנו, ידעו כי דרך חדשה היא, אישר תכוסל בהתנדרות רבים, בלא ויכוחים, שאם אמנם יש לנו על מה לסמוך לא נאמר קבלו דעתנו; כי רק דנים אנחנו אבל לא נאמר: "כן יקום" וע"כ חידלנו פה להראות המקורים שמהם שאכנו את דברנו נגד דרכנו בכל אישר חברנו עד כה; ואחרי ההקדמה הקטנה הזאת, נאמר:

(א) המשיניות ילפנינו ברובן קדומות הנה מאד, כי השומעי לקח בבתי מדרש והחכמה, שהיו נהוגים בישראל עוד מימות יהושפט מלך יהודה, רשמו את דברי החכמים לעצמם, להיות תלמודם רגיל בפייהם, בשפת קצרה וברובם בלשון שיטעום, אך לפעמים הוסיפו עליהם כעין בשור ופירש מן הצד, וברבות הימים פרצו המשיניות למעלה עד כי עלה מספרם לדעת רבים עד שיש מאות סדרים.

(ב) תוכן המשיניות הקדומות היה המנהג שהיה נוהג בימיהם אצל ראשי העם ומנהיגיו, בין בדברים הנקראים בין אדם למקום כמצות שבת, תפלה וק"ש, מימאות וטהרות ומאכלות אסורות, ובין הדברים שבין אדם לחברו כדיני נשים ועבדים, ודיני ממונות וגם דיני נפשות, שבבתי המדרש היו עמוקים בהם לעשות את המנהג קבע בכל מקום שבני ישראל נמצאים.

(ג) ברבות הימים שהחלו להעתיק את המשיניות איש מרעהו ובנים ירשום מאבותם והוסיפו עליהם וגרעו מהם, קם רבינו יהודה הנשיא הנקרא עפ"י רובבשם, רבי" סתם, ויחל לקבץ כל המשיניות אל ישיבתו ומהם ברר ובחר וסדר אותם לששה סדרים מיוחדים אישר קרה לחם ימות לפי ענינם: זרעים, מועד, נשים, נזקין, קדשים, טהרות; ויקרשם לבית ישראל.

(ד) בין המשיניות אשר ברר רבי נמצאות אלה שלא שנה את שפתן ונתנו לפנינו בלשונן הקדום, אך גם ישנן בהן שהוסיף עליהן וישנן גם אלה שפירש אותן בסצרה ר"ל שהכניס איזה מלות סבארים את הענין בתוך המשנה עצמה כעין מאמר המוסגר, אבל יש בהן גם אלה אשר שנה את לשונן ומעמן מפני שיבימיו כבר נשתנה המנהג וקבל צורה אחרת.

(ה) הדברים אשר רצה רבי כי יקובלו להלכה באין פוצה פה, שנאן סתם ולא פירש שם האומרם, אך על רבות מהם שלא היה בכחו להכריע את ההלכה, או כי אלה שהיו כבר מפורסמים בעם עם שם האומרם, סדר אותם בשם אומרם וקרא בשם גם את דעת המנגדים להם, בלא כל הכרעה, אבל ישנן גם אלה אשר אמרם בשם אחרים או יש אומרם, מאישר לא רצה לקרא עליהם שם האומרם מטעמים ידועים.

(ו) לא בהסכמת רוב החכמים סדר רבי את משנתו ואדרבה רבים ערערו עליו ויסדרו משיניות לעצמן בחיטאי שקא היו מתאימות עם משנתו, אבל רבי בכחו הגדול אצל הרשות, בנישאתו שהנהיג ברמה, ובנכסיו הרבים, כשה את כל מנגדיו שלא ירמו ראש נגדו ושתמובל משנתו לעיני כל ישראל כהתורה הנתנה מסיני; ותלמידיו הגדולים כאשר ראו כי כונתו לשם ימים להמעיט המחלוקות בישראל, חזרו החזיקו בידו ותורתו נתקבלה.

(ז) משיניות רבות בער רבי מן העולם אבל לא היה בכחו להשיג כולן, ובהתהלכי

כשהם לעצמם, דבר טוב ופה יהיה קיצור תלמוד כזה, אשר הדברים היותר נכבדים יתבוננו בו במלך מועטות המחזיקות את המרובה היום כל מכשול סורך הלוט, בפרט אם יעשה למוד התלמוד נקל לנבון ע"י כמני ההפסק אשר יבואו בו וע"י הקצרות ובאורים בשולי העמודים או בכוף הספרים. אשר על כן הגני להלץ בעד הוצאת התלמוד הקצר אשר הוא אומר להדפיס לפני כל חובבי ספרות ישרון בכלל ולפני תלמידי בתי מדרש לרת ואמונה בפרט, ועל העשירים בבני עמנו החובת להיות לו לעזר אף אם לא ידעו את התלמוד ואינן נהנין מדברי תורה, והיה להם דמופת מעשה וזולן "שהיה עוסק בפרקמטיא ומציא מזון לשבט ישכרם והם עוסקים בתורה". עלה והצלה לתת לנו תלמוד קצר אשר יהיה דרוש לחץ כל פיון עם תלמיד. מכבד ב. פעלענמאהל.

מכתב הרב הגדול המפורסם בתורתו ויראתו וכו' רב שבתי מוראיים רב ורש"ן בק"ק "מקוה ישראל" במילאדעלפא.

אדוני הנודע בשקרים ומספרים! כיום ש"ק קבלתי הדפים אשר אני מחזיר אתר שעיניתי בס היטב. לא קלה המלאכה אשר העמים מבי"ת עליו ואם יעלה בידו להשלימה באופן שהתהיל לעשותה יפה, אומן גדול יקרא ושכר הרבה ישול. הסכמתי לקיצור התלמוד אשר יצא מתחת יד איש נודע בשקרים כמיהו תורה לסתברו לא לעזר ולא להועיל כי מה אני שאבוא אחר הסדר (מאן מלכו רבנן) כמו רב מרדכי יאסטרוא ואחרים המפורסמים. אולם האמת אני לא אכחישנו כי הדשים שקרתי ממכנת ראש השנה ישרו בעיני כאשר כבר הודעתיו. וה' ידרכנו בדרך אמת להגדיל התורה ולהאדירה כאות נפש עבדו, הכותב חיים מה פולאדילפא יק"א בכ"ד לרח שבט לשנת ה'תקכ"ב בחזן תר"נ/ח' ל"פ.

הצער שבתי מוראיים ס"ט.
ש"ן בס"ק מקוה ישראל.
To Michael L. Rodkinson, D. T.

מכתב הרב"ג המפורסם כ"י בו רב שלמה צבי זאננעשיין הרב קערת "שער השמים" בניארק.

ב"ה ע"ש"ק ל"ה שקלים שנת תרנ"ה ל"ה.
הנה קם הרב המופלג וסופר מהיר כו"ה מיכאל ליו ראדקינזאן ג"ו ונתקצור לעשות פרישנאם חדשה ולהוציא לאור "קיצור התלמוד הישן". גם אני קראתי בקצת ספרו אשר שם לפני ומשכח אני את הדרך הסלולה אשר בחר בת. כל עובר ארחות ים התלמוד אשר ילך בעקבותיו בל יטעה וכל ימה ימין ושמאל, וכתוף ימים מים ידים של תורה ישכן לבטח ויטעם ויראה פרי תלמודו. וזכות רבים תלויה בו, ואני תפלה כי משכורתו של המעריך תהיה שלמה! א"ד הסופר לכבוד אככני של תורה ודוריה.
הק' שלמה צבי זאננעשיין.
רב ורש"ן לעדת "שער השמים" בעיר ניוארק.

עמנו ותורתו יקר ללבם, בכל מקום שהם, להיות לעזר ולסעד להסתבר המסכיל הזה, לאמץ וזרועותיו, לחמכו ולחזקו, למען יוכל להוציא את מחבתו לשועל ולתת כרכה לבית ישראל בתורתו הישנה אשר כל דברי חז"ן טכונים בה. יהיו הדברים האלה אשר דברתי למען האמת והצדק, לאות דגם לדור אחרון כי גם בכמה השע"העשרה לא אלמן היה ישראל ממקוריו תורת ח"ל ומתומכי ידי חכמים וכופרים העוסקים להגדיל תורה ולהאדירה, וסובסחני, שכל תלמיד הגון אשר תצמא נפשו לשאוב מים ממעיני התכטה הקדומה ימצא די "בהתלמוד הקצר" הזה לרות נפשו השוקקה. ויהי גוגים ה' עליו ועל כל תומכיו ועוזריו כעתידה.

בנימין סאלר.
רב ומורה לעדת אוהב שלום
בעיר באלטימארע.
Dr. Benjamin Szold.

מכתב הרב"ג החכם הנודע בששרים לשם ולתהלה הר"ר קרפמאן קאהלער, רב לעדת בית אל בניארק.

New York, Feb. 12, 1895.

אדון נכבד!
בכל לבבי ובכל נפשי הגני מכמים לדעת הפרטיכור לאצארום הרבנים הדוקטורים יאסטרואו ומילצניער בשבח הוצאת התלמוד אשר הוא אומר להדפיס. גם אני אחשב לכשעצמי כי בהוציא לאור את התלמוד הקצר, שממנו נשמטו כל המאמרים המוסגרים אשר יכלילו דעת הקורא, ואשר יבואו בו כמני ההפסק כדי להקל על המעיין, אז יתנגד הקורא גם על המקומות הקשים ולא יהיו לו עוד למשא, ומזה תצא טובה רבה לתלמידי חכמים, בין שהם בני ברית, ובין שאינם בני ברית, אשר על כן חפצי להיות מליץ טוב בעד המפעל הזה, למען יתמכיהו חובבי ספרות העברית, אשר אך מעטים ישחרו מכספם בעדה.

דר. ק. קאהלער.
א. ס. ל. ראדקינמאן.

מכתב הרב"ג החכם המפורסם הר"ר ב. דר. פעלענמאהל.

Chicago, Feb. 14, 1895.

אדון נכבד!
איש לא יכתד כי התלמוד בצורתו הנוכחית כמו שנמסר לנו ע"י מסדיו, גדול הוא מאד בכמותו, ועוד זאת כי ע"י עוסק הפלפול אשר בו התקבוצו כחמט הוכר הסדרים, לא יוכל איש לדעת אותו על בוריו, חוץ מתלמידי חכמים אשר שמו לילות ימים וקדשו את כל הייהם אך לעלות בסנכס זה של הספרות הקדומה, אך בימים האלה ובארצות אשר בהן נשל על כל תלמיד חכם ועל כל מורה צדק לעדתו לקבוע עתים גם להכמות ומדעים אחרים, דבר שאי אפשר הוא לאדם להקדיש את כל עתותיו אך ללמוד התלמוד לבדו, אשר על כן דבר טוב ופה תהיה הוצאת התלמוד הקצר, לרוב העוסקים בו, ובפרט לתלמידים המתחילים ללמוד אותו, בין שהם לומדים אותו בבתי מדרש ובין שהם לומדים אותו

ככתב הרב הגדול המפורסם בחבורי,
מדבריהו ומפעלותיו בקהל עדת ישורן
הר"ר מרדכי נ"י דר. יאסטרואו. הרב
לעדת רוֹדֶף-שְׁלוֹם בעיר פילאדלפיה.

Germantown, Oct. 5, 1894.

אדוני הוקר!

למלא הצדק הנני לקחת את העונג לגלות
דעתי כי התלמוד הקצר (שבחנתי וראיתי את
המלאכה) שברצונך להוציא לאור יהיה לתועלת
רבה לתלמידי חכמים, יקן כי ע"ז לא יצטרכו
קוד לפלס להם נתיב בתוך נבכי השקלות והטרויות
אשר לעתים לא החקות אינן שייכות אל עקר
הענין שידובר בו. ובנותן ההעתקה ספרי התלמוד
הקצר (כפי מלאכתך) לשפה האנגלית, אף אם
אמנם עדינה לא מלאכה קלה הוא אבל לא
יבצר עוד מסעך מבין (מה שאין כן עם התלמוד
אשר לפנינו) ובכרי אותו כי הפך המוכ יצא
כידך, הנני מכבדך מאד

M. Jastrow.

To M. L. Rodkinson.

תעודת הרב הגדול המורה את התלמוד
בבית מדרש הרבנים בסיניסנאטא הנודע
ל"ס בחבורו הנפלא "מבוא התלמוד" הר"ר
משה נ"י דר. מילצניער.

קראתי קלים אחדים מהלק אחד של התלמוד
הקצר אשר ה' מיכאל לוי ראדקינסאן אובר
ההוציא לאור, ואמנא כי למלאכתו נאווה תהיה.
נ"י הוצאת התלמוד אשר כזאת חוקל ההבנה
בדברי התלמוד בכלל ובפרט להסתמלים לפי
שוממנה נשמטו כל שיח ושיח שאינו שייך אל
הענין אשר ידבר בו וכל מאמר מוכנר בדברים
צדדים אשר יכביר את הבנה הענין, מה גם כי
כמני ההפסק השאלות והקריאות כפי המנהג
ביתר הספרים יבאו בפנים התלמוד. תקוה חזקה
כי אוהיה ספורתו הישנה יתאמצו בכל עוז
להיות לעזר לחכם הזה בנוסם ומודם למען
יהי לאל ידו להשלים את המפעל רב-התועלת הזה.

Cincinnati, Nov., 1894.

Dr. M. Mielziner,

מכתב של הרב הגדול המאירי, שהאיר
והעמיד תלמידים רבים אנשי שם, שעד
מבוא השמש ינח שמו הר"ר צחק מ. ווייס.
(שכתב לאיש אחד שמו לא יזכר).

Cincinnati, Oh., Jan. 14, 1895.

ארח נכבד!

נחש מכתבי זה הוא מ. ל. ראדקינסאן,
הנודע אשר הצנתי להלכה לך כי תשים לבך
אליו ביחוד ולהכיר פעלו. המפעל אשר האדון ר. עוסק בו, הוצאת
התלמוד, מונה ומתקן והעתקתו לשפת ענגליש
פעל ענק הוא, שאר איש אשר כמוהו גם עשה
יעשה וגם יכל ויכל, אם יצאח חפצו בידו, או
אז הביא פעלו חיים חיים להורות האמריקני
גם מה וגם הוצא לארצנו. אחת אפוא ויכל השואל לשאל: היצליח
בידו להוציא חפצו אל תועלת? ועל זאת אענה

אני, כי בנוגע לחבמתו ודעתו הנני בטוח בו כי
יכל ויכל; וכן בנוגע לכף מעשיו אהיו להגיד
נכון לבי כי חפצו יצאח בידו, כי הוא איש רב
עילית, אשר לא ייעף ולא ייגע. ועליו התוכה
לעזר לו למען יהי לאל ידו להוציא לאור חלק
אחד לרונמא, למען תוכה דעת הקהל אם הוא
הגבר המוכשר למפעל הזה ואם לא.
ועתה מה אני שואל מעמך? כי אם להחזיק
ידו בהוצאות הנערכים לזה למען יוכל להוציא
לאור את החלק הראשון. אם החלק הזה יצא
מתחת ידו מתקן בהבטחתו, אזי יוכיח כי אמנם
ראוי והגון הוא להוציא את הדבר הגדול הזה
לפועלות אדם.

Isaac M. Wise.

תעודת הרב הגדול בישראל ובלאומים
הנודע בשערים בביאורו הנפלא על ספר
"איוב" כ"ט רב בנימין דר. סאלר נ"י.

Baltimore, Jan. 16, 1895

אורח נכבד בא לעירנו הוא החכם הרב מיכאל
ל. ראדקינסאן הנודע בתלמודו ובקיאותו בספרות
העברית הישנה והחדשה, וכי עשר ידות בו
בתלמוד ומפרשיו, וכידו מגילת ספר, אשר בשם
התלמוד הישן והקצר יכנהו; וישם לפני עולם
אחדים נרפים ממכנתא "ברכות" למבחן, וגם
מכנתא "שבת" בכתב יד הביא לפני ויחל את
פני לשון עליהם עין בקרת חדרה, למען אם
אמצא בספרו דבר-חפץ, אוכל להעיד על מלאכתו
ועל תכליתו בשני כל קהל עדת ישראל.
לגדל ערך המלאכה וקרתה בזמן הזה,
נעתרתי לו ועברתי על ששה עשר פורקים ממכנת
שבת בענין נמרץ, וכן בחנו ענין את העלים
למבחן מדפוס, ששם לפני; והנני עלו מאד
להעיד בכתב ידו דברי אמת, כי אמנם מצאתי
בם שאהבה נפשי. ויותר לקח לבי הסדר הנאה
שנצדו בו דברי הש"ס בכלי באופן ישר ונאה
וכי כל המאמרים צמודים, אחושים ודבוקים יחד,
על פי משפטי ההגיון, והמה קלים להבין עפ"י
פירוש רש"י אשר שם בצדס; ונעימים בהגיונם,
כי דבר-דבור על אשני יחנו וכניסו במדברותיהם,
אם כי המחבר לא הוסיף עליהם מרילה אף
מלה אחד, וגם לא שינה את לשונם.

ואם אמנם לא חדשים היו בעיני מאבחי
חש"ס אשר למדתי לדעת מנעורי הנח מעמתי
מצוף דבש חסד החדש והנאה ותאורנה עיני
כי מעתה בטוח הנני שחקרא הנכח ירוח בם
בהשכל ודעת, והיו בעיני כאלו כן יקרו מימי
התלמוד מסעינותם וכן יפכו ממקורם. ולכן
בעליצת נפשי אמרתי לפעלא מביא ישר חילו.
עד כמה נחון ספר כזה בזמנינו, שלמדי
התלמוד הגדול ורחב ידים עם כל מפרשיו ומבארו
כמו שהוא נרפס עד כה, ולאצור ממנו הפנינים
המפוזרות במקומות רבים, עד כי תהינה לאחדים
בחדרי שכלי, אין באפשרות גם לאנשי מדע
העוסקים כל ימיהם אך בחכמה ומדעים; ואולם
בהתלמוד הקצר הזה, אשר השקלות ובריות
היתרות שאינן מביאין שום תועלת, וכן הדברים
מענין אחד אשר נשנו כמה פעמים, יחכרו בו,
ויכל כל תורני להשיב בזמן קצר וכל יגיעה רבה,
את כל אשר יחפון לבו להבין ולדעת.
הדברים האלה הניעוני לצאת ממקומי ולחליט
פני אחבי הספרות הישנה, נכבדי אוממנו שכבוד

בשמן לבקש תמיכה על מלאכתי זאת, אך אני יראתי פן לא תעלה בירי רשמו יהיה לבז לכן חדלתי. עתה הניעני מכתב תהלה בישפת אישכנו וחות דעתו בישפת אנגלית מהרב הנדל הישיש שקנה חכמה. דר. פטקונטהאל. שהנני נותן את דעתו לפני הקוראים וגם לפניו היו 10 עלים ממס' ראש השנה, וישמח לבי מאד כי גם דעת החכם הזה מסכמת עם החכמים שקדשוהו ויהי גם שמו מבורך. לאחרונה הנני אתן תודה להמעתיק החכם הרב לעאנרד לי נ"י שמלבד שעשה זאת בלי כל תשלום נמול, הנה הואיל בטובו לקבל עליו את המרחא היתירה לקרא לפני כל מלה ומלה, טרם נתן לדפוס; ואין דבר בכל העתקתו אשר לא ישמתי עיני במו וראיתי כי היא מתאמת את האריגינאל. גם החכמים קראסקאפף ובערקאורן יקברו תודתם שהשתדלו בכל אשר יכלו לתמוד את ידי בחתומים אשר שלמו כסף מראש למען אוכל לנישט אל מלאכתי, והנני מודיע בזה לכל אלה אשר יתמוכו את ידי ויעזרו לי בין בכחם בין באונם, בין בעשה ובין במעשה, כי לבד זאת ששכרם יהיה כפול מן השמים יברך דור אחרון את שמם, כי ישמם זכר ויפקד לעוזרים ותומכים בשערי המסכתות הבאים. ובוזא אצא מאת פני הקורא, לא בקירה והשתחוויה, כ"א בשלש פסיעות לאחורי, מרכין ראש, למורח, צפון ודרום ואומר: שלום, שלום לרחוק ולקרוב. וה' יברך את עמו בשלום.

נוארק יום שהוכפל בו כי טוב כ"ד שבט תרנ"ה לפק.

מיכאל. ל. בהרב החסיד ר' אלכסנדר ז"ל בן-רא ד ק ה.

מכתבי תהלה.

ואנה המה המכתבים שכברוני בהם גדולי הדור עשר שנה לפנינו והיום, שהנני נותן אותם, כסדר יום כתיבתם, בתורה. הכתובים בישפות החיות העתקתי לישפת עבר, והכתובים בישפת עבר העתקתי לאנגליש למען ירחן בהם כל קורא:

פערענטיזמוס שוורר בם וואנד בם כל רגש טוב ונשגב לטובת התלמוד וזיהדות כלל; ואולם בין אלה אשר יחשבו את התלמוד למקור חכמתם או כי שאך דבריו נר להגלם, כרובם הם מבעלי קוצר רוח וקטנות המוח תשתרר בם, אשר על כן יחסר להם מבט ישר על קורות העתים ועל הדעות הנשגבות אשר תצאנה לנו מן ההיסטוריה אשר אך על ידי ההבוננות עמוקה בהם נוכל לטכס נצח ולחבר ספר כזה.

ואולם גם על התחלת העבודה וההכנות להמלאכה ישמח לבי מאד והנני מוכן לתת ידי להן. אמנם עד כמה שקצה לי לכלי תת ידי לדבר הזה ולהשיב פניך, לא אוכל, עם כל הפצי, לקחת על עצמי מלאכה כזו או גם אך להשתתף בה. בשכר עמוסה עלי עבודה רבה בצרכי צבור שהנני רובץ תחת משאי ולא אוכל להעמיס עלי עבודה חדשה הצריכה עמל וזגיעה רבה, ובעת שלא אוכל לקוות על תמיכת חכמי הדור שיחקו הלק בזה, במצב כזה יחסר לי העוז וגם הנטיה לזה. מקרב לבי אברכו ברשואה שלמה,

הנני הסבירו

לאצארוס.

מכתב הרב הנדל המורה בבית מדרש המדעים בברלין ויועין הממשלה וכו' שמו נודע למשגב הר"ר משה לאצארוס נ"י.

Berlin, den 20 July, 1885.

ראדקינסאן אדני הנכבד!
למענה על מכתבו חיקר מיום י"ד לה"ו הנני להגיד:

בשום לב ובשמחה קראתי את מאמרו הראשי בהקול נ"י 298, אבל גם תוגה הרישית לקחה לכבי אחרי התבוננתי בדבריו.

שמחתי כי הרעיון הנשא הזה הנוגע ברומו של עולם היהדות פורש בשום שכל בהקול אבל גם צר לי מאשר לבי לא יתנני להאמין, כי אראה את מחשבתך יוצאת לפעולות אדם בעודני בחיים הייתי.

אין כל ספק בלבי כי באיזה מקום ובאיזה זמן יצאו דבריו אל הפועל, כי המה נחוצים וצריכים, אבל המלאכה הזאת תוכל להעשות רק י אספת ומעשי חכמים מובהקים, שגם הם יהיה להם על מה שיכמוכו, כי יקבלו תמיכה להוצאות הדבר הגדול הזה מהחיים עשירים ונדיבים.

אבל כאלה כן אלה רואים אנחנו שהאינרציה

(ז) בחרתי במס' "ראש הישנה" לתת קודם משני טעמים (א) מאשר המס' ברכות היא ביד המצות כמו שהיא ואשר נדפס עד כעת נתקלקל (וב) כי מפני שרא חכיל הרבה חפצתי לתתה עם ההעתקה ביחד, להקל על הסבקר שיוכל לבקר את המעקסם וההעתקה גם יחד. חולת זאת המסכתא הזאת לכד ההלכה, תכיל ענין גדול ונחוץ במנן שנות החמה והלבנה ובענין קידוש החודש תקנת ריב"ז ועדותם השוה לכל נפש חוקר ומעיין ברח"ל.

(ח) עוד אחת הנני להבטיח ולעשות לסובת כל הלומדים והמשכילים, והוא להעמיד כל הדברים שהובאו במשניות ובגמרא כ"א על מקומם הראוי ביחוד; במסכתא הזאת ימצא זאת הקורא בענין מוסר דין לשמים, והוא מצער. אבל במקום שיבאו מצינו שלמות והגמרא להם שלא במקומם הראוי לענין המדובר בהמסכתא, אעביר אותו להמסכתא היא אשר עקרה ידובר בענין הזה, וכה תדבר כל מסכתא ומסכתא רק מענין שיצא מוביח. ובקדושין אשר תופיע תיכף אחרי זאת המסכתא, ימצא הקורא דוגמא גדולה מזה וידן מהם על היסוד; והוא תועלת גדולה להסדר הנכון ואקוה להפיק רצון בזה מאת כל המפלגות בעמנו, כי אם לא יאבו אחדים להכיר את מלאכתו לחלמוד הקדום, הלא על כרחם יודו, כי הנהו "קיצור התלמוד" מההלכה והאגדה וכל המשא ומתן בהם לא נחסר, וכי הוקל מאד לכל מעיין אשר יאבה לקרות בגמרא, שעד כה היה לפניו כספר החתום.

(ט) הרה"ג דר. מילצ'נער העיר אותי במכתב מיוחד על המראה מקומות מהש"ס שנשמטו בברכות ועוד על דברים אחדים; שמעתי גם לו ונתתי את הספר "תורה אור" על מקומו לפני כל מקרא ומקרא שהובא מהתנ"ך אבל איני מקבל אחריותו עלי כי אם אמנם מצאתי באיזה מקומות שהמראה כקום נשתבש, לא לקחתי עלי את המלאכה לחפש ולעיין אחריו כי רב המלאכה לפני מבלעדה, ולכן הנחתיו כמו שהוא ב: כרות הישנות, וגם על יתר הדברים שהעירני החכם הנ"ל שמתי לבי והנני מודה לו על יגיעתו לקרא פיק אחד מסדורי בעין פקוחה חודרת ובוקרת. כן הנני מודה להרבנים הגדולים עיני ישראל הרה"ג דר. מ. יאסמ'אוו והרה"ג דר. ב. סאלר שנעתרו לבקשתי לעבור על חלק מסוים ממלאכתי בעין בקרת ולחות את דעתם גלוי לעיני כל ישראל והעמים, וטקרב ולב עמוק אברך את זקן בית ישראל את הרב הגדול המאירי ראש בית המדרש לרבנים בסינסינאטי ועורך את העתון הנודע לשם *American Israelite* אשר לא יניח את ידו להטיב אתי בכל אשר אך יוכל בנפשו ובמאדו; יהי נועם ה' על כולם להאריך ימיהם ושנותיהם לחפארת ולטובת בית ישראל.

כן יקרה בעיני עצת החכם המלומד הר"ק קאהלער לקצר כל מה דאפשר, כי דעתו היא שכל אשר יסמן בכמותו תגדל איכותו, וכן כתבתי אני זה עשר שנים לפני. אבל לדאבון נפשי לא אוכל לקצץ בנטיעת כללי האפנים שעדיהם תסוב מלאכה. יהי שם הרב קאהלער מבורך בעבור יגיעתו ועמלו בשביל היהדות והיהודים, כי הוא היה ה-אישון אשר זה שלש שנים לפנים התנדב לי את שמו ויצוני להדפיס מכתבי כובבים

מה מודים הנדפסים מפני שהיו משובשים עד כי אין באפשרי להשתמש בהם. שלכן בחרתי ב:ס' הזאת לתתה עם פרש"י בשולי היריעה מתחת, אם כי המראה מקום מסני הקריאה והשאלה ונקודות המפסיקות ופרש"י לקחו יותר ממחצה הגליון בכל עמוד, ואולי גם שליטה רבעים, דבר אשר לא דימיתי מראש, ואם אמנם גם פה נפלו איזה שיטאות הדפוס מאיותות הדומות, אבל בכלל טובה הא ההנהגה, כי בר ס רב משכיל ובקי בתלמוד הדפסתי והוא קבל עליו מלאכת ההג"ה, ונשתדל ביתר המסכתות כי לא תהינה שגיאות כלל.

דעת דברים שהמה נגד דעת בעלי התלמוד ומטרתם הכללית, יוסרו באין חמלה. (ד) לפעמים יצאתי גם מאלו הכללים במקום שראיתי כי כמעט אין באפשרי זאת להעתיק בשפה חיה, כמו: הנותן מטתו בין צפון לדרום הוין ליה בנים זכרים "סנא" וצפונך תמלא במנע" אשר יקשה מאד להעתיק מלת וצפונך במובנה פה "נארד" מפני שמובן המלה בכתוב יש לו הוראה אחרת וגם אז אין שום ראייה מהכתוב, כי הבטן תמלא גם מנקבות — שעל כן הנחתי המאמר ואת הראייה מקרא החסרתי, וכן במסכת הזאת (כא.) מהיכן את? מדרהריא, (2) דם תהא אחריתו. שכל העיר לא נבראה אלא למשל הזה שאין לנו ממנו כל תועלת והמעתיק לא יהיה בכחו להעתיק אף אחרי הויעה יתסמך משערותיו. כל הדומים לזה החסרתי מבלי לנגוע בהענין עצמו.

(ה) ציינתי בכל צד וצד את הדף שבגמרות הישנות, להקל על הקורא אם יאבה לקרא גם את החסר, ובסמן הכולל (ב.) (ב:) "שר"ל ב. עמוד א', ב' עמוד ב וכן בולם.

(ו) את פירוש רש"י כמו שהוא הנחתי במקום שנצרך ואם אמנם נרעתי ממנו רב במקום שיוכל הקורא להבין את הנמרא מבלעדי פירושו. על כל זה לקח ממני כמעט מחצית הנליח בכל עמוד, והאמת לא אכחד, כי לא כן היתה מחשבותי מתחלה כאשר יראה הקורא בפתח שני, אבל יען הרב המלומד היותר גדול בזמנו לאנדא ז"ל העירני ע"ז במכתבו ואני הבטחתי לו לשמוע לקול דברו, קימתי הבטחתי אם כי נרמה לי נזק רב, כי במס' ברכות כבר החלתי להדפיס הרש"י בצדו, מלאכה אשר לא הורגלה בה מסדרי האותיות במדינה הזאת. (3)

(1) הנני מוציא את עצמי מחיוב להדאית דוגמא אחת לקוראי וישפטו עליה ומסנה: בברכות (י.) יאמר רשב"ה בשם ר' יונתן (בש"ס) נדפס יוחנן הוא שבוש גמור כי רשב"ה יאמרם בכ"ס אך בשם ר' יונתן. כל פרשה שהיתה הביבה על דוד פתח בה באשרי וכוים באשרי דכתיב אשרי האיש וסיום באשרי כל חוכי בו. וטרשת אחרת כזאת לא נמצא בכל התהלים ועיין תוספת שדחקו עצמם לישב א- לא עלתה בידם. והנה פרשת "למה רגשו" לפי דעת המסויים מדברת רק מגדולתו של המסיר, "בני אתה", "נשקובר פון יאנף", "אשרי כל חוכי בו", ואת דעת רשב"ה בדבר המשיח ימצא הקורא ביסודו של ר' משה הררשן פ' יוצא ל, בספרו של הדר. וינשע הנקרא בשם "יכור, המשיח" ובישועות משיחו להאברכנאל בשינוי נוסח מעט כפי הכתוב בירושלמי. ולכל אאריך הנה להציב לשונו פה, הנני רק להעיר: שהוא רשב"ה אומר: שנגילה לו מפי אליהו שהמשיח נולד בבית לחם יהודה, ושהוא אליהו מחכה עליו ליום הרין הגדול. אותו מצאתי אומר (בשבת קטז.) כי שבינה ספרי תורה לנו ולא חמשה חומשי תורה (לא מסנים חאומר כי "יהי בנסוע הארון" הוא ספר מיוחד ועיין נא הקורא היסב). אותו מצאתי מדבר בכגנון הזה במקומות רבים מאד מתלמוד וכולם מצוינים אצלי (אחרי נתתי ציונם להדפיס הגדול לאצארום במסרי לו ציוני הש"ס); בהוצאתי החסרתי מאמרים כאלה, ולא אכחד כי חסוד בעיני המזמור "למה רגשו" למעשה ידי המשיחים; ואשר כמותם נמצאו עוד, הראני תחכם המדקדק הד"ר ר'ם רייכנרכאן וירשני אמנם להרים אזהרם על גם בשמו וגם הראה לי חתימת "שאל" על אחד מהם, אבל לא פה היא המקום. מה גם כי הדות לה' חי הוא רייכנרכאן והקוראים יוכלו לדרוש ממנו אך זאת אחשוב לו לחובה להגיד כי מתחלה פה לבי להאמין לו ואח"כ הודותי לו בלבי, מפני ראייה חזקה אחת אשר מצאתיה אח"כ ונקבע הדבר בלבי.

(2) ראת החלוץ 7. בדבר השמות והמאי יזואי וכו', כי נכונה דבר.
(3) (וגם מלאכה כבדה היא באמת לשער מקודם כמה יהיו שורות רחבות במקום שהרש"י עודף על הנמרא, וכמה קצרות במקום שפרש"י עודף ובעת ההיא לשמור את הסדר שהיה פרש"י במקומו; כי מהש"ס הישן נקל לעשות את מפני שהדפים מכל הנמרות שוים הנה מ"א"כ פה שנצרך למדד ולדייק, וע"כ עלה כולו קמשינים. בשני דפוסים הדפסתי מס' ברכות האחד פשט את הרגל בכלוחו פורק ראשון, ולא קבלתי מאומה. והשני הוכרח לקלקל כעשרים לוחות עלעקבו א"כ פ

„בת קול“ קוראת בקול, כי הוא איננו עוד „בן־בלי־עזר“ כ א אלי־עזר הכוזמן וכוכן לחיי עולם הבא, וירשבי מרום אשר נפקחו עיניהם לראות את העני האובד הזה מטפס ועולה וכפסע בינו ובין מטרתו ואין עוד בכחם לעמוד כנגדו, החלו גם המה להאיר פניהם אליו אם כי עיניהם תולנה דמעות וביטחון מר יענו ויאמרו: לא דיים לבגלי מחשבות ותשובות האלו ימחקבלק, כ”א גם „רבי“ יתקראו, ו”חכם“ יתכנן.

זאת היא התכונה אשר עמדה לנגד עיני בעת כמעט אמרתי נואש לכל אשר הגה רוחי בעולם הישן והחדש אשר נרחתי גם בו כדחי אל דחי: כי כאשר נגלו לפני יסערי ארץ החדשה, נגלו לפני גם ימים חדשים גם תלאות חדשות גם צרות חדשות, גם אויבים חדשים אשר סבני כדבורים ויעקצוני כשועלים, ולא מצאתי מנוח לי וכמעט לא האמתי בחיי, אבל רעיוני הלוני בכל מקום ובכל עת, ביטכבי, בקומי ובלכתי בדרך, ולא ברשתי לנלות לבי לפני חכמים בבקשת עזר וסער אשר כמצחק הייתי בעיניהם, עד אשר במילים מעטים האיר והעיר את רוחו השופט החכם המבין ויודע תושיה מאיר סולצבערגער מעיר „אהבת אחים“ אשר אמר לי: „רב לך חולם חלומות מאשר יש בכחך להבין ולרקח, הוציא מתחת ידך אשר עשית ואשר כוננת והנה לפנינו; והיה אם נראה כי יש ממש בה נהיה לך מעיר לעזר“ לדבריו אלה הקיצותי ואך סבותי את שכמי ממעונו קניתי לי נמרא והחלתי לעשות את מלאכתי ואז ראיתי כי חפץ ה' יצליח בידי: ואך אז קניתי לי ימים קסן וגדול והדונמא הראשונה מינחת לפניכם.

ואתם חכמי לב, אנשי אמת, וכל אשר לו עין בקרת והודרת, הואילו נא לעבור על המסכתא הזאת כולה בעת אשר תהיה הנמרא הייטנה פתוחה לפניכם, ואל תמהרו להוציא מיטפט, טרם תסתכלו היטב בכל החכר פה, ובטובכם תדקדקו היטב ללמוד את המאמרים השלימים, מקצתם וגם מלות אחדות אשר לא תמצאו פה; וגם תעיינו במסורת היש”ם בצדה ואז, אמרו נא את אשר בלבבכם, גלוי, לעין כל.

הא לנו, אחי ואדוני, לא לנו, כ”א לשם התלמוד, לשם „תורתנו שבע”פ“, היי רוחינו ונשמת אפינו, תנו כבוד! הדעת והתכונה, האמת והצדק, תהינה לכם לרוח משפט ולקו בקרת על הילאכה וכשרון המעשה, והיה אם תמצאו כי היא דורשת תיקון, באיזה מקומות או בכלה, השמיעוני נא והנני מוכן לשמוע לקולכם, כי יהיה בשם ולשם האמת, אך לבקרת הצופה ולדברי בתי, הנני מניד מראש, לא אשים לב ולא יעשו יסום רשם עלי...

בכפר מיוחד, אריסום בכתב אמת את הסיבה והטעם, שהכריחו אותי לחסר את הדברים שנהסרו בכל היש”ם, כל אחד ואחד טעמו בצדו; אם תהינה עתותי בידי, אחרי יוכני היסם לראות, כי כבר יצא התלמוד הקצר מבית הדפוס, ואניחו באחד מבתי אוצר הספרים שיר רבים ממשמשים בהם כבריטעש כיוצאם בלאנדאן, אבל הנני מוצא את עצמי מחויב לתת גם פה כללים אחדים שעל פיהם הנני ערשה את מלאכתי, גם פה, והמה:

(א) בכל מקום שנכפלו הדברים בין בלי יש גוי ובין גם בשינוי לשון קצת, בין על מקומם ובין במקומות מפורים בכל היש”ם, יבואו רק פעם אחת במקום הראוי להם.

(ב) שקלות וטריות, בתוך השקלות וטריות, שנתוספו במאות האחרונות להתחלת התלמוד, שאינן מוסיפין יסום חדש בהחלכה עצמה או במשאה ומתנה, וכן בהגדה, יחסרו; ורק המסקנא תבוא במקום שהיא צריכה.

(ג) את אשר הכניסו בו היהודים המשיחים בודח וכן אשר הכניסו רבים בבלי

בששר, או כי חרש פסל תעשה? אפונה! ... אמנם כן בנסיין יסודה, ובתכונת האנשים וסדרי התבל מקורה, אבל אדמה כי הנל לא יכולנה, היריעה תקצר מהשתרע וגם המעצד והמקדח אין אותם המה לפסול למו לחות התמונה הזאת.

התמונה הזאת אשר יצירו לנו חכמינו בשכלם החד, לא חרשוה המה מדעתם, כי זה כאלפים שנה הגה אותה ראש נשיאנו הלל הזקן ברוחו, לאמר: אם אין אני לי, מי לי? אם לא עכשיו אימתי? אבל קולו היה קול קורא במדבר, והחיים בעיר ובשרה לא שמו לבם אליו; ואף חז"ל בעומק בינתם, ובעוז רוחם ירדו לסוף דעתו של נשיאנו זה, ולפרש ולבאר את שיחו ואת הניונו בראו למו תמונה נאמנה שבה תארו לפנינו בשרד את עומק דעתו ורחבי בינתו, את שיחו ואת הניונו; אך חז"ל האחרונים שהקדישו את כל ימיהם ללמד את תכונת האדם, לתכן את רוחם ולדעת סדרי התבל, אך המה אישר למדו לדעת את נבחות חלב של בעלי הכסף והזרע, ואת מרת נפש העני האובד המבקש עתירות לו בין רעיוניו אשר יוליכוהו בשימון דרך, אף למו, הורה נסיונם למצא תמונה כזאת מאיש מסכן המקריב את עצמו על מזבח האידעע שלו ואשר יאמר לחקן בו את העולם כולו וגם למצוא בו אחרית ושם לו בהעתיד הקרוב. אשר בשם עולם הבא יבנהו.

בשנינו וברוחו המר יראה המסכן כי חכמתו בזויה, כי להוציא מחשבה כזו אל חפועל אין לאל ידו בלתי עזרת מרום העם היושב בה, והנהו פונה אליו ומבקש רחמים כי יתמוד בידו; הנהו קורא לישע את אילי הזהב שיחירו בעולם החשוך כזהר הרקיע, הנהו מחלה את פני החכמים שכשמש וירח הנם בעיניו, או כי בעיניהם, כי ישימו לו לב, הנהו פורש בפיו אל בעלי המזות שבין הכוכבים ישימו קינם וההתחרות והספיקולציה יסודתם, כי יקחו את האידעע שלו למשחק למו וינסו בו את כחם, אך כולם כאחד ישחקו יעלנו לו יבחו לו בפניו ובשחקו נלוי על שפתם וכעם אצור בלבם, יענו לו: הלמסכן להתחכם? הלעני לבקש עתירות, הנם אובר בין האידעעיסטים? סוב פנה לך אל הדומים לך! כי עד שנעתר לבקשתך, נבקש רחמים על עצמנו כי מי כמותו ההרים הרמים, הנבעות הנשאים אשר לשמים יעלו שיאנו ובין כוכבים נשים קנו בעלי אידעעים? הן כולנו מחשבים אנחנו אחרי עתידותנו, כולנו חפצים בעולם הבא, כולנו עסוקים בו, אך עוד לא עקה בידנו אף חצי תאותנו, ומי אתה כי תקרב אלינו? ברח לך איפוא, עני וכואב, אל מקומך, בישל תשב שם תנוח ושמה תקבר אתה ואידעעותיך ומאתנו הרף ואל תפריע את מחשבותנו כי יש לנו רב".

אך האובד הזה, לא לבד שלא נפלה רוחו בדברם אליו בה, כ"א התאזר ויעשה חיל, כי אך ראה שתוחלתו במ נכובה, אך התבונן כי חנם עבר שבעה נהרות, שוא שקד לעלות ההרה, להבל כלה כחו לדלג שור מחמה ללכנה ולקפץ מכוכב זה אל מזל אחר, התחזק ועמד על עמדו ויאמר אל לבו: מה נואלתי בשומי מבטחי על ההרים הרמים, מה שניתי בחשבי שאת האידעע שהריתי והייתי שנים רבות, ייכלה שארי ולבבי, יפציאו לי זרים! שוא לכם נבורי הכסף, חבל עליכם חכמים בעיניכם שלהטיב לא תדעו, בושני מדבריכם כוכבי חושך, ספיקולנסמן אשר לא תבינו באידעעים ולא תדעו מה לזרות ומה להבר, לא בכם הדבר תלוי, אין האידעע תלוי אלא בי! כי לבדי, כי האם אין עזרתה בי? ! ובדברו כזאת נהפך ויהי לאיש כביר בח ורב אונים, ויחגור עז לשום ראשו בין ברכי עצמו; ואם כי כמעט לא נותרה בו נשמה, לא זו מזם עד שהשיג את מטרתו, עד שאחז בקצה החבל שבו יטפס ויעלה אל על, אל ראש האידעע השוכן בקרבו. בו יאחז ולא ירפנו ובכל יום ויום הנהו מטפס ועולה ומתקרב אל מטרתו ואיננה עוד ממנו וחלאה! או אז תשמענה אזניו כאחוריו גם

ונ"שאי כליו, עם האלפסי והאשרי וכל ההנהות אשר נתוספו בו גם מהאחרונים, ובו אלמוד בשקידה ובעין חודרת ולא אניח אי"ה שום מפורש, מניה, מראה המקומות השייכים לעניני וגם את אלפסי והרא"ש אקרא וכן גם את הש"ס ירושלמי אקרא במקום שישנו, ואחרי אתבונן ואחליט מה לזרות ומה להבר, ארשום בעט עופרת בהש"ס הקטן את אשר החלטתי להשאיר לי, מהפנים ומרש"י ובוזה עשיתי את מלאכתי, כי בפנים הספר לא אוסיף אפילו אות אחד משלי, ורק את אשר אמצא להעיר א- לפרש להקוראים מדוע עזבתי את המאמר או ההגדה ההיא ארשום בסמנים מיוחדים אשר אוכל לקרות בהם רק אני לבדי בספר מיוחד, ואת הספר ההוא לא אשלימו עד אשר אכלה את מלאכתי כולה מכל הש"ס. ויען כי לפי ידיעתי הברורה ריה היא לפני יטעה אחת לרף נמרא אחד עם כל מפרשיו ונרשאי כליו הנצרכים למלאכתי בלי שום פלפול צדדי שאינו נוגע לעניני, מפני שכבר קראתי אותו כולו וגם כל הירושלמי תוספתא ומשניות בחורף 84—83, וישנם דפים כאלה אשר גם שעה תמימה לא אצטרך להם וגם חצי שעה תספיק להם, הנה יהיה בכחי ללמוד ולהבין בכל יום עכ"פ חמשה דפין נמרא אשר יהיו מוכנים לדפוס, וכה נצרך לי למלאכתי רק ערך 550 ימים אשר אעבוד בהם חמשה שעות בכל יום כי לערך 2570 דפים (זולת היסמניות) נמרא ישנם בכל הש"ס בבלי.

ואחרי כל אלה אם גם המצא תמצא איזה שניאה כמלאכתי, היינו אם אחרי כל ההתבוננות אשמים איזה דבר אשר החכמים ימצאו אותו מעקר התלמוד, או כי אכנים דבר אשר החכמים ימצאוהו שאינו מעיקר התלמוד, הנה לא אקצץ בזה בנסיעות כלל, כי את החכר יוכלו להשלים בכל עת והנוסף יוכלו לחכרו, העקר הוא כי הרעיון יצא לפועל והמלאכה הראשונה תוגמר; וההשלימה לפארה ולכללה עוד יש עת רבה ועוד לא תמו חכמים מן הארץ, ומוקירי התלמוד עוד ישנם, אנכי אעשה מה שימוטל עלי ובכל כחותי וכשרונות נפשי אעבוד את העבודה הזאת, אבל לא אוכר כי לא אישנה, או כי "קבלו דעתי" אני יודע את עצמי הודות לה', יודע אני את חברי ויודע אני את רבותי, אני אתבונן במה שהרשתי ואעשה את שלי, והמה יעשו את המיכל עליהם והתלמוד הקצר יהיה אי"ה לנס ולברכה לכל ישראל ולכל הנזים אשר יראו אותו בקצורו בהדרתו ובהעתקתו.

ועתה אתם בני ישראל כל אלה אשר מצא הרעיון מסלות בלבבכם, כל איש אשר יקר בעיניו תורתנו הקדומה והטהורה, כל החפץ בטובת עמו ותוורתו, תמיכותי, עזרוני! תנו ידכם לדבר הגדול הזה, עמדו לימיני ונוגנו עלי בחסדכם, והיו נבינים לקבל את תורתנו שבע"פ הקדומה הישנה והטהורה על ידי איש דך וכיאב אינר הקדיש את חייו למטרה הזאת, והתברכו מן השמים.

פ ת ח ש ל י ש י

התמונה המבארת את דברי הלל הזקן.

הרים וגבעות, שמים וארץ, כחה ולבנה, ככבים ומזלות, בקשו עלי רהמים! עד שנבקש עליך נבקש על עצמנו! אמר: אין הדבר תלוי אלא בי! הניח ראשו בין ברכיו וכו', יצאה בת קול כי מוזמן ידיו עולם הבא, ככה רבי כו' ואמר: לא דיין שמקבלים אותם אלא גם כי קוראים אותם. (י"ז ו"ז במעשה דבן דוריא).

חכמי חרשים קרבו הנה, ציירים אמנים נישו נא והתבוננו במה כהכם גדול לצייר לפנינו תמונה זו שהתוו לפניכם חכמנו ז"ל בכפור חול ובקוצר כליים, כעשר מאות שנה לפנינו, התעשו גם תוכלו? העל היריעה הפרושה לפניכם תתאוו אותה

עמלי! מה גם כי אחרי יודע מהות הספר, אחרי יוכחו כי לא נוסף בו אות אחד מכל הכתב והנדפס בכל השס"ן כבר ואך יחכרו בו מאמרים הנמצאים בכל השס"ן, לא יעלה ולא יוריד שם המסדר את הש"ס מערכו אף כמלא נימא, וגם הקנאים היותר גדולים אם אך יודע להם כי אין בהספר הזה אלא דברי התלמוד בעצמו ולא חסר ממנו גם ענין אחד בהלכה ואגדה, ורק הדברים הטפלים נחסרו בו, לא יטענו את עצמם מללמוד בו וללמדו, כי גם המה אוהבים את עצמם וחפצים לקחת מן הכוכן בלא עמל וזיעה, מלעמול וליגע את עצמם חנם... ומכאן אמנם תשובה גם להשאלה השניה אם יקובל הספר לעם אם יהיה רק מאיש אחד, אבל נוסף לזאת נשאל גם אנחנו: ההסכן הסכן העם לקרא בספרים אשר נתחברו ממחברים רבים? או הנמצא ספר כזה? הן מעת שהנחיל הקב"ה את תורתנו הקדושה למשה מורשה, ואמר זכרו תורת משה עבדי, נקבו כל הספרים בשם מחבריהם האחד, והמספר היותר גדול הוא השנים: המינה נקראת ע"ש רבנו הקדוש, החוכמתא ע"ש ר' חייא ור' אושיעא, הש"ס ע"ש רבינא ורבאשי, המדרש ע"ש ר' חייא רבה, הספרי ע"ש רב וכו', ומאז והלאה נקראים הספרים ע"ש מחבריהם היחידים, השאלות ע"ש רב אחאי. ההלכות גדולות ע"ש ר"נ מקיירא, וגם המחברים הכאחרים אשר חברו ספרים ויחפצו כי יקובל ספרם קראו עליהם את שם אחד מן הגדולים כמו פרקי דר"א, אבות דר' נתן ועוד ועוד. ואין עוד לדבר מספרי הרבנים אשר כל אחד ואחד נתחבר רק מאיש אחד אם גם ספר דתי הוא להלכה ולמעשה, ומעולם לא נתחבר ספר דתי כאספת חכמים ע"ש ישיבת אקאדעמיע ועפ"י רוב דעות בישראל, ואיפוא א"כ יקח לו ההמון את הרעיון לבקש ספר שיצא מסוד חכמים ונבונים יושבי ביטבת תחפמוני? וכה לא נשאר לי אלא לפרש במה כחי גדול אשר אדמה בנפשי לנשת אל המלאכה לבדי ואיככה אוכל לטער זמן עשית המלאכה לא יותר מן שלש שנים בעת אשר לכאורה הזמן הזה נצרך גם לאיש מלומד לעבור על כל הש"ס עם מפרשי ונרשאי כליהם? ואיה היא המלאכה הקשה והכבדה מאד, מלאכת ההעקקה מן הש"ס אשר גם לזה לא אוכל שום עוזר מפני שאין ידי מיטנת לשלם להם, וכפני ינסיתי כבר בעסקי בעבודתי אצל האדון הפראפ. כאצארום כי ההנהגה למלאכת המעתיק לקחה ממני עזותי יותר מאשר העתקתי בעצמי. ואיד אפוא אקבל עלי מלאכה כזו לגמרה כליל במשך שלש שנים, אם יחייני ה' גם מבית הדפוס?

יודע אני אדוני את כל אלה, וחלילה לי לחשוב על עצמי, כי הנני מהיר במלאכתי יתר מכל חכמי הדור, או כי מן המלומדים בגילי ועב"ז הקצבתי הזמן בהתבוננות רבה ובמתינות. והנני רואה כי הזמן הזה היותר גדול הנצרך למלאכה הזאת וגם אז אם אעבוד רק חמשה ימים בשבוע, ולמען יאמינו לי קוראי אפרש את סדר המלאכה ואנלה את סודה. כי כבר כתב עלי החכם מא"ש שאיני מבעלי הכור, ואז יראו הכל, כי לא כגזם ולא מתפאר אני.

קוראי "הקול" חמש שנים לפניו כבר ידעו כי בקי אני במלאכת השבעת הקולמס וכבר גליתי את סודה (בגליון 14 או 16 שנה חמישית בו, כי איננו בידי בדרכי לעיין בו) אבל אחי, הוספתי חמש שנים ולמרתי עוד מלאכה אחת אשר גם בה ישתמשו סופרים רבים והוא מלאכת המספרים ואת המלאכה הזאת אשר אני אומר לנשת אליה לא בקוממתי ולא בעמי אעבוד אף בשבלי הדל ובמספרים התרים שיהיו בידי.

אני אעשה את מלאכתי בשתי שס"ן האחד יהיה ש"ס גדול עם כל המפרשים

(1) יעניין כ"ז בכפר דור דור ח"ג בפרקי השבעה עשר והשמונה עשר.

ובכן אקוה כי כל ההונה דעות והכהבונן יבין וידע כי אין עצה ואין תרופה אחת כ א לטהר את התלמוד, לנקותו ולהפרידו, לקבל את כל כאכריו הקדושים, אף כל ההלכות והאגדות שאין בהם כל נפתל ועקש ולהדפיכם לברנה, ולהרים אותם על נס לעיני כל ישראל ולעיני כל שונאינו ומנדינו לאמר: „זאת היא ההונה שבע"פ אישר ישמו לנו חז"ל בעלי התלמוד, והישר מונח בארכיווע, כרוכה ופונחה בקרן זוית וכל הרוצה ליטול יבא ויטול, וכזה ידע ישראל את התלמוד אשר לא ידע עד כה, לא יירא עוד ללמדו לבניו, ולא עוד יבוש בו ישראל, ונם משנאינו יתנו בעפר פיהם כי את האחריות מהמאמרים ישנשאר מונחים בארכיווע לא יוכלו לשים עלינו כי אז הלא נאמר להם עד יאתם אומרים לנו מול קיכם מבין שיניך, אומרים אנחנו לכם כול קורה מבין עיניך.

עתה אדוני! אחרי הודעתי לכם באגדתי הראשונה כי אחרי ההסכלות וההתבוננות על ספרותנו הזאת לא נתן לי הרעיון מנח יומם ולילה להשיב לרעם את התלמוד והתלמוד להעם, אחרי התבוננתי וראיתי כי הירא ורך הלבב עבודתו פסולה, ואחרי אשר לקחתי לי למשען את עצת חז"ל במקום שאין אנשים היתדל, ואחרי אשר אני רואה כי רעיוני מצא מכלות בלבבכם ותבנינו את נחיצת המעשה והמלאכה, איטוב לפרש לפניכם את כל מחשבותי בזה ואת כל פרטי עבודתי אשר אומר לגעת אליה בקרב הימים בעזרת אלקי אבותי, ואענה על אחרון ראשון ועל ראשון אחרון: מודה אני כי לוא יכלתי לעשות את מלאכתי בחיאי ולא נליתי כמנה גדי תהיה כילה מוכנת ביד, כי עתה יותר טוב היה לפני בפרטים אחרים, ונם בפרטים אחדים להמלאכה בעצמה כי את הנעשה כבר אן להשיב, ואם אמנם לא נקבל אצטנו שום ספר בלא קולות וברקים, מיום נתנה התורה לנו, הנה הקולות לא יחדלון נא וזו כאשר כבר יצא הכפר מבית הדפוס; מימינים ומשכאיליב, כזכים וכחייביב, לא יחסרו לנו גם בעת ההיא, ולכן יותר טוב היה הדבר כוא היה ביכולתי, ליטב במנוחה שלש ישנים למצער ולא לעסוק בשום דבר זולת מלאכתי הזאת, אבל מפני שאין בכחי לעשות את הדבר הזה, ומפני שבאמת חפצתי לשמיע דעת החכמים והתורנים על עצם הרעיון ועל נחיצת המלאכה ראיתי כי לא נכון לבטל את המלאכה ולבלית את הרעיון מפני פרסומו.

וע"ד אשר יחריטו אחרים כי שמי, שם יחירי, זיק לקבלת חספר, אונם לראשית המלאכה, הנה יתתי תשובות בדבר, א) להדפיס את הספר בלא שם המחבר זיק מאד, כי מעת החלה המיכיאן האנגלית והאשכנזית להפין ספרי עברים בהנלמח שם המחבר, יוטל ההינד על כל ספר אשר יופיע בהנלמח השם אם נם מכרהו הוא ננד חמיסיאן, ונם המזיק ברעותיו להמיסיאן רב יתר מאשר זיק לדעות הקנאים איננו יצא מן החייד הזה, ואם אמנם נם החשד הזה איננו כונע את חככים לקרא את הספר ולהבין בו, אבל המון העם ינתנו ממנו ועכדו כרחיק ואן לא יוכל הכפר להשיג את מטרתו; זאת ישנית, שאם אמנם אינני רודף אחר הכבוד¹ אבל נם אינני בורח ממנו, מפני שלא אחפון שהוא ירדוף אחרי; כי ההסר רודפים אני מבלעדי? ולכן אם יהיה ה' בעזרי ואגמור את המלאכה הזו אחפון כי יקדא שמי עליה, כי הן זהו שכרי מכל

1) לא מפני שאשנא אותו או שאיננו יקר בעיני אך מפני שבמבני אינני מן הרודפים ולא עוד שגם אהעב את הרודפים, ובפח מלא אוכל להתפאר כי אינני מן הרודפים אהרי שום דבר בעולס, נם לא אחרי הכסף בעת שאוכל להיות מכלדו וכקדוכה לי כי נם שונאי הותר גרלים לא ימציאון עלי את הכרון הזה כי הנני מרודפים אחרי איה דבר מגונה או כשונה.

בארכיווע ואין משים לב עליהם, אבל מה כחה של המענה הזו ומה מעמה, בעת
שההבדל הגדול בולט ונראה? סעי' העמים הקדמונים מונחם בארכיווע ולא יראו רק
להפילאלאנן ודורשי קדמוניות, והתלמוד עם כל מה שבתוכו נדפס בכל שנה
ושנה לאלפים! העיני האנשים ההם תנקר לקבל את המענה הזאת ולהצדיק את
התלמוד ואותנו המחזיקים בו? אותנו, אשר גם אנחנו מודים ואומרים כי יהודים
תלמודים נחנו?!

ולא זו בלבד, אלא שהמפרשים את האגדות הזרות וההלכות שאין אנחנו יודעין
מה טיבן, באללאנארית מדומית, בחקירות כזבות, בפילוסופיא של הכל ובהזיות הקבלה
וחכמה נסתרה, שם המה נספחים אל התלמוד, ירעו ויציקו לנו מאד (1), כי בזה המה
מקדישים את התלמוד כולו ומחזקים את מענת המנגדים, אשר אינם יכולים ואינם
צריכים להאמין בסודות התלמוד כמו שאינם מאמינים בסודות של כפרי הקדמונים,
כי הלא שאל יסאלו בנו, "אם אין ממש בכל הדברים החסרי טעם האלו, ואין בהם
מטעם, וכבר בלו מזמן מדוע לא תכירו אתם מהתלמוד אשר אתם מרפסים ללמוד
וללמד?!" ואם עודכם מחזיקים בהם ואומרים כי דבריהם ממולאים בכבודות שאין להם
בעצמם כל מושג מהם, הלא בעלי הדין שאין כמובן בכל העולם אתם?!"

והסגנה הזאת, מורי ורבותי, תעשה רושם גדול וחזק לא בעיני העמים האחרים,
כ"א על היהודים עצמם שרובם אינם יודעים את התלמוד, ואינם יכולים לדעתו
בכמותו שהוא עתה, כי המה שמעים את הכתוב בתלמוד רק מצי שונאיו ואת טענת
מצדיקיו אינם יכולים להכנים בלבם, ואשר על כן נחלקו לשלוש מפלגות: האחת תעשה
את התלמוד כולו לקדש קדשים ואומרה כי הוא מלא סודות, רזנים, צירופי שמות
וחכמה נסתרה על כל גדולתו, (המה מפרשים "ביצה" בר"ת י"ב צירופי הויה, בית
שמא" מלשון במתא שמאי ר"ל בית המושל על כל העולם, "בית הלל" הבית שמהללים
ומשבחים את הריב"ש"ע), את כל המצות עשה יקחו לסרסרים וליושבנינים ליהר בהם
את קוב"ה ושכינתיה ואת הלית יקחו לכלי זיין ללחום בהם נגד הכסרא אהרא נגד
הס"מ, השטן, לילית וכל כת דילה, או להיפוך; השנית אשר נכנסה בלבה טענת
המנגדים ועל ידם השימיטו ידיהם מן התלמוד שופכים את מי הרחצה עם הילד, הכה
אשר אברו את התלמוד חיי רוחם ויסוד אמונתם, נשארו בלא כל אמונה,
והמה נקראים יהודים רק מפני שנילדו מאבותם היהודים; והשלישית אשר לא תוכל
ליטש מלבה את שורש האמונה, ולא תוכל לחבל את נטיתה להאמין באיזה דבר,
זעבור את זרם המים, המה מטהרים במים את בשרם ובוה יפטרו בפעם אחת
מהתלמוד ומכל מה שבתוכו אבל לא מהאמונה. כמה חללים הפיל התלמוד מעת החלו
מגדיו להעלים את טובו להראות את חסרונותיו? אם את הדבר הזה תחפוצו לדעת
עליכם להסתכל בעין חודרת ולהביט על מספר בני ישראל בכל מקום יבשה, על מספרם
הכולל שלא יעדיף בשום אופן על שבעה מיליאנען, בעת שעם ישראל הוא העם הזקן
והקדום מכל העמים הנמצאים בעת, בעת שהמה פרים ורבים יתר על כל העמים,
מתים פחות מהם (ואולי ישען הטוען כי מבני נחרגו לאלפים וכו' וכו' יראה נא בהערתו על
מכתב יס"ל בהקול נ"י 285 ד' 26) ומה היא הסבה האמתית והנכונה כי מכפרנו לא
יתרבה ולא יתגדל אם לא זאת, "שלא נמלאה צור אלא מחורבנה של
ירושלם"? כי לדאבן נפשנו כבר ראינו ונוכחנו הדעת, שכל אשר יצא מיד
התלמוד, לא שב אליה עוד."

(1) ומה נאמנו דברי החכם המנוח "דובש" בהחלוק שאמר על מפרשי "רבה בר בר חנה"
מפרשים כאלו: "נעלה נא ביד רבה בבית וביד מפרשיו כל אפולה."

הנה כי כן שונה היא ספרות ישראל מהספרות של כל עם ועם, שתחת שלכל העמים והלשונות ישנם סוחרי ספרים אנשים חכמים וידועים הקונים את פרי נטב של החכמים וידיסוסם על חשבון עצמם, ואשר טרם יוציאו את כספם יתבוננו מאד במהות הספר, בהצטרפותו לעם, במובתו ובדעתו, הנה לנו, עם בני, אין לנו סוחרי ספרים כאלה ולא אנשים חכמים וידועים אשר יתעסקו בהרחבת ספרותנו, כמעט כל המחברים מדפיסים את ספריהם על חשבון עצמם, או במלות אחרות על חשבון הקהל מבלי יישאלו את פיו, והמדפיסים שבנו, מדפיכים או את ספרי המחברים על חשבונם, או את התלמוד וספרי הדת עם הוספות על מה שלפניהם על חשבון עצמם למען שבה מקחם; או סדורי תפלות עם הוספות ופירושים ותחינות ומעמדות וסמי הקאפיטלין תהלים לילדות לחולה וכו' וכו', ודברי ר' יוחנן ונס דברי ר' אבדין רבן חיפה נציבים וקימים לעד ומהירים עלינו כביום נאמרו.

אך לא בזה לבד נפלינו מכל העמים בכל המדינות כ"א גם בזה אשר קפי ערך מספרנו נגד כל העמים, תוגדל ספרותנו אלף פעמים ואולי גם רבבות פעמים מספרה של כל עם ועם, כי עם חכם ונבון אנחנו באמת מלידה ומבטן ואין אנו צריכים ללדיעת בית מדרש הכדעים, ללדיעת בית הספר הכללי, וגם ללדיעת התלמוד וכפריו לחבר ספר מרעי, די לנו אם נבין מעט את שפת קדשנו, ואם גם לא נבניה מה בכך? יש לנו שפות רבות בנות ובני בנות שפתנו הקדרשה ויש לנו ספרים רבים הצריכים ביאור, וגם ביאורים רבים צריכים ביאור, וכל מבאר ומחבר יניח מקום לבניו להתגורר בו לחבר ביאור לביאור, ואם גם כבר נדפסו פירושים וביאורים עד בלי די, הלא יש לנו יבעים פנים לתורה, תורתנו ארוכה מאין מדה ורחבה מני ים והיא מעט המחזקת את המרובה, רבבות פירושים ואלפי אלפים סמים קבלנו בכפיה ובכל אלה תורת ה' עורנה תמימה היא ולא ננע בה עוד יד כל איש! וע"כ מוגדל היער לא נראה את העצים וכרוב העצים לא נראה את היער, ותורתנו הכתובות והמסורות חתומות הנן לנו כביום שנתנו לנו כי נתקיימה בנו קללת רשבי" שאמר: „אלא מה אני מקיים ישוכטו לבקש דבר ה' ולא ימצאו ש"ל א ימצאו ה' לכה ברורה ומשנה ברורה במקום אחד" (שבת קל"ט) ור"ל אפי' במקום אחד וד"ל.

אמנם כן נתאמת בנו מאחזל הזה במדה נדושה מאד, וכאשר אמרו במ"א ישראל חבאו בכפלים ולקו בכפלים, כי מעת כפו עלינו את ההר ונזרו ואמרו: עליו אין להוסיף ומצנו אין לגרוע" אשר נתקיים רק החצי השני שלא נרעו כמנו אבל הוסינו עליו הרבה מאד בכל דור ודור בזון ובשגגה, (כאשר יבאר הדבר בשום שכל הרב הראה בדור"ד ח"ג) לא לבד שאין לנו הלכה ומשנה ברורה עד שחוברי ספרים למאות להמציא ההלכה לנו, אלא ישנם משטיני התלמוד וכנדי רבו מאד וכפעם בפעם ירימו על נס את מאמרי ההראות משונת, אי-סבלנות, הזיות והבליו, וממאמרי האלה חותכים את נזר דינו לכליה ולשרפה. ודברים כאלה רואים אנו בכל דור ודור מינות ענו, ושאול, וואלטער, אייזענמענגער, פפערפערקארן עד ראהלינג רשעקער בדור הזה, אך מה עושים מצדיקי התלמוד? כמה מאספים מאמרים אחרים הכילים בקרבם מדות ישרות, אהבת אדם במדה נדושה, סבלנות רבה, וכו' וכו' ויציקום לעומת המאמרים הנ"ל, ובדבר המאמרים אשר ירימו שונאי התלמוד יתנצלו „את כי אין כמו אלה"? כי אם נחפש בחוקי הנזים הקדמונים, באגדותיהם ודרשותיהם נמצא דברים רבים מאד הנרועים יתר רב ממאמרי התלמוד; והטענה הזאת יכולה היתה באמת להיות טענה הזקה ואמתית אלו היו התלמוד אנדותיו ודרושו מונחים בארכיות כמו שמונחים חוקי הנזים הקדמונים, אנדותיהם ודרשותיהם, הבליהם והזיותיהם

הזורה מוטב, תהיו לעם בין העמים, ואם לא ישם תהא קבורתכם, הוא לא אמר פה תהא קבורתכם תחת ההר כאשר היה צריך לומר אם היתה כונתו שיישאר קבורים תחת ההר אם לא יקבלוהו, כ"א: שם! שם בין האומות הרבים תהא קבורתכם שאם לא תקבלו את התורה תתערבו ותתבוללו ביניהם ותחדלו מלהיות לעם ולא יזכר שם ישראל עוד. — והנה אנו ראים כי "המלמד" של ר' אבדימי דמן חיפא הוא באמת מלמד גדול ונכבד מאד, הוא מלמד זכות כמו על כלל ישראל כי לא ניפלים הכה מיתר האיכות לקבל דבר שלא ידעו מה טיבה, וגם להם לב כמוהם, כן על הכופים עליהם את ההר ש"מפני שקכן יעקב ודל הוא הנהו מוכרח לקבל את תורתו בכפיה ובאונס, למיזן יחיה, ולמען לא יקבר בין יתר העמים — ועד כמה כנים ונאמנים דבריו אלה יבין כל איש כי לולא תורתנו שעמדה לנו האם נשאר לנו כל זכר? לוא כפיית ההר כנינית בכל דור ודור אפוא היינו כולנו?

כן הוא, אחי ואדוני! הננו מקבלים את תורתנו בכפיה בכל דור ודור, בכל עת וזמן וכל איש היודע אף מעט את סדר הישתלשלת תורתנו, מימות משה עד עזרא ונחמיה אשר נקבצו כל ישראל לקול החרם הגדול (מרעידים על הדבר ומהנישמים, עזרא י') עד המשיגה בשררתו של רבנו הנשיא, עד התלמוד שגזרו רבנן סבוראי ואמרו: עליו אין להוסיף וממנו אין לגרוע (מחמת המינים ובתות אחרות), עד ספרי הנאונים שמשלו בממשלה בלתי מנבלה, עד ספרי הרבנים שאחריהם שהחלו להניד כי דבריהם קבלו כן הישמים (הראב"ד הסמ"ג ספר התרומה, ר' יעקב מקורבל ועוד ועוד) עד ספרי הפוסקים הראשונים והאחרונים שגזרו "ואין לשנות", יראה את ההר כפוף ועומד עלינו גם עתה כלמעלה ואומר "אם תקבלו את התורה מוטב ואם לאו"

ואולם אם הכופים הראשונים שכונתם היתה באמת לקיום האומה, עשתה כפיתם הגדולה פרי רב, והחזיקה את הלאום עד היום הזה (אם כי הפריזו על הכרזה כאשר התאוננו חז"ל בעצמם ואמרו משרבו תלמידי שמאי והלל נעשתה דתורה כשתי תורות, וביום שגזרו על הרברים המותרים אמרו "והיה קשה לישראל כיום שנעשה בו העיל"), הנה הכופים האחרונים גרשו את הסאה ובכפיתם עזרו לרעה הרבה מאד כי רבים המה מאד מאד אשר יצאו לרגלם מתחת ההר הכפוי ולא יראו עוד לא את ההר ולא את היער ולא את הדוב — ואף גם זאת עשו האחרונים שתחת אשר תורת הראשונים עד שנחתם התלמוד, שאם אמנם היה מסדר הספר לרוב איש אחד לבדו, נועץ עכ"פ עם בני גילו ועם תלמידיו את מה לזרות ואת מה להבר, הנה באו האחרונים ובנו להם כל אחד במה לעצמו עפי דעתו וסברתו לבדה, חבר ספר ויכפה את ההר כי יקבל הו, עד כמה היתה כפיתו של כל מחבר כפר, כי ספרו יתקבל ויהקדש, לא פה המקום לבאר, (כי יתארך ויתרחב הכאמר מאד וכבר יצאתי כמעט ממטרת) אבל זאת יכול כל איש לראות בתוכן ספרי הראשונים, ובהסכמות של הרבנים על ספרי האחרונים, וגם מעת חדלו ההסכמות להיות למנהג בישראל, לא חדלו המבקרים והבקורים במכתבי העתים והמודעות השונות הרבות המפליאות את הכפר נכפות את ההר וכו' וכו'. והמחברים העניים אשר אין להם לא זה ולא זאת מחזירים על הפהחים עם ספריהם וכופים גם המה את ההר, עד כמה שיש ביכולתם, שיקובלו ספריהם, כללו של דבר אם נסתכל בעין טובה וחודרת נראה כי אין דף ספר וספר בנפרות ישראל שלא כפו בעדו את ההר אם מעט ואם הרבה, ובלתי זאת לא היה לו כל זכר בעולם. ואולם אין רע בלי טוב כי בין הספרים הנחתים בכפיה ישנם גם אלה אשר יפיצו אור רב ויעילו מאד לקיום לאומיות ישראל.

התורה הכתובה והמסורה מראשיתו עד היום הזה, ולהתבונן על המאמרים הנפלאים המספרים לנו כדר קבלת תורתנו אשר הצנחם בראש מאמרי הזה, ואומר:

כל איש אשר לו טח בקרקרו יבין עד מאד, כי מדיקי הכתובים לברם לא היו יכולים ר' יוחנן ור' אבדימי דמן חיפא ללמר את הנדויותיהם המפליאות שהמה כעין הוצאת לעז על התורה שאינה שוה להתקבר לכל אומה ולשון, וגם לישראל עצמם לולא כפו עליהם את ההר, ועוד יותר לא היו מתקבלים הנדויותיהם האלו כדבר ברור נכון וקים לכל חכמי האגדה עד יר' אדא ב"י אמר מכאן מודעה רבה כו' ורבה הצטרך לחפש בהשתלשלות התורה זמן אחר שקימו מה שקבלו כבר (גם שם הלא באונם היה) ומסדרי הי"ס התפלאו על אוה"ע וכי מצו למיכר הכי? מפני "המלמד" שברא ר' יוחנן כי החזיר הקב"ה את התורה ולא קבלוה! — כאלו גם אוה"ע מוכיחים המה לשמוע בקול המלמד הזה; ואחרוני המסדרים שנו את ההגדה הראשונה בלשונה מן "כלום נתת לנו ולא קבלנוה", על "כלום כפית עלינו את ההר", ורק מפני "המלמד" של ר' אבדימי? ובכה יפה כחם של "המלמדים" האלו מכל "מלמד" ההגדה אשר מצבם רעות ורופף מאד ואין יסודות בהם ואין משיבין עליהם?!

אבל האמת תעיד על עצמה, כי ההגדות האלו אינן הגדות היוצאות רק מפי המלמדים האלו כ"א היו טסורות בפי החכמים וקבועות בלבם ולא היה להם לפון אף רגע באמתתן; — ר' יוחנן הזה אשר היה כמיכדי ומרחיבי התורה עב"כ, הוא אשר היה העד כי רבנו הקדוש סדר את המשינה לנדו בלא אכפת דנכים דנככים — והו (אדרבה הוא כדר אוהה נגד דעתם של רוב החכמים ראה בדוד ודווישיו) ודוא ר' יוחנן עצמו אשר מצא לנחוץ לחזק את התורה הזאת ולשום אוהה לחזק על העב בזכנו (מפני שראה בעין פקודה כי לולא זאת יהבול ויתערב העם בין חנוים ובכפוי בזכנו כאשר פרצה ונתנדלה התורה הכשיתית) וישם כללים מפליאים לאמר: אם יכול אהה לשלשל את השמועה עד משה, "שלשלה" (ירושלמי שנת פא הני), אם באה דלכה תחת ידך ואין אתה יודע מה טיבה אל תפליגנה לדבר אחר שכמה הלכות למ"מ קבועות במשינה [שיכר רבי], (שם פאה פ"ז) כל מילא ולא מחווא כככין יה מאתרין כניאין" (שם ברכות פ"ב ערובין פ"י) והוא ראה כי דבריו מצאו מכלות בלבב העם ותורתו נתקבלה ונהקדשה, האם היה יכול לזרוש אהרת בעבה שואל כי וק בני ישראל עלולים וכוזשרים לקבל הלכות שאינם יודעין מה טיבן, ואין לה כל אונה ולשון בעולם שהקבל הלכות כמו אלו? האם לא נאה דרש אשר עם בני דרכיכד" שלו כי הקב"ה החזיר את תורתו לכל האומות ולכל הלשונות (נירכת ו"ן יניב) ולא רצו לקבלה? כי עד כמה שהיה כחו רב בהלכה להחיותה ולקיימה ולשלשלה עד למכה מסיני כן היה גדול כחו באגדה לנלות טכח וכו' דבר אשר כל החכמים יבינו את אמתתו ולא יפנו בו.

ואולם ר' אבדימי דמן חיפא נלה ככחייב, הוא בא לנלות על תורתנו הכתובה והמסורה כי מעולם לא נתקבלה אצלנו אלא בכפיה ובאונם, כי באמת התורה הכתובה והמסורה תסייעו, בקבלת התורה היו קולות וברקים, ענן כבד, קול שופר חזק, הר כיני עיין כולו, ויחרד כל העם ויאמר נעשה ונשמע" ובתורה המסורה, "רודים דברי כופרים מדברי תורה", "כל העובר על דברי חכמים הייב מ'הה", "ככין אותו מכות מרדות עד שתצא נפשו", (י וגם "כל הפורץ גדר שגדרו חכמים ליטריקה היא דרבנן דלית לי אסותא"!) אבל בנלותו את הדבר הזה נלה גם את טעמו כאמור: "אם הקבלו את

(י) מה שגשו כן בעתם רדוקות מאד להעובר על דברי תורת משה אף בעדים ובהתראה, קד כי קראו את הכנהדרין ידנו למיתה אחת בשכנים שנה בשם מנהדרין קטנית. המו"ל.

כולם אשר לא נתנו אז לדפוס ורק נזכרו בחקול No 300 ובאגרת התלמוד הדגולה שהגנו
מצא לנחון לתת עקרי הדברים פה, מפני ששבת כבודי המלאכה ותכליתה
אשר לא שנינו רבות גם עתה אחרי שעברו עלי עשר שנים שלא עסקתי בענין הזה ואת
הקריא אבקש כי ישים לבו לדברי שאינם דברים של מה בכך ואילו הם:

פ ת ח ש נ י

אם אתם מקבלים את התורה מוטב!

„ותיצבו בתדירות ההר... ר אבדיסא בר וסא מלמד שכנה הקב"ה עליהם את ההר כגגות
ואמר להם אם אתם מקבלים את התורה מוטב ואם לאו גם תא קבורתכם, א"ר גחא בר
יעקב מכאן מודיע רבה לאוריותא. אמר רבא אקב"ב הדור קבלה גמי אחשוש דרתיב קימין
וקב"ה קימו מה שקב"ו כבר. (שבת פ"ז).

ומי מנו למימר הכי (שחק"ה לא נרין את התורה לאומות העולם) והכתוב „ואמר ה' מבינו
בא ח"ח משעיר למן, אלה מתימן יבא וגו' מאי בעי בעיך וכאי גני בפארן א"ר יודנן
מלמד שלקח הקב"ה את התורה והתורה על כל אומה ולשון ולא קבלה עד שבא אצל
ישראל וקבלה? אלא הכי אמרי, כלום קבלנוה ולא קימנוה? כן אלא הכי אמרי, כלום
כשית עלינו הר כגינת ולא קבלנוה כמו שעשית לישראל כן. (ע"ז א').

אחי ואדוני! אף שבעות אחדים עברו מאת נליתי רעיוני בדבר התלמוד,
ולשמחת לבבי הניעוני מכתבים רבים אשר יברכו וישבחו את הרעיון הזה בכלל,
כולם מודים ואומרים כי הדבר הזה ר"ל „קצור התלמוד“ נחון לנו כאר, וכיום
מתאוננים על האינדרפערענטיומוס השוררת בין בני עמינו ואשר לכן יפנו רונם אם
יעלה בידי לנמור את המלאכה הכבדה הזו, והאדון הפראפעסכאר לאצארוס כבר לן
אשר הקדיש את כל ימיו לזכות היהדות וספרותה, יאמר גם זאת שאחרי אשר ק
את מאמרי בשום לב ובהתבוננות ובעליצת נפשו, אחתו גם הונה חרייטת כאשר לא
יזכין כי עוד בחייו יזכה לראות את הדבר יוצא לפועלותו וכהאונן כאד אשר הוא לבדו
כבר עיכם הנהו עבודה רבה אשר אין בכחו להזניחה ולכלותה בכזוהר, ולכנא כג.
לגיוס לא יקוה מפני האנדרפערענטיוס וכי וכו'.

ועוד יותר מזה קובלתי בכתובים ימנו אזני מאנשים רבים השונים בדעותיהם
ובמפעליהם אשר דברתי אתם אודות הרעיון הנדול הזה ובתוכם גם עם גאון אחד רב
ואב"ד בדרך גדל ברוסיא אשר נהירין ליה יסבילי דש"ס כטיבילי עירו, וכולם מסכינים
לעצם המלאכה, כולם יבינו את נהיצית הש"ס הקצור אשר יפקח את עיני רבים
להבין ולהיטיב לו, ואף דעותיהם שונות הנה בסדור המלאכה, זה יחפון להניח צירוף
רש"י על הקיצור הנדפס, זה יאמר כי הנוספות אישים כן הצד ואראה עליהם,
באצבע לאמר: „ראה זה חדש ונוכח הוא“, ועוד כרטים אחרים שאינן כדאי לפנות
אבל כולם באחד מסופקים (א) אם יהיה לאל ידי לנמור לבדי את המלאכה בלא עזרת
רבים או יחידים, (ב) לא יהא כדברי כי אחל ואכלה את כלאכתי, אם יקבל הכר
הזה לכל עדת ישראל אם יהיה אך כאיש אחד לבדו, (ג) אם תהיה תפארת המלאכה
הזאת להקרא ימיו עליה, אחרי כי כבר יודעים ומכירים אותי כחבורי, שהנני עשה
את החקירה חפשיית בישראל, (ד) יישאלו אחרים מדוע פרסמתי את הדבר הזה מראש
למען העיר דיבת רבים? ודעתם בטיחים הכה שאם הייתי עשה את כלאכתי בחשאי
והייתי נומרה ומרפסה כליל, אז לא היה ע"ז שום פוצה פה אף כן הקנאים.

הדברים האלה עוררני לפרש שיחתי שנית באר היטב בדבר המלאכה הזאת,
להניד מפורש במה כחי גדול לגעת אל המלאכה, ומה הנה הקוה כי עשה אעשה
וגם יכול אוכל. אבל טרם אעשה זאת הנני מוכרח לשוב ולהביט לאחור על השתלשלות

רואו את תקוני, לא התריו עליהם מאד, כאשר יראה הקורא במכתבו שנדפס אז בהקול בעתו). וכה אם נתיק את הטעקסט מכל הש"ס אשר ישני שלישים או נם יותר נתוספו בו לפי הדוגמא ההיא, הנה יסאר לנו כפר קצן בכמותו ורב מאד באיכותו. התורה שבע"פ יסלמה תהיה אתנו ולא יחסר כל בה, והיא תהיה מסורה בידנו ונוכל להנביא ולהראותה בנאון לעיני כל האדם כמו יסאנו מנביהין את תורת משה בכל יסבת וקוראים ואומרים: „וזאת היא התורה אשר ישם משה לעיני כל יסראל“.

אמנם כן, ידעתי גם ידעתי כי קצור התלמוד המדובר יסאנחנו נקרא אותו: התלמוד העקרי, „דער עכטער תלמוד“ ראוי הוא להצעות רק ע"י אספת חכמים גדולים „נעלעהרטע קעללעניס“ אשר יבררו אותו עפ"י הכללים אשר יניחו במלאכתם ורק מהסכמת כולם יפורסם בבית הדפוס, ולא לאיש אחד לעשותו ולתקנו אם נם יהיה מלומד גדול מן הראשונים שברור, אבל אדוני הן רק זאת חפצי ומגמתי כי מלאכתי תובא לפני אספת החכמים אשר היא תחדיו עליהם משפט. וגם זאת אני עשה רק מפני יסאדע עד מאד, כי אין נם אחד מן החכמים יסבדור יסחפרין לקבל עליו מלאכה כבדה ועצומה כזאת, ואם נבא לקרא ולבקש את החכמים, יעברו ינים רבות טרם יתאחדו בדעותיהם בענין הזה, ואם נם יתאחדו תמטיף המלאכה ינים רבות טרם תצא לפועל, כי יודע אני ומכיר את חכמי דורנו הגדולים עם הקטנים: רובם ככולם אינם פניים ועתותם ספורות, כל אחד ואחד יש לו מלאכה מיוחדת ישהוא עוסק בה ישהקח כל עתו, והרבנים ישהם עסוקים בדרשותיהם ובעבודתם לעדתם. וברדף כלל נוכל להניד כי לא רבים מוכשרים למלאכה הזאת ואולי ימצאון רק מעטים מן המעטים, כי במלאכה הזאת לא החכמה היא העקר כ"א המעשה, למלאכה הגדולה הזאת צריכים אנו רק לאלה היודעים היטב את התלמוד וסגנון לשונו הבבלי והירושלמי, כגנון לשונה יל המיטנה, התוספתא והבביתא, וסגנון לשונם יל המדרשים ובעלי ההגדה, ולא יחליכו ולא יסירו את זה בזה, למלאכה הזאת נצרכה עין חדה ואין שומעת אשר תבחן כלים ולב מבין להבדיל בין קודש לחול, בין מאמר אשר אומרו כון בו ללמד ולהשכיל ובין מאמר אשר אומרו כון בו רק קהתל ולדבר בלשון ערומים; וכל איש אשר אלה לו ראוי הוא למלאכה הזאת עם נם לא קבל חכמתו מבית מדרש המדעים, אם נם לא נסמך לדוקטור ולפראפעססאר: ועם נם אינו מבין הישפות רומית יונית על בוריה: ויען כי מאלה האחרונים, יודע אני ומרגיש אני בנפשי ולא יספת יתר תחשב לי זאת — אמנה נם אנכי ונוסף לי עליהם רצון חזק ומוצק, רגיל בזקן לנשוא עמל ומתלאה, ולסבול עד כזה יסבח הסבל יוכל יסאת, ילא יפרני ממלאכתי ורעוני, הנני מקבל עלי לנשת אל המלאכה הזאת טרם יבקשוני ומצאתי טרם ידרשוני, יסאם יספגו חכמי יסראל לבקר את מלאכתי ולשום עינם עליהם טרם תצא לפרסום מוכן אצל להנישה לפניהם בלא יסום בקיטת יסכר ופרס, וגם כובת הנאה, כי יסכר המלאכה תהיה לי מלאכתי בעצמה ופעולתי זה יסכרי.

כל הדברים האלה נדפסו אז בהקל ובאגרת שתוחה ובמקום הזה יסמתי למבחן את הדוגמא מס' פכחים רבני מאמרים הגרים מרגנה ומזכחים, דרתי במקצת נם מכדר המלאכה, ומהתועלת הגדולה אשר תצא מכנה לכל העולם כולו, לאיוה מטרה פרכמתי את המאמר טרם גייתי אל המלאכה ומה יסאעשה אח"כ כאשר תוגמר המלאכה ברצות ה'; וגם בקשרי את כל חכמי הדור כי בחכדם וכברוני לשלוח לי חות דעהם וכו' וכו' והחפץ לדעתם יסאם אותם בהקול שנה שיסית מצד 235—231, ובאגרת פתוחה בכופה. וגם מכתבים מיוחדים תריצותי לאחרים מחכמי הזמן ועל זה קבלתי תשובות החכמים הגדולים: הר"ג דר' לאנדא ד"ל, הרב תפי"ס דר' מ. לאצערק, והר"ג ר' מאיר איש שלום, שגם המה נדפסו בעתם (ואשוב להרשים נם בכוף מאמרי זה) וכחמישים מכתבים אחרים בדעות שונות ובחכמות

שאריה ימי לא תוביל אל הכס: ה' הדרישה, ואם אחבר כפר כזה, יתוסף רק באוצר הכפרים אבל לא יזין ולא יניע אף את אחד מכל הש"ס ואם גם יטב בעיני רביב, ואם גם יכירו וידעו את כל המאמרים שבלי כל תפונה לא נאמרו מבעלי התלמוד ומאספיו, לא יסרו כהתלמוד, המדפיסים לא יזרום הלאה, וכנדי התלמוד ינודוהו גם אז כמקדם טרם הופע כפרי; ואלה שאינם יודעים אותו לא ידעוהו גם אז, כי מי הוא הפהי אשר יקח ספרי בידו בעת אשר יבא להנות בתלמוד, ועפ"י ככרי ידלג על המאמרים שאינם מן התלמוד? מה גם כי הקנאים הפונעים אשר גם מבלעדי זאת ירדפו אותי באף ובהמה יטפוכה, איך גם עתה יבלו שמי ויציקו לי, עד דכא, הנה אז חיים יבלעוני, ולמה אפוא ארע לנפשי, מבלי היטב למכרתי אף כקוצו של יוד?

הנה כי כן נתקו מכני מזמותי ולא ידעתי איכנה לכוון מורשי לבבי, ולא אכחד, כי כבר ענה הרעיון על לבבי לקצר את התלמוד, היינו להתחיל מחדש להעתיק את כל הנראה לי מהתלמוד לברו ולהניח את כל המאמרים אשר אדע מראש כי לא להתלמוד מהם, או גם אלה אשר אפון במ וכה יצא התלמוד נקי וכלול בהדרו, לכצער אלה המאמרים אשר אין לי בהם כל תפונה; אבל ראיתי כי המלאכה כבדה וקשה מאד, היא תחמ"ס מטני את כל מבחרי עתותי וסוף כל סוף אפונה אם יעלה זאת בידי לבדה, לגמרה לתקנה ולשכללה ברוח בער ובאר ולהעלותה על מזבח הדפוס, וכמעט אמרתי נואש גם לזאת, לולא הקרה המקרה קונטרס קטן לידי אשר מדי ראיתיו והתבוננתי בו, הוגשתי כנפשי כמו ניצוץ של איש בחבית מלאה אבק שרפה, הוא הרתיח כמצולה את כל דמי לבבי, בו ראיתי אור גדול עד אשר כמעט כהו עיני לנישוא אותו; ויהי אף הרגשתי את רוחי, אף שבו דופקי עורקי למרוצתם המורגלה, בינתי לבבי, חשבתני, העמקתי עצה, והחלכתי לנשת אל המלאכה, אם ימצאון עוזרים ה"י טוב ואם לא אישען על מאהו"ל, במקום שאין אנשים השתדל להיות איש, ועם בר קפרא אקרא: זאת קפון קנה באתר, ובאתר דלית נבר תהוי נבר (ברכות) אנסה, בחי לברי ועבור עלי מה!

הקונטרס הקטן אשר לקח את כל לבבי זה שמו, "דבר על אודות התלמוד" ואותו כוננו ידי הרב החריף בעל עין טובה ובוחנת ר' מאיר איש שלום, לכבוד רעו ואמתו הרב המובהק ר' א"ה ווייס ליום מלאת לו' שבעים שנה (וימסרנו לי בידו ביום הנ"ל ובבית האחרון) והוכנו מכיל רק 5 עלים או 10 צד. והנה דוגמאות שרים ירחן ארבע; ישתים בהלכה ושתים בהגדה שבהדוגמאות האלו יראה לכל את כל הנמצא בהם מעקר התלמוד ואשר נתוספו בו אם בדרך אנב, או בדרך קושיא ופירוש, והם פרושי הדברים, שאם נסלקם יהיה מרוצת הענין נקי וברי בלא ערבוב ובלבול ואז יצא לנו גם התרגום, וכה הוא מסיים את דבריו: "ובדרך אנב נעיר כאן שאם נדקדק בסגנון הלשונות שבתלמוד אז מיד ותיכף נוכל להכיר מה שהוא מעקר הסוגיא ומה שנתוסף בה, וגם אותו התוספות נכירם מה שנתוסף זה אחר זה, ומזה תשובה גדולה על אותם הסוברים שלא היה התלמוד כתוב ומנוח" דבריו אלו כנים ונכונים ואין צריכים חזק לכל מי שיש לו חוש ההרגש והיודע ומכיר את סוגית התלמוד. והנה הוא מצא בהדוגמא האחרונה ההלכה בריש מס' פסחים מן הטעקסט המכיל 4½ צד את התלמוד העקרי לא יותר מן 60 שורות שמהן רבות רחבות; ואני הסרתי בהקוני שתקנתי אז עוד 25 שורות עד שגשאר הטעקסט הנקי מכל הארבע וחצי צד, רק כצד אחד קטן ועל כל זה לא יחסר לנו מאומה, לא כלום! מכל תוכן הענין האמיר בו והסכימו על ידי הרב המלומד היותר גדול בזמנו הר"ר לאנדאו ז"ל כאשר יראה הקורא במכתבו ואתו חבמים רבים וגם הוא בעצמו אם אמנם לא הזר מדעתו אחרי

יודעים מאומה ממנו וככל המון בית ישראל גם הכה אינם יודעים מה לרחק ומה לקרב! הראיתם חזיון מעציב כזה בכל העמים השונים לארציהם ולמשכחותיהם? ואין חולה מאתנו על הדבר הזה אין מי ידאג להשיב לנו את תורתנו וכבודנו איז משים לב לדבר הנדול הזה להחזיר עטרה ליושנה; ועד מהי תהיה כזאת בבית ישראל? אליכם אישים אקרא! אליכם הכמי ישראל רבניו ראשיו מנהליו כופריו נאוריו ופליסופיו, אזעק ואיטע לאמרו: "הבו לנו את תורתנו! הבו לנו את התלמוד צרוף ונקי בספר מיוחד אשר נוכל לקרא בו ולשום אליו לבנו, תורתנו הוא וללמדו! אנו צריכים, הן בכס הדבר תלוי לנקותו ולטהרו ולתתו לנו למורשה! כי מיבא אחרים אחרי אשר כבר תעשו? מי יביא אתכם בדין? ומי ירהר אדרי מעשיכם אם יהיו כולכם באנודה ובעצה אחת?

ידעתי אמנם גם ידעתי עד מאד כי קול קריאתי לא יהיה אף בקל קורא בכדבר היא ישוב אלי טרם יגיע לאזניכם, כי ידעתי אתכם וידע אני את רגשותיכם, ארם לא תשימו לבכם לדברי איש אשר לא בצל הכסף ישיבו, ואם חכנת המכנן בזויה, ק"ו קריאתו ובקשיתו, וק"ו בן בנו של ק"ו עצתו ודברו, ולעולם לא תהאכפו באנודה ובעצה אחת לטובת ישראל ותורתו, ואם קראתי אליכם, הא קראתי אלי כדאי לצאת ירי חובתי לעצמי, כדי להראות לכם כי קולי קול גדול הוא אם גם אין שומע לי, אבל השעם אחלי אדוני שמעו נא לי ואתוודה לפניכם על כל מעשי, (וידוי שאין בו הרטה) אנלה לפניכם את כל מחשבותי, ולא בידים ריקניות אביא לפניכם כי גם אציע לפניכם הצעה אחת אשר אם אך תחפצו לקבלה תראו ברכה בה.

שמעו נא ואספרה!

אחד הסופרים אנכי, אחד מאלה הנני מודה ובתודה המוספים חמא על פשע בזהירות העברית, הנני כותב ומדפיס זה שנים רבות כפרים ומאפרים רבים אשר לפי ראות עיני, ככל איש הרואה את בניו ואת ילדי רוהו דרך זכויות מנדלת, טובים כמה ומעילים לשירצו חכמי הדור, וגם אם שונה אינני ראיתי כי כבר הביאו תועלת לאחרים המלומדים אשר יתאימו את דרכי ומחשבותי, וגם זכיתי לראות כי כפרי נכריים ועומדים באוצרות הכפרים אשר לא הנע בהן יד, אבל הנני מצער כל ימי להביא תועלת לעמי, תועלת מוחשית, תועלת: בועל ולא תועלת ליכודית אשר כבר הביאו ויביאו אותה חכמים רבים — ולא אבחר, לא לעמי לבדו הפצתי להיות לתועלת כ"א גם לכל מין האדם הישר והנני חושב, הנני מהבונן, הנני מעסיק ברעיוני: איכנה להשיב את התלמוד להעם והעם אל התלמוד בפועל ולא באומר לבד, כי לא יהיה כזאת, כי אז תהיה התועלת לא לעם ישראל בלבד, כ"א גם אל כל האנשים הישרים בלבבותם אשר ישמחו על דבר אמת — וכבר יעצתי בלבי עצות שונות ומשונות, אבל אחרי שמתי עליהם עין בקרת ראיתי כי הבל הכה ורעות רוח.

אבל רעיוני הזה לא יתן לי כנוח, היא שיהתי והניוני כל היום וגם בלילה לא ינוח לבי, על משכבי בל לוח אתהפך כצד אל צד ואבקש החבולות איך להוציא את חפצי זה אל הפועל, ומתהלה אמרתי בלבי לאכסף את כל המאמרים אשר מצאתים כי נתספו בה אם מהישישים ואם כימנדי התלמוד וכלעניניו, אל מקום אדר על כבר מיוחד ולהרימם גם נם, בראיות מוצקות ובמופחים הורכים יעני כל ישראל ולעני כל העמים, וכל הנשמר יהיו כולו קודש לה' ולישראל; ובוה אמרתי לנו את חרכת התלמוד מעל ישראל ולהצדקו בעיני מנדי, וכמעט שמחתי על עצתי הזאת ואכרתי לגיטת אל המלאכה, אבל אחרי התבוננתי מאד, והעברתי גם אותה תחת שבט הנקרת, מצאתי ראיתי כי גם זה הבל, גם כלאכתי הזאת אישר אולי אצטרף להקדיש לה כל

חדה לרעתם, והראו לנו על כקומות רבים כי המה נתוכפו בדורות שלאחריהם כדבנו סבוראי מהנאונים והמפרשים אם בזרן או בשננה, כה הועילו לנו דהכמים מן המאספים עד החלוצים עד ראה"ו ור"י הלבן בבית מדרשיהם האחרונים אשר כהבו ספרים רבים בענינים כאלה? האם היצילו המה את הכאמרים שאינם מן התלמוד החוצה, ויתנו לנו תלמוד נקי אשר נוכל לקרא ולהבין בו? הן גם המה רק חברו כפרים והנהגות כהרבנים, והעירו ויעוררו מה שהעירו, נ"כ רק לאוצר הספרים אשר כבדיהם יאכף אל תוכו, וכה יודפס התלמוד עם כל ישרשיו ומעיתיו אשר כאלה כן אלה מורים בהם, באין משים לב לנקותו ולטהרו ולהלית שמלותיו אשר בלו מרוב שנים. וכמעשה הרבנים הנאונים עם התלמוד כן עשו הפוסקים האחרונים עם יולחן הערוך אשר על פיו צריכים אנו לחיות ולהתנהג, גם אותו סבבו כדבורים, ויעזרו לו עטרות ואת תוכו מלאו בציונים, אותיות, ככבים, וענולים, כפלו את ארבעת הלכיו ויעשו מהם שמונה ספרים גדולים ארוכים ורחבים ולבד אשר הוסיפו בספרים מיוחדים עד כי גם הלכה אחת ממנו עם כל מפרשיו פוסקיו ומשיניו תכפיק לנו לכל ימי היינו וגם אז לא נמצא בו ידינו ורגלינו כי זה אוסר וזה כחיר, זה ככשיר וזה פוסל, זה מיקל וזה מחמיר (2) וכה אם יקרה לפנינו מקרה אשר תצא מכדר היום — זולת כף חולבת שנתחבה בקרירה של בשר, צריכים אנחנו קרבנינו כי המה יפסקו לנו את הדין — אך המה מתונים המה בדין ולא ימהרו לחרון משפט, ולכן יסאלו אחד מהבירו וישיבו כל אחד לחבירו עם אגרת שלוםם וכל טיבוליהם אחד לא נעדר — ומהם יצאו לנו "שאלות ותשובות" בכל ענפי החיים (!) והמכחור, המדות הטובות והרעות אשר יפרו ירבו וישרצו בכל שנה עד כי רשימת ימותיהם כחוקים כפרים שלמים — וזאת היא ספירתנו אשר נוצרה באיטמנו, זאת היא חכמתנו החרוטה בעט ברזל לחרפתנו ולבישתנו מזכרת נצח — ואנחנו מרחיבים אותה, מפארים אותה בפארי אלילים ופסילים — ונחפז כי נהיה ככל האדם? !

וכה אנחנו היהודים (התלמודים) (3) שאין לנו — בעולמנו הדתי ובהשם הזה אשר בו נקרא את עצמנו וכן נקרא מפי אוהבינו ושונאינו — אלא ד' אמות של התלמוד בלבד, לא נדע את התלמוד, ואין לנו ממנו גם כישן קטן! אין אנו יודעים מה הוא התלמוד בכל הכתוב והנדפס ומה הוא אינו מן התלמוד ולא רק המון עמנו בלבד אינם יודעים מזה להבר ומה לזרות ממנו שע"כ המה מקדישים ומעריצים אותו כולו עם כל הנספח לו והרבוק והקשור בו למראה עיניהם, כ"א גם חכמינו כורינו ופליסופינו אינם

(1) הנה חקרנוה כן הוא, כל הכפרים היותר טובים והיותר מועילים, אשר החכמים יקנו אותם בנפש חפצה, יכרכום הכה ויהפכו אותם מצד אל צד יראו ממנו איזה ענינים אשר מכבדים יש להם נפיה להם, ואח"כ יעמידוהו אל אוצר הכפרים ואז לא תגע בו יד עדי ביאת הגואל.

(2) על הלכות שחיטה ובריפות תמצא חמשים ספרים אררי השו"ע שכולם גבוהי קומה ועיני חכרם ולקמנים סתם אין מספר, מן ספק אחד נעשו ספקות רבים להצטרף לענין ספק כפא, למריעותא אחת נקשו ריעותות רבות מאד למען תצטרפה לענין תרתי לריעותא, עד כי נהיה למשל בפי החכמים אם תרצה לאכול בשר כשר עליך לאכול גחלי רתמים, ועכ"ז עוד לא יגירו השוחטים את ידיהם בצלחתם ויתברו ספרים קצרים וארוכים בעניני שחיטות ובדיקה.

(3) כל היהודים לבד הקראים תלמודים המה, וגם אלה אשר כבר פסקו פסיקות גדולות והחליפו את יום השבת ביום א', ואשר כבר בטלו את כל המנהגים הדתיים, גם המה אך תלמודים המה זה לך האות כי חונגים המה את דג השבועות בששי בכיון אשר רשם לנו רק התלמוד, ובתורה אנו קוראים ממדרת השבת ובאיזה יום לא נכמן, לבד אשר יתנהגו כמותו בדיני אבלות, וע"כ במאמרנו: מה הוא התלמוד, בספרה The Pentateuch etc. ובהקדמאם אדוואקאט במאמרנו:

Is the Jewish religion non dogmatic?

כן יקום? נשתנים לראות, כי השאלות תלרות ועומדות גם עתה כמקדם בלי כל פתרון! כי הדעת שונות הנה ומשונות גם עתה והפוכה על יחתי הכעפים, כוכה נא עתה ויפסח גם הלאה עד שתצא נפשו; וכל הכפרים הרבים, השאלות והתשובות. הויכוחים, והדבאטצן, המה רק גל של עצמות יבשות גדול, גל עד על חטאת הדור ועל משוכתו!

שכתי הפכתי בדברי חז"ל האלו ושמתי עיני ולבי על הכפרות של כל עם וגם ועל ספרותנו עתה, וראיתי כי דבריהם חיים וקיים המה בלי כל הבלגה ובלי כל נחמא כי באמת אנחנו היהודים אשמנו מכל עם בושנו מכל דור בכפרותנו הנדולה והיחבה, שהיא כמעט כולה רק דתית טהעאלאנית, קאכהאכזית וכו', וספרים מדעים אשר השיעור וההניח יסודם והחוש וחנסיין יוכלו לחרון משפטיהם על הרבר הנידון כשני פעמים ימים יתם ארבעה, לא נתחברו מאתנו כלל, או רק מעט כזער אשר העתיקו מכפרי חכמי העמים, וכל עסקנו אנחנו הוא בפרושים, בהנהגות, בהערה, בהיפאטצן; וסאפיסכום בדבר הכתוב בתלמוד ובספרי הרבנים שלאחריו, ומכל אלה אנחנו מחברים כפרים חדשים כביב התלמוד ומחברים לו וגם נפרדים כמנו, הרבה מאד, ואם לא נאמר כי חסרי התועלת המה כולם, הנה לא נפרח על המדה אם נאמר כי תועלתם, גם של הטובים שבהם, מעטה מאד ויועילו רק לאחד בעיר ושנים במשפחה המלימים ועוסקים בתורת הספרות, אך תועלת כללית לא תבוא כלל, גם להדבר שהיה מינעים עצמם להעיל.

נח נא לדונמא את ספרי הנאונים האחרונים (ונניח את ספרי ההלכות מהראשונים אשר כל אחד ואחד כנה במה לעצמו מפני שקינא בחברו או לא ישר בעיניו דברי שקדמו אשר כבר דברנו מזה במקום אחר) כהנר"א מוילנא, ר"ע אייגער ר"י פיק, ויוד ועוד, אשר המה ההלו להניח את התלמוד ולקדק במלותיו נקודותיו וטעמיו, ומה עשו? האם הדפיסו המה את התלמוד כהנהגותיהם, האם הסירו ממנו את המלות אשר לא ישרו בעיניהם ושמו אחרות תחתיהן? לא! המה כתבו הנהגותיהם על ספר לאמר "כן צריך להיות" והמדפיסים למען שבו מקהם הכניסים בשולי התלמוד ויעשו לו זר סביב מהנהגות רבות ושונות מאד, וכה ידפיסו המדפיסים בכל שנה ושנה את הש"ס עם הנהגות חדשות, עם הערות שונות ופרושים משונים אשר יוסיפו תורני הדור המתחקים לעשות כמעשה הנאונים האחרונים, ויגדל וישמן התלמוד ומן שנים עשרה כרכים עבים ורחבים נעשו כ"ד כרכים גדולים דפוס ווילנא ומרוב העצים לא נראה את היער! לא נראה את התלמוד הבטל במיעוטו מרוב העוטרים אותו והמלא גם בתיכנו מאותיות שונים ומשונים, ציונים, כוכבים, עננים ומרובעית מפוגרים בהצי לבנה, בתיבות מרובעות וכו' המורים כל אחד לעיין בזר הזהב סביבו ואם נחפזן לתמוד את התלמוד ולהבין בו עם כל פירושו והנהגותיו אז הספק לנו מככת אהת על כל ימי חיינו היפלא אפוא כי רוב העם אין לו כל מושג כההלמוד? האם נתפלא אפוא ישנם בין החכמים המצוינים טהעאלאנים והפלוכפים נמצא אך מעט מן המעט אשר קראו ולמדו את כל התלמוד כולו? ומה תועילו לנו אפוא המניהים בהנהגותיהם והמפרשים בפירושיהם? הן המה רק גדרו בעדו — ואין בא ואין יוצא לתוכו וממנו. וכן לאירד ניסא מה עשו לנו המשכילים אשר עברו על התלמוד בעין בקרת

(1) לא כבר השאלות והויכוחים שנשאלו מאת האנשישיכטים והשמיס בדבר התלמוד והשו"ע לא נתפתרו עד כה, כי גם שאלות ותשובות בדבר קגנות, מים שאין להם כוף, זיונים, חליצות, כולגה עוכדות וקימות ומחכות לנתרון הרבנים, אם כי סכפר כפרי "שאלות ותשובות" יגיע לאלפים. האין זה פלא חסמיני כהבל?

פרוזדור להכנס לטרקלין (ובו ג' פתאים).

פתח ראשון

ענף אחד קטן מענפי האילן הנדול והחזק אשר נבהו יטחקים וברחבו יסוב את כל העולם ויקשר ויאחד את כל בית ישראל בארבע כנפות הארץ, הוא התלמוד בבלי, שנחתם לנו זה כשתים עשרה מאות שנה, הנהו לפניכם קוראים נבונים, במסכתא "ראש השנה" הזאת עם העתקתה ביטפה היה אשר תאיר אורה ראשונה; ואחריה תבאנה חברותיה המסכתות הקודמות לפנייה והמאוחרות בסדר הש"ס, כי כבר ערוכים בידנו וסמורים אתנו כל המסכתות מסדרי זרעים מועד נשים, כמוה וכמתכונתה, ואם יחינו ה' בחסדו עוד שנה אחת, תהינה כל המסכתות מסדרי נזקין קדשים כהרית מצוהם, בידינו.

קנקן חרש הוא, אם כי מלא ייטן על כל גדותיו הנהה, שעל כן חוגתנו היא להתיצב בפתח ישריו להטיף מלים אחרים בראשית ההוצאה החדשה הזאת לאמר: מה דאינו על ככה ומה הניט איתנו לנישת אל המראכה הנדולה והנכבדה הזאת, ומה היא התעלת אשר תצא ממנה לבית ישראל, ולכל העולם כולו?

חובתנו הזאת הננו מטלאים בשמחה, ובתודה לאל עליון הנומר עלינו, ונאמר: "לעולם יצפה אדם לחלום טוב עד כ"ב שנה", אמרו חז"ל ואנחנו חלום נעים חלמנו, רעיוננו על משכבנו סלקנו זה כשתים עשרה שנה, ועוד בשנת תרמ"ב הראנו לדעת בספרנו "לבקר משפט", כי מגדיל התלמוד ומלעיניו הכניסו בו דברים רבים נגד רצונם ודעתם של מאספי התלמוד, ובשנת תרמ"ה פרסמנו את החלום הזה ברוב ענין, במאמרים גדולים אשר הקדשנו בהקול 300, 99, 298, וגם בחוברות מיוחדות, אנרת פתוחה לכל התורנים והרבנים, "ואנרת התלמוד השנית" ועד כה לא מצאנו לו פתורנים אם כי מטיבי החלום הזה נמצאו אז רבים גדולים וכן שלמים; ולמען ידעו דורותנו והבאים אחרינו את כל חלופי הדברים שהיו בין חכמי הזמן ובינינו, עשר שנים לפני, בענין הזה, נחשוב לא למותר לברר את עקרי הדברים ולשומם לפני קוראנו החדשים בארץ החדשה. כה היו ראשית דברנו בהקול 298:

ארי"א ארי"א אלמלא לא חטאו ישראל לא נתן להם אלא חמשה חומשי תורה וספר יהושע בלבד וכו' שג' כי כרב חכמה רב כעס (גדרים כב). ויותר מהמה בני חזקת קשות כפרים הרבה וכו' שכל המכניס אותם לתוך ביתו מהומה הוא מכניס לביתו (בדרש קהלת).

הדברים האלה אחי ואדוני, נאמרו עשר מאות שנה לפנינו! ואנחנו ההיים בדור הזה מה נענה אבתריהו? אם חז"ל מטיבי רואי אמרו כזאת על ספרי הנביאים, על כתבי הקדש, ועל קדש הקדשים כשיר השירים, על המשנה והתלמוד שבימיהם, מה נאמר: אנחנו על הספרות התלמודית והרבנית אשר פרצה קדמה וימה צפונה וגנבה, ועוד תפרין תתגדל ותתרחב מיום אל יום? אם בעיניהם היתה ספרותם חטאת הקהל וכל המכניסה לתוך ביתו הכניס מהומה בביתו, מה תהיה כפרותנו הרבנית בעינינו? ואיזה ישם נכנה אנחנו להספרים הרבים אשר נולדו, ויציצו חדשים לבקרים בדבר התלמוד וספרות הרבנית, מחמייבים והכזבים, מהקטרינים ודכליצים? הן גם המה שטפו ועברו כל נבול ואם נאספם חד אל אחד ימלאו בית גדול ורחב ידיים, תחתים שנים ושלשים באין מקום להכניס בו מחט כדקית! ואם בעינים הודרות נביט את כל הנאמר והנדרס, ונשאל האם נפתרה גם אחת מן השאלות שעליהן ידונו אספרים הרבים, אם באו בדבר אחד למצער לכלל דעה אחת והחליכו הממנה ואמרו

מסכת
ראש השנה

(ה) רבי שמעון בן נמליאל אומר משום רבי שמעון בן הסנן, פרוכת עביה טפה, ועל שבעים ושנים נימין נארנת, ועל כל נימא ונימא עשרים וארבע חומין, ארכה ארבעים אמה ורחבה עשרים אמה, ומשמנה ושתי רבוא נעשית, ושתיים עושין בכל שנה, ושלוש מאות כהנים ממבילין אותה.

(ו) בשר קדשי קדשים שנממא, בין באב המומאה בין בולד המומאה, בין בפנים, בין בחוץ, בית שמאי אומרים הכל ישרף בפנים, חוץ מי שנממא באב המומאה בחוץ; בית הלל אומרים הכל ישרף בחוץ, חוץ מי שנממא בולד המומאה בפנים.

(ז) רבי אליעזר אומר, את שנממא באב המומאה, בין בפנים, בין בחוץ, ישרף בפנים; רבי עקיבא אומר מקום טמאתו, שם שריפתו.

(ח) אברי התמיד ניתנין מחצי כבש ולמטה כמזרח, ושל מוספין ניתנין מחצי כבש ולמטה במערב, ושל ראשי חרשים ניתנין מתחת כרכוב המזבח למטה. השקלים והבכורים אין נוהגין אלא בפני הבית, אבל מעשר דגן ומעשר בהמה והבכורות נוהגין בין בפני הבית, בין שלא בפני הבית. המקדיש שקדים ובכורים, הרי זה קדש; רבי שמעון אומר, האומר בכורים קדש, אינן קדש.

הדרן עלך מסכת שקלים.

פירוש רמ"ל

(ה) רשב"ג, בדבר חזקת יאמר בירושלמי כי המשנה דברה בלשון הבאי, וגם בבבלי (חולין צ:): יחשוב את המשנה הזה וגם מה שהשקו את התמיד בכוס של זהב מן דברי חכמי, ואולם תראה בספר Buchler שזכרנו לעיל, יראה כי ריבוי הכתבים המסבילין אותו אינו נחמא, כי לא מצאנו את המשנה תספר גזמאות וההיקש לערים גדולות ובצורות בש"ס, וכן לו ב ק ע תארץ לקולם אינו דומה כלל, כי כבר אמר ר' ישמעאל גם בחלכה שהתורה דברה בלשון בני אדם, משא"כ מה שהתספר מצומצם, וגם לחשקות את התמיד בכלי זהב איננו מן דברים המפליאים, לפי רובי העשירות וכלי זהב שהיו במקדש, וצ"ע, (ראה בתפא"ר מ"ש בשם הגאון מהר"א), וגם חסד שקצבה להוצאת הפרוכת יכול להיות כי היה מטבע קטנה כתפא"ר עתה במדינת השולשן או כהשוע בצרפת; כי בדרך כלל לא מצאנו שהמשנה תספר גזמאות, (ז) הכל ישרף בפנים, מקום טמאתו, במסכת חמיר יתבאר שתי חמשניות חאלו, כי שם מקומן.

(ח) ענין הכרכוב שהוא לענין מוספי ר"ח יתבאר במס' מדות. מעשר ובכורות נתנו גם שלא בפני הבית לכלכל את המון חללים, שלש חיה לחם כל נחלה מאבותיהם.

כלום אשר לא נתנו אז לדפוס ורק נזכרו בהקדל No 300 ובאגרת התלמוד הכנית יתבנן מוצא לנחוק לתת עיקרי הדברים מה ספני ששטה מבוואר היטב כדרי המלאכה ותכליתה אשר לא שניתו רבות גם עתה אחרי שעברו עלי עשר שנים שלא עסקתי בענין הזה ואת הקדמה אבקש כי ישים לבו לדברי שאינם דברים של מה בכך ואלו הם:

פ ת ח ש נ י

אם אתם מקבלים את התורה מוטב!

„רתיצנו בתדירות הרבה את אבדימא נר וטא מלמד שנגה הקב"ה עליהם את ההר כנגיה ואמר יהם אם אתם מקבלים את התורה מוטב ואם לאו גם ת א קבורתכם, א"ר גחא בר יעקב מכאן מודעה רבה לאוריימא. אכר רבא אקב"ב הדור קבלה גימי אחשוור'דתיב קימ, וקב"ה קימו מה שקבלו כבר, (שבת פ"ז).

ומי מנו למימר הכי (שתקב"ה לא נרן גת התורה לאוכות העולם) והכריב „ויאמר ה' מבינו בא וזיה משעיר למו, אלה מתימן יבא וגו'“ באי בעי בעיור וכאי געי בפאדן א"ר יודנן מלמד שלקח הקב"ה את התורה והדורה על כל אומה ולשון ולא קבלה עד שבא אהל ישראל וקבלה? אלא הכי אמרי „כלום קבלתה ולא קימנתי“ כו' אלא הכי אמרי „כלום כזית עלינו הר כנגיה ולא קבלתה כמו שעשית לישראל“ כו' (ע"ז א').

אחי ואדוני! אך שבעות אחרים עברו מאת גליתי רעיני בדבר התלמוד, ולשמחת לבבי הניעוני מכתבים רבים אשר יברכו וישבחו את הרעיון הזה בגללה, כולם מורים ואומרים כי הדבר הזה ר"ל „קצור ההלמוד“ נחון לנו כאד, וכולם מתאוננים על האנדרפוענטזמוס השוררת בין בני עמינו ואשר לכן יפוגו רוגם אם יעלה בידי לממור את המלאכה הכבדה הזו, והאדן הפראפעסכאר לאצארוס כביר'ן אשר הקדיש את כל ימיו לטובת היהדות וספרותה, יאמר גם זאת שאחרי אשר ק א את מאמרי בשום לב ובהתבוננות ובעליצת נפשו, אחיתו גם הונה הרישית כאשר לא יאזין כי עוד בחיי יזכה לראות את הדבר יוצא לפועל ויזכה אונן כאד אשר הוא לבדו כבר עכוס הנהו עבודה רבה אשר אין בכחו להזניחה ולכלותה בכזורה, ולמצא לה לגיוס לא יקוה מפני האנדרפוענטזמוס וכו' וכו'.

ועוד יותר מכה שקבלתי בכתובים שמעו אזני מאנשים רבים השונים בדעותיהם ובמפעליהם אשר דברתי אתם אודות הרעיון הנדול הזה ובתוכם גם עם גאון אחד רב ואב"ד בכרך גד ל ברוסיא אשר נהירן ליה שבילי דש"ס כשבילי עירו, וכולם מסכימים לעצם המלאכה, כולם יבינו את נהיצית הש"ס הקצור“ אשר יפקח את עיני רנן ס להבין ולהשכיל בו, ואך דעותיהם שונות הנה בסדור המלאכה, זה יחפון להניח פירוש רש"י על הקיצור הנדפס, זה יאמר כי הנוכפות אישים כן הצד ואראה עליהם, באצבע לאמר: „ראה זה חדש ונוכף הוא“, ועוד פרטים אחרים שאינן כדאי לפזרם אבל כולם כאחד מסופקים א) אם יהיה לגל ידי לממור לבדי את המלאכה בלא עזרת רבים או יחידים, ב) לא יהא כדברי כי אחל ואכלה את כלאכתי, אם יקבל הכבר הזה לכל ערת ישראל אם יהיה אך כאיש אחד לבדו, ג) אם תהיה תפארת המלאכה הזאת להקרא שמי עליה, אחרי כי כבר יודעים ומכירים אותי כחבורי, והנני עשה את החקירה חפשית בישראל, ד) ישאלו אחרים מדוע פרסמתי את הדבר הזה מראש למען העיר דיבת רבים? ודרעתם בטהים כמה שאם הייתי עשה את כלאכתי בחשיאי והייתי נוסרה ומדפיסה כליל, אז לא היה ע"ז שום פוצה פה אף כן הקנאים.

הדברים האלה עוררני לפרש שיחתי שנית באר היטב בדבר המלאכה הזאת, להניד ספורש במה כחי גדול לגעת אל המלאכה, ומה הנה הקוה כי עשה אעשה וגם יכול אובל. אבל טרם אעשה זאת הנני מוכרח לשוב ולהביט לאחור על השתלשלות

רואו את תקוני, לא התירו עליהם מאד, כאשר יראה הקורא במכתבו שנדפס אז בהקול בעתו). וכה אם נתיק את הטעקסט מכל הש"ס אשר ישני ישרישים או גם יותר נתוספו בו לפי הדוגמא ההיא, הנה יסאר לנו כפר קבן בכמותו ורב סאר באיכותו. התורה שבע"פ שלמה תהיה אתנו ולא יחסר כל בה, והיא תהיה מסורה בידנו ונוכל להנביא ולהראותה בנאון לעיני כל האדם כמו שאנו מנביחין את תורת משה בכל יטבת וקוראים ואומרים: "וזאת היא התורה אשר יש משה לעיני כל ישראל".

אמנם כה ידעתי גם ידעתי כי קצור התלמוד המדובר שאנחנו נקרא אותו: התלמוד העקרי, דער עכטער תלמוד" ראוי הוא להצעות רק ע"י אספת חכמים גדולים "נעלעהרטט קעללעניס" אשר יבררו אותו ע"י הכללים אשר יניחו בטלאתם ורק מהסכמת כולם יפורסם בבית הלפוס, ולא לאיש אחד לעשותו ולחקנו אם גם יהיה מלומד גדול מן הראשונים שברור, אבל אדוני הן רק זאת חפצי ומנמתי כי מלאכתי תובא לפני אספת החכמים אשר היא תחרון עליהם מטפט. וגם זאת אני עשה רק כפני שאדע עד מאד, כי אין גם אחד מן החכמים שברור שיחפון לקבל עליו מלאכה כבדה ועצומה כזאת, ואם נבא לקרא ולבקש את החכמים, יעברו ימים רבות טרם יתאחדו בדעותיהם בענין הזה, ואם גם יתאחדו תתמשך המלאכה שנים רבות כרם תצא לפועל, כי יודע אני ומכיר את חכמי דורנו הגדולים עם הקטנים: רובם ככולם אינם פנוים ועתותם ספורות, כל אחד ואחד יש לו מלאכה מיוחדת שהוא עוסק בה שהקח כל עת, והרבה ים שבהם עסוקים בדרשותיהם ובעבודתם לעד. ובדרך כלל נוכל להגיד כי לא רבים מוכשרים למלאכה הזאת ואולי ימצאון רק מעטים מן המעטים, כי במלאכה הזאת לא החכמה היא העקר כ"א המעשה, למלאכה הגדולה הזאת צריכים אנו רק לאלה היודעים היטב את התלמוד וסגנון ליטון הבבלי וירושלמית, כגון לשונה של המטנה, התוספתא והבריתא, וסגנון ליטון של המדרשים ובעלי ההגדה, ולא יחליבו ולא ימירו את זה בזה, למלאכה הזאת נצרכה עין חדה ואון שימעת אשר תבחן כלים ולב סבין להבדיל בין קודש לחול, בין מאמר אשר אומרו כון בו ללמד ולהשכיל ובין מאמר אשר אומרו כון בו רק פהתל ולדבר בלשון ערומים, וכל איש אשר אלה לו ראוי הוא למלאכה הזאת עם גם לא קבל חכמתו מבית מדרש המדעים, אם גם לא נסמך לדוקטור ולפראפעססאר: ועם גם אינו מבין השפות רומית יונית על בוריה; ויען כי מאלה האחרונים יודע אני ומרניש אני בנפשי ולא לשפת יתר תחשב לי זאת — אמנה גם אנכי ונוסף לי עליהם רצון חזק ומוצק, רגיל בזקן לנשיא עמל ומתלאה, ולסבול עד כה יטבת הסבל יוכל שאת, שלא יפרני מלאכתי ורצוני, הנני מקבל עלי לנשט אל המלאכה הזאת טרם יבקשוני ומצאתי טרם ידרשוני, שאם יחפוני חכמי ישראל לבקר את מלאכתי ולשום עינם עליהם טרם תצא לפרכוס בזמן אצל להגישה לפניהם בלא יום בקיטת יטבר ופרכ, וגם כובת הנאה, כי יטבר המלאכה תהיה לי מלאכתי בעצמה ופעולתי זה יטברי.

כל הדברים האלה נדעו אז בהקול ובאגרת פתוחה ובמקום הזה שחתי למבחן את הדוגמא מס' פחים ודני מאמרים הגדים מדינה ומזכרים, דברתי בטקעת גם מכרז תמלאכה, ומתחנעל דגדולה אשר תצא מטנה לכל העולם כולו; לאיוה מטנה פרכמתי את המאמר טרם גשתי אל המלאכה ומה שאעשה אח"כ כאשר תוגמר המלאכה כרצוני הן, וגם בקשתי את כל חכמי הדור כי בחכסם יכבדוני לשלוח לי חות דעתם וכו' וכו' והחשין לדעתם ומא אותם בהקול שנת שיטת מסד 235 — 231, ובאגרת פתוחה ככופה. וגם מכתבים מיהיים תריצותי לאחרים מחכמי הזמן ועל זה קבלתי תשובות החכמים הגדולים: הרב גר"ל לאנדרא ד"ל, הרב חש"ל דר"ט, לאצערק, והרה ג' ר' מאיר איש ילום, שגם הם נדפסו בעתם (ואשוב להדיסס גם בכוף מאמרי זה) וכחמשים ככתבים אחרים ברעות שינות ובחכמיות

שארית ימי לא תוביל אל הכטוה הדרושה, ואם אחבר כפר כזה, יתוסף רק באוצר הכפרים אבל לא יזין ולא יניע אף אמת אחד מכל הש"ס ואם גם יטב בעיני רביב, ואם גם יכירו וידעו את כל המאמרים שבלי כל תפונה לא נאמרו מבעלי התלמוד ומאספיו, לא יסרו מהתלמוד, המדפיסים לא יזרום הלאה, וכנדי התלמוד ינדוהו גם אז כמקדם טרם הופע כפרין; ואלה שאינם יודעים אותו לא ידעוהו גם אז, כי מי הוא הפתי אשר יקח ספרי בידו בעת אשר יבא להנות בתלמוד, ועפ"י ככרי ידלג על המאמרים שאינם כן התלמוד? מה גם כי הקנאים הפוגעים אשר גם מבלעדי זאת ירדפו אותי באף ובחמה שפוכה, אינר גם עתה ינבלו שמי ויציקו לי עד דכא, הנה אז חיים יבלעוני, ולמה איפוא ארע לנפשי, מבלי היטב לסכרתי אף בקצו של יוד?

הנה כי כן נתקו סכני מזמתי ולא ידעתי איככה לכוון מורשי לבבי, ולא אכחד, כי כבר ענה הרעיון על לבבי לקצר את התלמוד, היינו להתחיל מחדש להעתיק את כל הנראה לי מהתלמוד לבדו ולהניח את כל המאמרים אשר ארע מראש כי לא להתלמוד הזה, או גם אלה אשר אפן בהם וכה יצא התלמוד נקי וכלול בהדרגה, למצער אלה המאמרים אשר אין לי בהם כל תפונה; אבל ראיתי כי המלאכה כבדה וקשה מאד, היא תחסיס ממני את כל מבחרי עתותי וסוף כל סוף אפונה אם יעלה זאת בידי לכדה, לנומרה לחקנה ולשכללה ברוח בער ובאר ולהעלותה על מזבח הדפוס, וכמעט אמרתי נואש גם לזאת, לולא הקרה המקרה קונכרס קמן לידי אשר מדי ראיתיו והתבוננתי בו, הרגשתי כנפשי כמו ניצוץ של אש בחבית מלאה אבק שרפה, הוא הרתיח כמצולה את כל דמי לבבי, בו ראיתי אור גדול עד אשר כמעט כהו עיני לנישוא אותו; ויהי אף הרגעתי את רוחי, אף שבו דופקי עורקי למרוצתם המורגלה, בינתי לבבי, חשבת, העמקתי עצה, והחלכתי לנשת אל המלאכה, אם ימצאון עוזרים הי טוב ואם לא אישען על מאהול, "במקום שאין אנשים השתדל להיות איש, ועם בר קפרא אקרא: זאת קפרי קנה באתר, ובאתר דלית נבר תהיו נבר (ברכות) אנסה, כחי לבדי ועבור עלי מה!

הקונטרס הקמן אשר לקח את כל לבבי זה שמו, "דבר על אודות התלמוד" ואותו כוננו ידי הרב החריף בעל עין טובה ובוחנת ר' מאיר איש שלום, לכבוד רעו ואמתו הרב המובהק ר' א"ה ווייס ליום מלאת לו' שבעים שנה (וימסרנו לי בידו ביום הג' ובבית האחרון) והוכנו מכיל רק 5 עלים או 10 צד. והמה דוגמאות שרים ירהן ארבע; יתים בהלכה רשמים בהגדה שבהדוגמאות האלו יראה לכל את כל הנמצא בהם מעקר התלמוד ואשר נתוספו בו אם בדרך אנב, או בדרך קושיא ופירוש, והם פרישי הדברים, שאם נסלקם יהיה מרוצת הענין נקי וברי בלא ערבוב ובלבול ואז יצא לנו גם התרגום, וכה הוא מסיים את דבריו: "ובדרך אנב נעיר כאן שאם נדקדק בסגנון הלשוניות שבתלמוד אז מיד ותיכף נוכל להכיר מה שהוא מעקר הסוגיא ומה שנתוסף בה, וגם אותו התוספות נכירים מה שנתוסף זה אחר זה, ומזה תשובה גדולה על אותם הסוכרים שלא היה התלמוד כתוב ומונח" דבריו אלו כנים ונכונים ואין צריכים חזק לכל מי שיש לו חוש ההרגש והיודע ומכיר את סוגית התלמוד. והנה הוא מצא בהדוגמא האחרונה ההלכה בריש מס' פסחים מן הטעקסט המכיל 4½ צד את התלמוד העקרי לא יותר מן 60 שורות שמהן רבות רחבות; ואני הסרתי בתקוני שתקנתי אז עוד 25 שורות עד שנשאר הטעקסט הנקי מכל הארבע וחצי צד, רק כצד אחד קמן ועל כל זה לא יחסר לנו מאומה, לא כלום! מכל תוכן הענין האמר בו והסכימו על ידי הרב המלומד היותר גדול בזמנו הר"ר לאנדוא ז"ל כאשר יראה הקורא במכתבו ואתו חכמים רבים וגם הוא בעצמו אם אמנם לא הזר מדעתו אחרי

יודעים מאומה ממנו וככל המון בית ישראל גם הכה אינם יודעים כה לרחק ומה לקרב! הריאתם חזיון מעציב כזה בכל העמים השונים לארציהם ולמטבחחותיהם? ואין חולה מאתנו על הדבר הזה אין מי ידאג להשיב לנו את תורהנו ובכבודנה אין מי שם לב לדבר הגדול הזה להחזיר עטרה ליושנה; ועד מתי תהיה כזאת בבית ישראל?

אליכם אישים אקרא! אליכם הכמי ישראל רבניו ראשיה מנהליו, כופריו נאוריו ופליסופיו, אזעק ואשוע לאמר: "הבו לנו את תורהנו! הבו לנו את התלמוד צרופ ונקי בספר מיוחד אישר נוכל לקרא בו ולשום אלו לבנה תורתנו הוא וללמדו אנו צריכים, הן בכם הדבר תלוי לנקותו ולטהרו ולתתו לנו למורשה! כי מיבא אחרים אחר אישר כבר תעשו? מי יביא אתכם בדין? ומי יהרהר אהרי מעשיכם אם ההיו כולכם באגודה ובעצה אחת?

ידעתי אמנם גם ידעתי עד מאד כי קול קריאתי לא יהיה אף כקול קורא נכדבר היא ישוב אלי טרם יגיע לאזניכם, כי ידעתי אתכם ויודע אני את רגשותיכם, ארם לא תשימו לבבכם לדברי איש אישר לא בצל הכסף ייבוק, ואם חכמת המכסך בזויה, ק"ו קריאתו ובקשתו, וק"ו בן בנו של ק"ו עצתו ודברו, ולעולם לא תהאכפו באגודה ובעצה אחת לטובת ישראל ותורתו, ואם קראתי אליכם, לא קראתי אלא כדי לצאת ירי חובתי לעצמי, כדי להראות לכם כי קולי קול גדול הוא אם גם אין שומע לו, אבל השעם אחלי אדוני שמעו נא לי ואתוודה לפניכם על כל מעשי, (וידוי שאין בו הרטה) אנלה לפניכם את כל מחשבותי, ולא בידים ריקניות אביא לפניכם כי גם אציע לפניכם הצעה אחת אשר אם אך תחפצו לקבלה תראו ברכה בה.

ישמעו נא ואספרה!

אחד הסופרים אנכי, אחד מאלה הנני מודה ובתודה המוספים חטא על פשע במצרות העברית, הנני כותב ומדפיס זה שנים רבות כפרים ומאמרים רבים אשר לפי ראות עיני, ככל איש הרואה את בניו ואת ילדי רוהו דרך זכוכית מגדלת, טובים הכה ומעילים לכשירצו חכמי הדור, וגם אם שונה אינני ראייה כי כבר הביאו תועלת לאחרים המלומדים אשר יתאימו את דרכי ומדינותי, וגם זכיתי לראות כי כפרי נכרכים ועומדים באוצרות הכפרים אשר לא הגע בהן יד, אבל הנני מצער כל ימי להביא תועלת לעמי, תועלת מוחשית, תועלת זכוכית ולא תועלת ליכודית אשר כבר הביאו ויביאו אותה חכמים רבים — ולא אכחד, לא לעמי לבדו הפנתי להיות לתועלת כ"א גם לכל מין האדם הישר והנני חושב, הנני מתבונן, הנני מעמיק ברעיוני: איכנה להשיב את התלמוד להעם והעם אל התלמוד בפועל ולא באומר לבד, כי לא יהיה כזאת, כי אז תהיה התועלת לא לעם ישראל בלבד, כ"א גם אל כל האנשים הישרים בלבבותם אשר ישמחו על דבר אמת — וכבר יעצתי בלבי עצות שונות ומשונות, אבל אחרי שמתו עליהם עין בקרת ראיתי כי הבל הכה ורעות רוח.

אבל רעיוני הזה לא יתן לי כנוח, היא שיהתי והניוני כל היום וגם בלילה לא ינוח לבי, על מי שכבי בל לות אתהפך כעז אל צד ואבקש החבולות איך להוציא את חפצי זה אל הפועל, ובתהלה אמרתי בלבי לאכ"ף את כל המאמרים אשר מצאתים כי נתספו בה אם מהישישים ואם כימנדי התלמוד ובלעניו, אל יקום אדר על כבר מיוחד ולהריכם נר גם, בראיות מוצקות ובמופתים הורכים יעני כל ישראל ולעני כל העמים, וכל הנשמר יהיו בולו קודש לה' ולישראל; ובה אמרתי לנול את חרכת התלמוד מעל ישראל ולהצדיקו בעיני מגדלי, וכמעט שמהתי על עצתי הזאת ואכרתי לגשת אל המלאכה, אבל אחרי התבוננתי מאד, והעברתי גם אוהה תחת שבט הנקרת, מצאתי ראיתי כי גם זה הבל, גם כלאכתי הזאת אישר אולי אצטרף להקדיש לה כל

חדה לרעתם, והראו לנו על כקומות רבים כי המה נתוכפו בדורות שלאחריהם כרבנן סבוראי מהנאונים והמפרשים אם בודן או בשנגה, כה הועילו לנו דהכמים מן המאספים עד החלוצים עד ראה"ו ור"י הלבן בבית מדרשיהם האחרונים אשר כתבו ספרים רבים בענינים כאלה? האם היכליכו המה את הכאמרים שאינם מן התלמוד החוצה, ויתנו לנו תלמוד נקי אשר נוכל לקרא ולהבין בו? הן גם המה רק חברו כפרים והנהגות כהרבנים, והעירו ויעוררו מה שהעירו, נ"כ רק לאוצר הספרים אשר כבדיהם יאסף אל תוכו⁽¹⁾, וכה יודפס התלמוד עם כל שברישיו ומעותיו אשר כאלה כן אלה מודים בהם, באין משיים לב לנקותו ולטהרו ולהחליף שמלותיו אשר בלו מרוב שנים.

וכמעשה הרבנים הנאונים עם התלמוד כן עשו הפוסקים האחרונים עם שולחן הערוך אשר על פיו צריכים אנו לחיות ולהתנהג, גם אותו סבבו כדבורים, ויעברו לו עטרות ואת תוכו מלאו בציונים, אותיות, כבבים, ועגולים, כפלו את ארבעת הלכיו ויעשו מהם שמונה ספרים גדולים ארוכים ורחבים ולבד אשר הוסיפו בספרים מיוחדים עד כי גם הלכה אחת ממנו עם כל מפרשיו פוסקיו ומשיגיו תכפיק לנו לכל ימי היינו וגם אז לא נמצא בו ידנו ורגלנו כי זה אוסר וזה כחיר, זה כבשיר וזה פוסל, זה מיקל וזה מחמיר⁽²⁾ וכה אם יקרה לפנינו מקרה אשר תצא מכדר היום — וזאת קף חולבת שנתחבה בקדירה של בשר, צריכים אנחנו כרבנינו כי המה יפסקו לנו את הדין — אך המה מתונים המה בדיון ולא ימהרו לחרון משפט, ולכן ישאלו אחד מהבירו וישיבו כל אחד לחבירו עם אגרת שלומם וכל שיכולהם אחד לא נעדר — ומהם יצאו לנו "שאלות ותשובות" בכל ענפי החיים (!) והמכחור, המדות הטובות והרעות אשר יפרו ירבו וישרצו בכל שנה עד כי רשימת ישמותיהם כחזיקם כפרים שלמים — וזאת היא ספירתנו אשר נוצרה באשמתנו, זאת היא חכמתנו החרוטה בעט ברזל לחרפתנו ולבשתנו מזכרת נצח — ואנחנו מרחיבים אותה, מפארים אותה בפארי אלילים ופסילים — ונחפור כי נהיה ככל האדם?!

וכה אנחנו היהודים התלמודים⁽³⁾ שאין לנו — בעולמנו הדתי ובהישם הזה אשר בו נקרא את עצמנו וכן נקרא מפי אהבינו ושונאינו — אלא ד' אכות של התלמוד בכבר, לא נדע את התלמוד, ואין לנו ממנו גם כושג קטן! אין אנו יודעים מה הוא התלמוד בכל הכתוב והנדפס ומה הוא אינו כן התלמוד ולא רק המון עמנו בלבד אינם יודעים מה להבר ומה לזרות ממנו ישע"כ המה מקדישים ומעריצים אותו כולו עם כל הנספח לו והדבוק והקשור בו למראה עיניהם, כ"א גם חכמינו כורינו ופליסופינו אינם

(1) הנה חקרנוה כן הוא, כל הכפרים היותר טובים והיותר מועילים, אשר החכמים יקנו אותם בנגש חפזה, ירכומו המה ויהפכו אותם מצד אל צד יראו ממנו איזה ענינים אשר מכבדים יש להם נמיה להם, ואח"כ יעמידוהו אל אוצר הכפרים ואז לא תגע בו יד עדי ביאת הגואל.

(2) על הלכות שהיטה ובריפות תמצא חמשים ספרים אדרי השו"ע שכולם גבוהי קומה ועבי הכרם ולקטנים מהם אין מספר, מן ספק אחד נעשו ספקות רבים להצטרף לענין ספק כפא, ימריעותא אחת נעשו ריעותות רבות מאד למען תצטרפנה לענין תרתי לריעותא, עד כי נדית למשל בפי תחכידים אם תרצה לאכול בשר כשר עליך לאכול גחלי רהמים, ועכ"ז עוד לא יגירו השחשים את ידיהם בעלחמם ויחברו ספרים קצרים וארוכים בעניני שהיטות ובריקה.

(3) כל היהודים לבד תקראים תלמודים המה, וגם אלה אשר כבר פסקו פסיקות גדולות להתלוצז את יום השבת ביום א', ואשר כבר בטלו את כל המנהגים הדתיים, גם המה אך תלמודים המה לזה לך האות כי חוגגים המה את דג השבועות בששי בכיון אשר רשם לנו רק התלמוד, ובתורה אנו קוראים ממדרת השבת ובאיזה יום לא נכסן, לבד אשר יתנהגו כמותו בדיני אבלות, וע'] במאמרנו: מה הוא התלמוד, בספרנה The Pentateuch etc. ובהרעפארם אדוואקאטם במאמרנו:

Is the Jewish religion non dogmatic?

כן יקום? נשתנים לראות, כי השאלות תליות ועומדות גם עתה כמקדם בלי כל פתרון¹). כי הדעות שונות הנה ומשונות גם עתה והפוכה על יתי הכעפים, כוכה נא עתה ויפסח גם הלאה עד שתצא נפשו; וכל הכפרים הרבים, השאלות והתשובות, הוויכוחים, והדעבאטצן, המה רק גל של עצמות יבשות גדול, גל עד על חטאת הדור ועל משוכתו!

שבתי הפכתי בדברי חז"ל האלו ושמתי עיני ולבי על הכפרות של כל עם ועם ועל ספרותנו עתה, וראיתי כי דבריהם חיים וקיימים המה בלי כל הכלנה ובלי כל נחמא כי באמת אנחנו היהידים אשמנו מכל עם ברשנו מכל דור בכפרותנו הגדולה והחבה, שהיא כמעט כולה רק דתית טהעאלאנית, קאכהאכיות וכו', וספרים מדעים אשר השיעור וההניין יסודם והחוש וחנסיין יוכלו לחרון משפטיהם על הדבר הנידון כשני פעמים ינים שהם ארבעה, לא נתחברו מאתנו כלל, או רק מעט מעט אשר העתיקו מכפרי חכמי העמים, וכל עסקנו אנחנו הוא בפרשים, בהנהגות, בהערות, בהיפאטצן וסאפיסכוס בדבר הכתוב בתלמוד ובספרי הרבנים שלאחריו, ומכל אלה אנחנו מחברים כפרים חדשים כביב התלמוד ומחברים לו וגם נפרדים כמנו, הרבה מאד, ואם לא נאמר כי חסרי התועלת המה כולם, הנה לא נפרו על המדה אם נאמר כי תתלהם, גם של הטובים שבהם, מעטה מאד ויועילו רק לאחד בעיר ושנים במשפחה המלימים ועוסקים בתורת הספרות, אך תתלה כלית לא תבוא כלל, גם להדבר שהיה מינים עצמים להעיל.

נקח נא לדוגמא את ספרי הנאונים האחרונים (ונגיה את ספרי ההלכות מהראשונים אשר כל אחד ואחד כנה במה לעצמו מפני שקינא בחברו או לא ישר בעיני דברי שקדמו אשר כבר דברנו מזה במקום אחר) כהנ"א מוילנא, ר"ע אייגער ר"י פיק, וזוד ועוד, האם הדפיסו המה את התלמוד כהנהגותיהם, האם הסירו ממנו וטעמיו, ומה עשו? האם בעיניהם רשמו אחרות תחתיהן? לא! המה כתבו הנהגותיהם על ספר לאמר "כן צריך להיות" והמדפיסים למען שבח מקהם הכנים בשלי התלמוד ויעשו לו זר סביב מהנהגות רבות ושינוי מאד, וכה ידפיכו המדפיסים בכל שנה ושנה את הש"ס עם הנהגות חדשות, עם הערות שונות ופרשים משונים אשר יוסיפו תורני הדור המתחקים לעינות כמעשה הנאונים האחרונים, ויגדל וישמן התלמוד וכן שנים עשרה כרכים עבים ורחבים נעשו כ"ד כרכים גדולים דפוס ווילנא ומרוב העצים לא נראה את היער! לא נראה את התלמוד הבטל במיעוטו מרוב העוטרים אותו והמלא גם בתיכנו מאותיות שונים ומשונים, ציונים, כוכבים, ענקים ומרובעת מפוגרים בהצי לבנה, בתיבות מרובעות וכו' המורים כל אחד לעין בזר הזהב סביבו ואם נחפון לתמוד את התלמוד ולהבין בו עם כל פירושו והנהגותיו אז הספק לנו כככת ארת על כל ימי חיינו היפלא אפוא כי רוב העם אין לו כל מושג מההלמוד? האם נתפלא אפוא שגם בין החכמים המצוינים המהגאלאנים והפלופים נמצא אך מעט מן המעט אשר קראו ולמדו את כל התלמוד כולו? ומה הועילו לנו אפוא המניהים בהנהגותיהם והמפרשים בפירושיהם? הן המה רק גדרו בעדו — ואין בא ואין יוצא לתוכו וממנו. וכן לאידך ניסא מה עשו לנו המשכילים אשר עברו על התלמוד בעין בקרת

1) לא לבר השאלות והוויכוחים שנשאלו מאת האנשישישים והשמישים בדבר התלמוד והשו"ע לא נתפתרו עד כה, כי גם שאלות ותשובות בדבר עגונות, מים שאין להם כוף, וזיונים, חליצות, כולגה עובדות וקטיות ומחכות לנתרון הרבנים, אם כי מכפר כפרי "שאלות ותשובות" יגיע לאלפים. האין זה פלא חסמי בהבל?

פרוודור להכנס לטרקלין (ובו ג' פתחים).

פתח ראשון

ענף אחד קטן מענפי האילן הגדול והחזק אשר נבהו שחקים וברחבו יסוב את כל העולם ויקישר ויאחד את כל בית ישראל בארבע כנפות הארץ, הוא התלמוד בבלי, שנחתם לנו זה כשתים עשרה מאות שנה, הנהו לפניכם קוראים נבונים, במסכתא „ראש השנה“ הזאת עם העתקתה ביטפה היה אשר תאיר אורה ראשונה; ואחריה חכאנה חברותיה המסכתות הקדושות לפנייה והמאוחרות בסדר הש"ס, כי כבר ערוכים בידינו ושמורים אתנו כל המסכתות מסדרי זרעים מועד נשים, כמות וכמתכונתה, ואם יחיינו ה' בחסדו עוד שנה אחת, תהינה כל המסכתות מסדרי נזיקין קדשים כהדות מצוהם, בידינו.

קנקן חרש הוא, אם כי מלא ייטן על כל נדותיו הנהו, שעל בן חונתנו היא להתיצב בפתח שערו להטיף מלים אחדים בראשית החוצאה החדשה הזאת לאמרו: מה ראינו על ככה ומה הניט אותנו לנשת אל המראכה הגדולה והנכבדה הזאת, ומה היא התיעלת אשר תצא ממנה לבית ישראל, ולכל העולם כולו?

חובתנו הזאת הננו ממלאים בשמחה, ובתודה לאל עליון הנומר עלינו, ונאמר: „לעולם יצפה אדם לחלום טוב עד כ"ב שנה“, אמרו חז"ל ואנחנו חלום נעים חלמנו, רעיוננו על משכבנו סלקנו זה כשתים עשרה שנה, ועוד בשנת תרמ"ב הואנו לדעת בספרנו „לבקר משפט“, כי מגדיל התלמוד ומלעיניו הבנינו בו דברים רבים נגד רצונם ודעתם של מאספי התלמוד, ובשנת תרמ"ה פרסמנו את החלום הזה ברוב ענין, במאמרים גדולים אשר הקדשנו בהקול 300, 99, 298, וגם בחוברות מיוחדות „אגרת פתוחה לכל התורנים והרבנים“, „ואגרת התלמוד הישנית“ ועד כה לא מצאנו לו פתרונים אם כי מטיבי החלום הזה נמצאו אז רבים גדולים וכן שלמים; ולמען ידעו דורותינו והבאים אחרינו את כל חלופי הדברים שהיו בין חכמי הזמן ובינינו, עשר שנים לפני, בענין הזה, נחשוב לא למותר לברר את עקרי הדברים ולסומם לפני קוראנו החדשים בארץ החדשה. כה היו ראשית דברנו בהקול 298:

ארי"א ארי"א אלמלא לא חטאו ישראל לא נתן להם אלא חמשה חומשי תורה וספר ירושע בלבד וכו' שני' כי ברב חכמה רב בעם (גדרים כב). ויותר מהמה בני חוהר קשות כפרים הרבה וכו' שכל המכנים אותם לתוך ביתו מהוסה הוא מבנים לביתו (מודש קהלת).

הדברים האלה, אחי ואדוני, נאמרו עשר מאות שנה לפנינו! ואנחנו ההיים בדור הזה מה נענה אבתריהו? אם חז"ל מציבי רואי אמרו כזאת על ספרי הנביאים, על כתבי הקדש, על קדש הקדשים כשיר השירים, על המשנה והתלמוד שבימיהם, מה נאמר: אנחנו על הספרות התלמודית והרבנית אשר פרצה קדמה וימה צפונה ונגבה, ועוד תפרין תתגדל ותתרחב מיום אל יום? אם בעיניהם היתה ספרותם חטאת הקהל וכל המכניסה לתוך ביתו הכניס מהומה בביתו, מה תהיה כפרותנו הרבנית בעינינו? ואיזה שם נכנה אנחנו להספרים הרבים אשר נולדו, ויציצו חדשים לבקרים בדבר התלמוד וספרות הרבנית, מחמייבים והכוכים, מהמקטרינים ודמליצים? הן גם המה שטפו ועברו כל גבול ואם נאספם חד אל אחד ימלאו בית גדול ורחב ידיים, תחתים שנים ושלשים באין מקום להכניס בו מחט כדקית! ואם בעינים הודרות נביט את כל הנאמר והנרפס, ונשאל האם נפתרה גם אחת מן השאלות שעליהן ידונו הספרים הרבים, אם באו בדבר אחד למצער לכלל דעה אחת והחליטו המכנה ואמרו

מסכת

ראש השנה

(ה) רבי שמעון בן נמליאל אומר משום רבי שמעון בן הסנן, פרוכת עביה טפה, ועל שבעים ושנים נימין נארנת, ועל כל נימא ונימא עשרים וארבע חומין, ארכה ארבעים אמה ורחבה עשרים אמה, ומשמנה ושתי רבוא נעשית, ושתיים עושין בכל שנה, ושלוש מאות כהנים מטבילין אותה.

(ו) בשר קדשי קדשים שנשמא, בין באב הטומאה בין בולד הטומאה, בין בפנים, בין בחוץ, בית שמאי אומרים הכל ישרף בפנים, חוץ מי שנשמא באב הטומאה בחוץ; בית הלל אומרים הכל ישרף בחוץ, חוץ מי שנשמא בולד הטומאה בפנים.

(ז) רבי אליעזר אומר, את שנשמא באב הטומאה, בין בפנים, בין בחוץ, ישרף בפנים; רבי עקיבא אומר מקום טמאתו, שם שריפתו.

(ח) אברי התמיד ניתנין מחצי כבש ולמטה במזרח, ושל מוספין ניתנין מחצי כבש ולמטה במערב, ושל ראשי חרשים ניתנין מתחת כרכוב המזבח מלמטה. השקלים והבכורים אין נוהגין אלא בפני הבית, אבל מעשר דגן ומעשר בהמה והבכורות נוהגין בין בפני הבית, בין שלא בפני הבית. המקדיש שקרים ובכורים, הרי זה קדש; רבי שמעון אומר, האומר בכורים קדש, אינן קדש.

הדרן עלך מסכת שקלים.

פירוש רמ"ל

(ה) רשב"ג, בדבר הפרכת יאמר בירושלמי כי המשנה דברה בלשון חבאי, תם בבבלי (תולין צ:): יחשוב את המשנה הזו וגם מה שחשקו את התמיד בכוס של זהב מן דברי חבאי, וחולם תרומה בספר Buchler שזכרנו לעיל, יראה כי ריבוי הכתנים הספבילין אותו אינו נחמא, כי לא מצאנו את המשנה תספר גוזמאות והחיקש לערים גדולות ובצורות בשמים, וכן לות בקע חארץ לקולם אינו דומה כלל, כי כבר אמר ר' ישמעאל גם בחלכה שהתורה דברה בלשון בני אדם, משא"כ מה שהמספר מצומצם, וגם לחשקות את התמיד בכלי זהב איננו מן דברים הספליאים, לפי רובי העשירות וכלי זהב שהיו במקדש, וצ"ג, (ראה בתפא"י ס"ש בשם הגאון מוילנא), וגם חסך שקצבה להוצאת חפרוכת יכול להיות כי היה מפכע קטנה כהפייאספר עתה במדינת השולטן או כהשעה בצרפת; כי בדרך כלל לא מצאנו שהמשנה תספר גוזמאות, ו(ז) הכל ישרף בפנים, מקום טמאתו, במסכת חמיר יתבאר שתי חמשניות האלו, כי שם מקומן.

(ח) ענין הכרכוב שהוא לענין מוספי ר"ח יתבאר במס' מדות. מעשר ובכורות נתנו גם שלא בפני הבית לכלכל את המון חללים, שלש חיה לחם כל נחלה מאבותיהם.

פרק שמיני.

(א) כל הרוקין הנמצאין בירושלים מהורין, חוץ משל שוק העליון, דברי רבי מאיר; וחכמים אומרים בשאר ימות השנה, שבאמצע ממאין, ושבצדדין מהורין, ובשעת הרגל, שבאמצע מהורין, ושבצדדין ממאין, שמפני שהן מועטין, מסתלקין לצדדין.

(ב) כל הכלים שנמצאין בירושלים, דרך ירידה לבית המבילה, ממאין, דרך עליה, מהורין; שלא בדרך ירידתן, עליתן, דברי רבי מאיר; רבי יוסי אומר, כולן מהורין, חוץ מן הסל, ומן המגריפה, והמריצה, המיוחדין לקברות.

(ג) סכין שנמצאת בארבעה עשר, שוחט בה מיד, בשלשה עשר שונה ומטביל; וקופיץ, בין בזה ובין בזה שונה ומטביל; חל ארבעה עשר להיות בשבת, שוחט בה מיד, בחמשה עשר שוחט בה מיד, נמצאת קשורה בסכין, הרי זו כסכין.

(ד) פרוכת שנממאה בולד הטומאה, מטבילין אותה בפנים ומכניסין אותה מיד, ואת שנממאה באב הטומאה, מטבילין אותה בחוץ, ושומחין אותה בחיל, ואם היתה חדשה שומחין אותה על גג האיציטבא, כדי שיראו העם את מלאכתן שהיא נאה.

פירוש רמ"ל

פרק שמיני.

(א) כל הרוקין, רוק חזב הנזכר בתורה (ויקרא ט"ו 8) ידוע היא שהוא טמא, ויען כי אי אפשר שלא חיו זבין בין העם הרב שבא בירושלם יום יום, ואי אפשר שלא יגעו שחורים ברוקי של חזב בעת מהלכם ברחובות ירושלם, תשמיענו המשנה את המנהג, איככה נהגו בהיות ירושלם בשלוחה ובהמ"ק על מכונו. והנה ר"מ אמר שכל טמאי זיכה הלכו למו בשוק העליון ולא בשוקים וברחובות אחרים למען לא ישמאו את השחורים, אבל חכמים אומרים, כי בשעת הרגל קבעו לסהלך הטמאים את צדי הדרכים וכל השחורים הלכו באמצע, ובתול לחיפך, ומוכן מאילו שאין לחוש להרוק שנמצאו במקום שהשחורים מהלכים, וכן אין ספק שחרוק הנמצא במקום שהטמאים מהלכים, שהוא טמא.

(ב) כל הכלים, מזאת המשנה למדנו כי שני דרכים חיו לבית המבילה אחת לירידה ואחת לעליה, שלא יפגעו השחורים בעת עלייתן את הטמאים ותפסאן שנית, ולכן הננו חולכים אחרי תרוב כלומר כל דריש מרובא פריש, ובירידה שחיו כל הכלין טמאין הנמצא טמא ובעליות שהיו שחורין הנמצא פהור, ואך על הכלים שמיחדין לטומאה נזרו גם נמצאו בדרך העליות, מפני שאין מוציאין כלי מחזקתה; והטעם הזה גם בסכין במשנה שלאחר זאת, ואך תקופץ שלא נהגו לשחוט בו שונה הוא, כי אינו פריש מרובא. הר"ר יאספ תרגם על פי פירוש המימוני את המשנה הזאת והוצ דחוק מאד, ולכן פרשנו את המשנה כפשוטה, ואחרי כתבנו זאת ראינו גם בפירוש תפארת ישראל, שגם הוא מוכן כפירושנו.

(ד) פרוכת שנממאו, ענין ולד הטומאה שר"ל, ראשון לטומאה יקרא מי שנגע באב הטומאה, וסדר מחלקתם היא: גיית סת" היא נקראת, אבי אבות הטומאה, הנוגע בה הוא אב הטומאה והנוגע בו הוא ראשון, והנוגע בראשון יקרא שני לטומאה, וכן שלישי, וכן רביעי, ופרשי דינם יתבארו בסדר שהורות.

(ד) בהמה שנמצאת מירושלים ועד מנדל עדר, וכמידתה לכל רוח, זכרים עולות, נקבות זכחי שלמים; רבי יהודה אומר, הראוי לפסחים פסחים, קודם לרגל שלשים יום.
(ה) בראשונה היו ממשכנין את מוצאה עד שהוא מביא נסכיה, חזרו להיות מניחין אותה ובורחין, התקינו שיהו נסכיה באין משל ציבור.

(ו) אמר רבי שמעון, שבעה דברים התקינו בית דין, וזה אחד מהן: נכרי ששלח עולתו ממדינת הים, ושלח עמה נסכים, קריבין משלו, ואם לאו, קריבין משל ציבור; וכן נר שמת, והניח זכחים, אם יש לו נסכים קריבין משלו, ואם לאו, קריבין משל ציבור; ותנאי בית דין הוא על כהן גדול שמת שתהא מנחתו קריבה משל ציבור. רבי יהודה אומר, משל יורשין ושלמה היתה קריבה.
(ז) על המלח, ועל העצים, שיהו הכהנים ניאותין בהן; ועל הפרה שרא יהו מועלין באפרה, ועל הקינין הפסולות שיהו באות משל ציבור; רבי יוסי אומר, המספיק את הקינין מספיק את הפסולות.

פירוש רמ"ל

עולה כליל על המזבח ולא היו מנתיים אותה לנתיים רק לאברים שלמים, לכן אם נמצא אבר שלם ירענו שהוא עולה, אבל החטאת, שמסנה היו חכמים אוכלין, היו מנתיים לנתיים ולכן חוששין שמא הפאת היא, ואם אמנם לא היו אוכלים כלל את הנמצאות מחשש נותר, היתה צריך להשיעור את דין הבשר הנמצא, למען נדע הדין אם עבר אחד ואכלו, שאז בירושלם לא היה חייב שום אדם על האכילה הזאת, וכן בעזרה לא חיינו יכולים לחייב את הכהן בעד איזה חתיכה מפני שהיא היתה בודאי דבר הנאכל לכהנים, כי מחעולות לא היה חתיכות, אבל אם אכל אבר שלם, אז חייב שסא מעולה היא שמשפחה להיות כולה כליל. ואנב תבאר את הדין בבשר חולין שנמצא בכל ערי ישראל שאם אך חתיכה היא ולא אבר, הולכין אחר הרוב שהוא מבשר שהושה, אך על אבר שלם יש לחוש שמא לא חששו לחתכו מפני שהיא נבלה ועזבו אותו לחית חשדה כמו שתוא ולכן אסור בכל ימות חשנה; אך ברגל, שהבשר מרובה, הולכין גם באברים אחר הרוב שהוא מבשר שהושה, במקום שרוב אנשי העיר ישראל הסה.

(ד) בהמה שנמצאת וכו', ר' יהודה יצדק בהשקפתו על בתמות הזכרים שנמצאו קרוב לפסח, העת שכל ישראל מקריבין את פסחיהן שקרוב לזדאי הוא כי הוא אחד מן הפסחים שנאבדו לבעליהן, אבל כוננו דוקא על זכר בן שנה ולא על בהמה שנראה שיש לו יותר מן שנה אחת, אך החכמים סחמירין גם בזה ואומרים כי יוקרב לעולה שהיא כולה כליל, פן מן העולות היא ומעלין בקודש ולא מורידין.

(ו) כהן גדול שמת, מנחת כהן היא הנאמר בויקרא ו, יג.
(ז) מועלין באפרה, אם כי מן התורה אין בה לא קדושה ולא מעילה גזרי החכמים, מפני שהיו הכהנים משתמשים באפרה, ועיקר הדבר שהמשנה מזכרת פה, חסה הקינין הפסולות, ר"ל אם נמצאו פסולות אחר שהגזבר שלם בעדם ולקחם מהמזכר, שכל ספק נפסלו בעת היותם כבר תחת ידי הגזבר שאז אין אחריות על המזכר ואחרים יקרבו תחתיה משל ציבור, ויען כי יד החקש תמיד על העליונה, וחזרר הזה היה מן הדברים שרוב תמוכרים לא יכלו לעמוד בו, לכן הוצרכו לתקן זאת בתקנה מיוחדת, ור' יוסי חולק גם בזה, אך אין הלכה כמותו. ופרשי הדינים מקינים יתבארו במקומם.

פרק שביעי.

(א) **מעוֹת שֶׁנִּמְצְאוּ בֵּין הַשְּׁקָלִים לְנֹדֶבָה, קָרוֹב לַשְּׁקָלִים יִפְלוּ לַשְּׁקָלִים, לְנֹדֶבָה יִפְלוּ לְנֹדֶבָה, מִחֲצָה לַמִּחֲצָה, יִפְלוּ לְנֹדֶבָה; בֵּין עֲצִים לַלְבוֹנָה, קָרוֹב לַעֲצִים יִפְלוּ לַעֲצִים, לַלְבוֹנָה יִפְלוּ לַלְבוֹנָה, מִחֲצָה לַמִּחֲצָה יִפְלוּ לַלְבוֹנָה; בֵּין קִינִין לַנּוּזִי עוֹלָה, קָרוֹב לַקִּינִין יִפְלוּ לַקִּינִין, לַנּוּזִי עוֹלָה, יִפְלוּ לַנּוּזִי עוֹלָה; מִחֲצָה לַמִּחֲצָה יִפְלוּ לַנּוּזִי עוֹלָה; בֵּין חוֹלִין לַמַּעֲשֵׂר שֵׁנִי, קָרוֹב לַחוֹלִין יִפְלוּ לַחוֹלִין, לַמַּעֲשֵׂר שֵׁנִי יִפְלוּ לַמַּעֲשֵׂר שֵׁנִי, מִחֲצָה לַמִּחֲצָה יִפְלוּ לַמַּעֲשֵׂר שֵׁנִי. וְהַכֹּלֵל, הוֹלֵכִין אַחֲרֵי הַקָּרוֹב לַהֲקַל, מִחֲצָה לַמִּחֲצָה לַהַחֲמִיר.**

(ב) **מעוֹת שֶׁנִּמְצְאוּ לִפְנֵי סוֹחְרֵי בַּהֲמָה, לַעֹלָם מַעֲשֵׂר; בַּהֲרֵי הַבַּיִת, חוֹלִין; בִּירוּשָׁלַיִם בַּשַּׁעַת הָרִגְלָה, מַעֲשֵׂר, וּבִשְׂאֵר כָּל יָמוֹת הַשָּׁנָה חוֹלִין.**

(ג) **בְּשֵׁר שֶׁנִּמְצָא בַּעֲזָרָה, אֵיבְרִין עוֹלוֹת; חֲתִיכוֹת חֲמָאוֹת; בִּירוּשָׁלַיִם וּבְחֵי שְׁלָמִים; וְזֶה וְזֶה תַּעֲבֹר צוּרְתוֹ וַיֵּצֵא לְבֵית הַשְּׂרִיפָה, נִמְצָא בְּנִבּוּלִין אֵיבְרִין נִבִּילוֹת, חֲתִיכוֹת מוֹתָרוֹת; בַּשַּׁעַת הָרִגְלָה שֶׁהַבֶּשֶׂר מְרֻבָּה, אֵף אֵיבְרִין מוֹתָרִין.**

פירוש רמ"ל

פרק שביעי.

(א) **מעוֹת שֶׁנִּמְצְאוּ, לִפְנֵי שֵׁשׁ הַבָּדֵל בֵּין קְדוּשָׁה לַקְדוּשָׁה בְּקִרְבָּנוֹת וּבְנִסְכִּים, וּמִתְחַבֵּה שֶׁלֹא יִחְלִיפוּ לַקְנֹת מִן מַעוֹת שֶׁנִּתְרַמּוּ לַקְדוּשָׁה חֲמוּרָה דְּבָרִים שֶׁחֲסֵם רַק קְדוּשָׁה קִלְתָּ, לֹכֵן אוֹמֵר שֶׁאִם מִצָּא הַכֹּסֶף בְּשִׁיעוּר שׁוֹה מִשְׁנֵי הַדְּבָרִים, הֵינּוּ שְׂעֻפָּה הַרְצָפָה מִן הַכֹּסֶף לְחִיבַת הַשְּׁקָלִים וְלְחִיבַת הַנֹּדֶבָה שׁוֹה הַנָּחוּ, אוֹ מִחֲשֵׁשׁ שֶׁמֶּא הֵמָּה מַעוֹת נֹדֶבָה שֶׁמֶּהֱם קוֹנִין רַק עוֹלוֹת וְחֲסֵם קְדוּשָׁה חֲמוּרָה מִן כֹּסֶף הַשְּׁקָלִים שֶׁבְּרִמְיָהֻם קוֹנִין כָּל דָּבָר וְגַם נוֹתֵנִין לְאוֹמֵנִין, לֹכֵן יִקְנוּ בַּכֹּסֶף הַזֶּה דָּבָר שֶׁבּוֹ קְדוּשָׁה חֲמוּרָה מִן כֹּסֶף הַשְּׁקָלִים, וְכֵן הַדָּבָר עִם עֲצִים וְלְבוֹנָה שֶׁחֲלִבוֹנָה קְדוּשָׁה מִהַעֲצִים מִפְּנֵי שֶׁחֲלִבוֹנָה הִיא קָרִיב וְהַעֲצִים רַק מִכְשׁוּרֵי קָרִיב, וְכֵן הוּא הָרִין בְּכָל אֲשֶׁר תִּחְשׁוֹב חֲמִשְׁנָה חֲלָאָה שֶׁהַשָּׁנִית קְדוּשָׁה יוֹתֵר מִתְּרַשׁוֹנָה, וְלֹכֵן בַּעַת סֶפֶק תּוֹכָה תִּמְיֵד תַּחֲמוּרָה מִן הַקִּלְתָּ. וְזֶה אוֹמֵר, לַהַחֲמִיר, רָמַל לַקְנֹת בַּכֹּסֶף דָּבָר שֶׁבּוֹ קְדוּשָׁה חֲמוּרָה מִתְּצַד שֶׁכִּנְגְדָה, וּבְדָבָר עֲמִידָתָם שֶׁל הַשּׁוֹפְרוֹת וְשִׁמְחָם רָאָה בִּפְיֹרֶשׁ תַּאֲמִי.**

(ב) **לִפְנֵי סוֹחְרֵי בַּהֲמָה, הַכֹּסֶף שֶׁנִּמְצָא בַּהֲרֵי הַבַּיִת שְׂרֹב הַחוּלָּים בּוֹ הֵמָּה כְּתוּבִים, יֵשׁ לִשְׂעֵר כִּי הַכֹּסֶף נִפְלַּ מֵאֵתָהּ וְהֵמָּה חוֹלִין, מִפְּנֵי כִּי כֹסֶף הַקְדוּשִׁים לֹא יִשְׁאוּ חֲכִינִים בְּצִלְחָתָם וְאִם נִמְלֹחוּ מִן הַחִיבָה לַמִּטְרָה הַקָּרִיב, בְּלִי סֶפֶק כִּבְרֵי חֲלָלוֹ אוֹתוֹ עַל הַבַּהֲמָה בַּעֲדוֹ בְּלִשְׁכָּה, וּמִמִּילָא יֵצֵא הַכֹּסֶף לְחוּלִין; מִשְׁאֲכִי אִם נִמְצָא הַכֹּסֶף בְּמִקּוֹם אַחֵר לִפְנֵי סוֹחְרֵי הַבַּהֲמוֹת הִיא בְּלִתִּי סֶפֶק מִמַּעוֹת מַעֲשֵׂר שֵׁנִי, אֲשֶׁר רִיב הַקּוֹנִים אֵךְ בַּכֹּסֶף מַעֲשֵׂר שֵׁנִי יִקְנוּ, וְלֹכֵן נִחְשָׁב כֵּן בְּכָל יָמוֹת הַשָּׁנָה. וּמִשְׁעָם הוּא הַכֹּסֶף הַנִּמְצָא בְּכָל מִקּוֹם בַּחֲצוֹת יְרוּשָׁלַם בַּשַּׁעַת הָרִגְלָה, שֶׁכָּל יִשְׂרָאֵל יַעֲלוּ שָׁמָּה לְרִגְלָה וְיִבְיֹאוּ אִתָּם אֶת כֹּסֶף מַעֲשֵׂר שֵׁנִי, הוֹלָכִים אַחֲרֵי חֲרֹב שֶׁנִּאֲבָד מֵאַחַר סִהַאֲוֹרְחִים, אֲבָל בְּכָל יָמוֹת הַשָּׁנָה, זוֹלָת שׁוֹק הַבַּהֲמוֹת, הַכֹּסֶף חוֹלִין.**

(ג) **יַעַן כִּי זְבָחֵי הַשְּׁלָמִים נִאֲכָלִין בְּכָל חֲצִיר לְכָל אֲדָמָה, לֹכֵן אִם נִמְצָא בֶּשֶׂר בַּחֲדוֹב נִחְשָׁב אוֹתוֹ לְשִׁלְמִים, יַעַן כִּי יוֹכֵל לְהִיְוֵה שֶׁהוּא נוֹתֵר (רָמַל יוֹתֵר מִשְׁנֵי יוֹסִים וְלִילָה אַחַד), דִּכֵּן יִחְדָּקוּהוּ בַּסֶּפֶק יָקוֹד לִילָה אַחֵר לִמְעַן יִכְלֹל לְהוֹצִיאוֹ לְבֵית הַשְּׂרִיפָה. כּוּדָא יוֹתֵר. וּבַעֲזָרָה שֶׁהַעֲוִלָה הִיתָה**

פרק שקלים ששי

לנדבה. נדבה מה היו עושין בה? לוקחין בה עולות, הבשר לשם, והעורות לכהנים; והו מדרש דרש יהודע כהן גדול: .אשם הוא אשם אשם לה' (ויקרא ה') זה הכלל, כל שהוא בא משום חטא ומשום אשמה, ילקח בו עולות, הבשר לשם, והעורות לכהנים; נמצאו שני כתובים קיימים: אשם לה' ואשם לכהנים, ואומר. כסף אשם וכסף חטאות לא יובא בית ה' לכהנים יהיו. (מלכים ב' י"ב)

פירוש רמ"ל

את נדרו אשר נדר קודם, אבל אם נדר ואמר חרי עלי איזה דבר, אז יש שיעור קצוב שלא יפחות מזה, ואנב חשמיענו תמשינה כי העורות של כל ה ק ר ב נ ו ת היו לכהנים, ובספרו של Buchler הנ"ל, ימצא תקורא כסת כהנים היו מתעסקים בזה והעשירות הגדולה שהיתה לכהנים מהעורות, וכמה לשכות מיוחדות שהיו בשביל זה במקדש, וכן מתי נתחלקו לכהנים ושהכהנים בעלי הזרוע גזלו את הכהנים העניים בלקחם לעצמם בזרוע את החלק חיותר גדול, אם שהיו משמישים עצמם מעבודת הקרבנות שהיתה עבודה קשה מאד, וטכום העורות היה רב מאד, (עיי'ש ותשתומם).

שער נשים, שער השיר. ולמה נקרא שמו שער יכניה? שבו יצא יכניה בגלותו. במזרח: שער ניקנור, ושתי פשפשין היו לו: אחד מימינו, ואחד משמאלו, ושנים במערב, שלא היה להן שם. שלשה עשר שולחנות היו במקדש: שמונה של שיש בבית המטבחים, שעליהן מדיחין את הקרביים, ושנים במערב הכבש, אחד של שיש, ואחד של כסף; על של שיש, היו נותנים את האיברים, על של כסף, כלי שרת; ושנים באולם מבחוץ על פתח הבית: אחד של שיש, ואחד של זהב; על של שיש, נותנין לחם הפנים בכניסתו, ועל של זהב, ביציאתו, שמעלין בקודש ולא מורידין; ואחד של זהב מבפנים, שעליו לחם הפנים תמיד.

(ה) שלשה עשר שופרות היו במקדש, וכתוב עליהם: תקלין חרתין, תקלין עתיקין, קינין, וגזלי עולה, עצים, ולבונה, זהב לכפורת, וששה לנדבה. תקלין חרתין, שבכל שנה ושנה, ועתיקין, מי שלא שקל אישתקד שוקל לשנה הבאה; קינין, הן תורין, וגזלי עולה, הן בני יונה, כולן עולות, דברי רבי יהודה; וחכמים אומרים: קינין, אחד חמאת ואחד עולה, וגזלי עולה, כולן עולות. (ו) קאומר: הרי עלי עצים, כא יפחות משני ניורין; לבונה, לא יפחות מקומץ; זהב, לא יפחות מדינר זהב, ששה

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וכתנים או לים רבים היו מתכנסין למתח או לסגור אחד הדלתות, וענין השולחנות מבואר, ואמרו: "מעלין בקדש" הוא, מפני שלחם הפנים היה מונח בפנים על שולחן של זהב, חצריכו לו שולחן כזה גם בצאתו מן הקודש.

(ה) שלשה עשר שופרות, השופר הראשון היה כתוב עליו "תקלין חרתין" ר"ל בו צריכין להשליך את השקלים משנה זו בפני הגזבר, והשני היה כתוב עליו "תקלין עתיקין" לאמר: בו יושלכו השקלים שלא נגבו בשנה העברה ג"כ בפני הגזבר והוא מקבל ממנו קבלה, שיחזירו לו את עבשות. השלישי היה כתוב עליו קינין, לאמר כי החפץ לנדב על "קינין" ישליך נדבתו בו. הרביעי, "גזלי עולה" ר"ל בו ישליכו המנדבים בעד תורין ובני יונה למזבח לצרכי עולה את נדבותיהם, תחמישי "עצים" בו יקובל נדבות על העצים למערכת, הששי כתוב עליו "לבונה" בשביל המנדבים נדבות על הלבונה, חמישי "זהב לכפורת" כי בו היו הנדבות שהתנדבו בשביל קדש הקדשים והכפורת שהיה שם. אלה המה השבעה שופרות הראשונים, והששה שהיו לסתם נדבה, גם עליהם היו חרותים שמות מיוחדים (לדעת תרמב"ם) והם: על הראשון "מותר חמאת", ר"ל מי שהקדיש סעות לחמאת ואחרי קנותו נשאר לו עוד מהם היה משליכם בשופר הזה למען שכן חכסא הזה לא יוקר רק לצרכי חמאת, השני "מותר אשם", השלישי "מותר קיני זבין ויולדות", הרביעי "למותר קרבנות ניור", וחמישי "מותר קרבן מצורע" שזוהי כנ"ל, אם הפריש סעות למטרת אחד מהם ונשאר בידו אחרי שהוציא מהם למטרת נדבתו ישלח המותר כל אחד במקום המסומן למענו, ועל הששי היה כתוב "נדבה" סתם שמות היו לוקחין לכל הנצרך למקדש או למזבח. ובדבר הפלגותא שבין החכמים לר"י הוא כי החכמים סוברים שדעת המנדבים לקינין היא, שמכספם יקנו דבר שיצלה על המזבח כולו כליל, והרמב"ם אומר שההלכה כחכמים.

(ו) האומר הרי עלי, אחרי שנתבאר ענין השופרות השונים שהיו משתמשים לנדבות שונות תבאר, כי רק אז מותר להשליך להשופרות כמה שיחפץ ואפילו כל שהוא, אם אינו משלם

פרק ששי.

- (א) עֲלֶשָׁה עֶשֶׂר שׁוֹפְרוֹת, שְׁלֹשָׁה עֶשֶׂר שׁוֹלְחָנוֹת, שֵׁשׁ עֶשְׂרֵה הַשְּׁתָחוּיֹת הָיוּ בַּמִּקְדָּשׁ; שֶׁל בֵּית רֶבֶן נִמְלִיאֵל וְשֶׁל בֵּית רַבִּי חֲנִינָא סָנֵן הַכֹּהֲנִים הָיוּ מִשְׁתַּחֲוִים אַרְבַּע עֶשְׂרֵה; וְהֵיכָן הִיתָה יִתִּירָה? כִּנְגֵד דִּיר הָעֵצִים, שֶׁכֵּן מִסֹּרֶת בִּידֵם מֵאֲבוֹתֵיהֶם, שֵׁשׁ הָאֲרוֹן נִגְנוּ.
- (ב) מַעֲשֶׂה בִכְהֵן אֶחָד, שֶׁהָיָה מִתְעַמֵּק, וְרָאָה הָרִצְפָּה שֶׁהָיָה מִחֲבֵרוֹתֶיהָ, בָּא וְאָמַר לַחֲבִירוֹ, לֹא הִסְפִּיק לְנִמּוֹר אֶת הַדָּבָר עַד שִׁיצַתָּה נִשְׁמַתָּ, וַיִּדְעוּ בִּיחֹדֶר שֵׁשׁ הָאֲרוֹן נִגְנוּ.
- (ג) הֵיכָן הָיוּ מִשְׁתַּחֲוִים? אַרְבַּע בְּצִפּוֹן, וְאַרְבַּע בְּדִרוֹם, שֵׁשׁ בְּמִזְרֵחַ וְשֵׁשִׁים בְּמַעֲרָב, כִּנְגֵד יֵינֵי שַׁעֲרֵים. דְּרוֹמִים, סְמוּכִין לְמַעֲרָב; שַׁעַר הָעֲלִיוֹן, שַׁעַר הַדֶּלֶק, שַׁעַר הַבְּכוּרָה, שַׁעַר הַמִּים; וְלִמָּה נִקְרָא שְׁמוֹ שַׁעַר הַמִּים? שָׁבוּ מִכְּנִיסִין צְלוּחִית שֶׁל נֶסֶךְ מִים בַּחֲנֵי. רַבִּי אֱלִיעֶזֶר בֶּן יַעֲקֹב אָמַר: בּוֹ הַמִּים מִפְּכִין, וְעֵתִידִין לֵהָיוֹת יוֹצֵאִין מִתַּחַת מַפְתָּן הַבַּיִת.
- (ד) קְעוֹמָתָן בְּצִפּוֹן סְמוּכִין לְמַעֲרָב: שַׁעַר יִכְנִיָּה, שַׁעַר קֶרְבֵן,

פִּירוּשׁ רמ"ל

פרק ששי.

- (א) שְׁלֹשָׁה עֶשֶׂר שׁוֹפְרוֹת, כִּבְרָא אִמְרֵנוּ שֶׁהָיָה שְׁחִי בָּהֶם כֶּסֶף הַשְּׁקָלִים אוֹ חֲנֻכָּת נִקְרָאִים שׁוֹפְרוֹת מִפְּנֵי שֶׁהָיוּ קִצְרִים מִלְּמַעַל וְרוֹחִים מִלְּמַטָּה שֶׁלֹּא תוֹכֵל יָד לִכְנֵס בְּתוֹכָהּ, וְכֵן הָיוּ עֲקוּמִים מִשְׁעָם זֶה, וְהַמִּשְׁנָה הַזֹּאת תִּסְפֹּר אֶת כָּל מֵה שֶׁהָיָה בַּמִּקְדָּשׁ בְּמִסְפָּר שְׁלֹשָׁה עֶשְׂרֵה הַמִּסְפָּר קִדְּשָׁה לָהֶם, (כִּנְגֵד שֵׁשׁ עֶשְׂרֵה מִדּוֹת הַרְחֵמִים הַנּוֹכְחִים בְּמִקְרָא, וְשֶׁכִּנְגֵד הַתִּקּוּן ר' יִשְׁמַעְיָאל שְׁלֹשָׁה עֶשְׂרֵה מִדּוֹת לִדְרוֹשׁ בָּהֶם אֶת הַתּוֹרָה), וְכַמִּשְׁנָה ה' תִּפְרֹשׁ מֵה הָיָה ה' צ"ג שׁוֹפְרוֹת מִשְׁתַּמְשִׁין, וְכֵן תִּפְרֹשׁ בְּאִיזָה מְקוֹמָן הָיוּ הַשְּׁתָחוּיֹת. (סָן תוֹכֵן הַמִּשְׁנָה הַזֹּאת גְּרָאָה, כִּי יִדְעוּ מִלְּמוֹד פִּיטְאגֹרָס בְּרַבֵּר הַמִּסְפָּרִים וְהַמִּסְפָּר 13 הָיָה נֶחֱשָׁב לֵאמֹר צֶלֶל גַּם בַּיָּמִים הַקְּדוֹנִים, וְלִסְעֵן הַסִּיר מֶלֶךְ הַהֶמְנוֹת אֶת הָאֲמוּנָה הַטְּפִלָּה הַזֹּאת, תִּקְנוּ דְּבָרִים קְדוּשִׁים בְּמִסְפָּר הַזֶּה, אוֹ אֱלֵי כוֹנוֹ בַּחֲמִיתִיק רֹעַ מִזֵּלוֹ שֶׁל הַמִּשְׁתַּמֵּשׁ בְּמִסְפָּר 13 בַּחֲ שִׁכּוּנָהוּ לְדְּבָרִים קְדוּשִׁים; וְגַם בּוֹסֵנִי נִסְדָּה חֲבֵרָה בְּשֵׁם "Thirteen-Club" הַמִּשְׁתַּמְשִׁים כָּל הַדְּבָרִים רַק בְּמִסְפָּר 13 לְהִרְאוֹת לְהַחֲמוֹן שֶׁאֵין כָּל חֵשֶׁךְ וְסִכְנָה בּוֹ). וְכַמִּסְפָּר מִדּוֹת יִתְבָּאֵר אִיפּוּא הָיָה דִּיר הָעֵצִים.
- (ב) מַעֲשֶׂה בִכְהֵן, הַכֹּהֵן הָיָה בַּעַל מוֹם וְפִסּוּל לְעִבּוֹדֹת תְּקִרְבָּנוֹת וְרַק חָיָה מִתְעַמֵּק לְבַרֵּר הָעֵצִים שֶׁהִתְחַלְּעִים אוֹ הַנִּרְקָבִים הָיוּ פִּסּוּלִים; וְכֵן הָיָה מִפְּצִלִין אֶת הָעֵצִים מִן הָעוֹר שֶׁעָלִיתָן לְמִזְבֵּחַ; וְהָאֲרוֹן נִגְנוּ עוֹד בַּמִּקְדָּשׁ רָאשׁוֹן כְּאִשֶּׁר רָאוּ שֶׁאֵין עוֹד תִּקּוֹה שֶׁתִּנְצֵל הַיָּצִיר וְהַמִּקְדָּשׁ מִיַּד הַכְּשָׁרִים, וְהַכֹּהֵן הַזֶּה מֵה, מִפְּנֵי שֶׁרָצָה לְגַלּוֹת אֶת חֲסֹד הַזֶּה; וְעֵינָן בְּסַפְרֵנוּ The Pen-tateuch etc., Chicago, 1894.
- (ג) וְהֵיכָן הָיוּ מִשְׁתַּחֲוִים, הָאָמַר כִּי יֵינֵי שַׁעֲרֵים הָיוּ בַּמִּקְדָּשׁ, הוּא אֲבָא יוֹסֵי בֶן יוֹחָנָן, נִצַּר מִן הַכֹּהֲנִים הַגְּדוֹלִים שֶׁהָיוּ בַּמִּקְדָּשׁ שְׁנֵי, אֲכָל לִרְעַת הַחֲכָמִים רַק שֶׁכַּעַז שַׁעֲרֵים הָיוּ וְהַשְּׁתָחוּיֹת הָיוּ כִּנְגֵד יֵינֵי פִּרְצוֹת שֶׁרָצוּ הַיּוֹנִים בְּהַמִּסְפָּר וְכִי הַשְּׁמוֹנָאִי גִדְּרוּ; שֶׁלֹּכֵן גִּזְרוּ הַשְּׁתָחוּיֹת כִּנְגֵד הַפִּרְצוֹת הָאֵלֶּה כַּעֲזֵן הַדִּירָה, וְאוֹלָם הַמִּשְׁנָה אִשֶּׁר תִּחְשׁוֹב תִּשְׁעָה בְּשִׁמּוֹת וְשִׁנִּים בְּלֹא שֵׁם מִיחֹדֶר וְאוֹמֶרֶת אִיפּוּא הָיוּ בְּפִרְשׁ, נִרְאָה כִּי כִדְבָרִיךְ כֵּן הָיָה (וְהַחֲכָמִים חֲלָקוּ רַק מִהַשְּׁעָרָה לֹא מִתְקַבְּלָה, וְרָאָה כַּתְּפֵא"י עַל הַמִּשְׁנׁוֹת, וְפִירְשׁוֹ בְּשֵׁם אֲבִיו קִשָּׁה לְחֻלּוֹמֵי).
- (ד) מִשְׁמַשִּׁין, נִקְרָאִים דְּלָחוֹת קִשְׁנוֹת בְּתוֹךְ תְּגִדּוֹלוֹת, כִּי תְּגִדּוֹלוֹת הָיוּ כְּבִדִּין וְקִשְׁיִן לְפָתוֹחַ

(ה) מי שאבד ממנו חותמו, ממתנין לו עד הערב, אם מצאו לו כדי חותמו, נותנין לו, ואם לאו, לא היו נותנים לו, ושם היום כתוב עליהן מפני הרמאין.

(ו) עזתי לשכות היו במקדש: אחת לשכת חשאים, ואחת לשכת הכלים; לשכת חשאים, יראי חמא נותנין לתוכה בחשאי, ועניים בני טובים מתפרנסין מתוכה בחשאי; לשכת הכלים, כל מי שהוא מתנדב כלי, וזרקו לתוכה, ואחד לשלשים יום, נזכרין פותחין אותה, וכל כלי שמצאו בו צורך לבדק הבית, מניחין אותו, והשאר נמכרין בדמיה ונופלין ללשכת בדק הבית.

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(ה) מי שאבד ממנו חותמו, אם אבד חותם לא אמרו שיחזיק יד הקדש על העליונה והמאבד חותמו לא ישיג כלום, כ"א בקרת חיו עושים בהכסף הנפדה ואם היה הכסף יתר על החותמות שביד הנותן נסכים ומסכים שלו שוח עם המעות שנתן תקנה בעד חותמו, חיו נותנין לו נסכים ועל התותם לא חיו מקפידין אותו למצוא, כי היה כתוב עליו שם חיו ואינו מועיל ליום אחר.

(ו) שתי לשכות, בתלמוד ירושלמי מביא ציורים ופוס מן לשכת חשאים וספר דברים רבים ממעשה הצדקה הזאת. והנה לשכות רבות חיו במקדש בשמות מיוחדים אשר לא יחשבו מה, ואך לחשיבות שתי לשכות הללו ינקבם.

(ב) אין פוחתין משלשה נזכרין ומשבעה אמרכלין, ואין עושין שררה על הציבור בממון פחות משנים, חוץ מבן אחיה, שעל חולי מעיים, ואלעזר שעד הפרוכת, שאותן קבלו רוב הציבור עליהן. (ג) ארבעה חותמות היו במקדש, וכתוב עליהן: עגל, זכר, נדי, חומא; בן עזאי אומר, חמשה היו וארמית כתוב עליהן: עגל, זכר, נדי, חומא דל, וחומא עשיר. עגל, משמש עם נסכי בקר, נדולים וקטנים וזכרים ונקבות; נדי, משמש עם נסכי צאן, נדולים וקטנים, וזכרים ונקבות, חוץ משל אילים; זכר, משמש עם נסכי אילים בלבד; חומא, משמש עם נסכי שלש בהמות של מצורעים. (ד) כפי שהוא מבקש נסכים, הולך לו אצל יוחנן, שהוא ממונה על החותמות, נותן לו מעות, ומקבל ממנו חותם; בא לו אצל אחיה, שהוא ממונה על הנסכים, נותן לו חותם, ומקבל ממנו נסכים, ולערב באין זה אצל זה, ואחיה מוציא את החותמות, ומקבל כנגדן מעות, ואם הותירו הותירו להקדש, ואם פחתו, ישלם יוחנן מביתו, שיד הקדש על העליונה.

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והנה המשנה אינה מזכרת אם היו הממונים כהנים, לויים, או גם ישראלים היו ביניהם, וכבר דברו בזה הרבה חכמי זמננו, ואולם חרוצה לדעת את חכונת הכהנים והממונים האלו, שיבס וטבעם בפרוטרום, עליו לעיין בספר Die Priester und der Cultus von Prof. Buchler, Wien, 1895, ושמה יראה כי מספר הכהנים לבד עלו לא למאות ולא אלפים, כי אם לעשרות אלפים, וכן מספר הלויים היה רב מאד, וכן על איזה דברים היו הממונים רק מהכהנים ועד איזה דברים גם מלחים וישראלים, ראה שם מצד 47-67, ואנחנו דברנו עוד מזה בסוף מס' שבת כדבר ה"ח גזירות שגזרו חכמים על הכהנים ועל התרומה.

(ב) אין פוחתין, סדר הנשיאות במקדש היו כן: המלך ואחריו הכהן גדול, ואחריו הסגן, ואחריו הקתליקון שהיו שנים, אחריהם האמרכלין שהיו שבעה, ואחריהם הגזברין שהיו רבים וגם תחתיהם היו ממונים רבים. והנה משמרת כל אחד מהם מכואר במס' תמיד ויומא ובפרט בהספר הנזכר למעלה.

(ג) ארבעה חותמות, הנסכים לכל קרבן שונים היו כידוע, ולכל הנסכים היה כחיד קצוב במקדש, והנה נסכי כבשים ועזים גם הזכרים שבהם שוים היו וחותרם "נדי" היה מספיק גם להמביא קרבנו כבש, אבל לאילים היה נסך מיוחד גדול ממנו ולכן השתמשו בחותם "זכר" שהיה סמן למי שקרבנו "איל", אבל בבקרים שוין הזכרים והנקבות הגדולים והקטנים ולכן השתמשו בחותם "עגל" למי שקרבנו מן הבקר. ועל קרבן המצורעים השתמשו בחותם "חומא" (לרמז שהצרת באה מפני החמא) שעד העשירים היה להביא שני אילים וכבשה אחת ונסכיהם, בית ההותם ח ו ט א מספיק לתת להם את הנסכים שהזכירו בתורה, אבל על העניים המצורעים שלא היה להם להביא רק כבש אחד ושתי תורים, ורק עשרון אחד סולת ולוג שמן בלא יין, אמרו החכמים, כי לא היה צריך לסמן מיוחד; ובן עזאי היה אומר, כי חמשה חותמות היו שעל תחמישי היה כתוב ח ו ט א = ד ל להבדילו משאר נדי הצריך גם יין ואומר שהיה כתוב עליהן ארמית ולא עברית ובלי ספק היתה קבלה בידו, כי כל הסמנים שבמקדש היו ארמית וכן נראה מן המשנה עצמה ככל הסמנים (זמן רב אחרי עלותם מכיל דברו הכהנים רק ארמית וכן האשכולות עד אחר הלל ושמואי, וגם בעריות קבלו עדותם בארמית והציגו כשונם, וראה בספר ביכנער הנ"ל).

פרק חמישי.

(א) אלו הן הממונין שהיו במקדש : יוחנן בן פנחס על החותמות אחיה על הנמכים, מתתיה בן שמואל על הפייסות, פתחיה על הקניין. פתחיה זה מדרכו ; למה נקרא שמו פתחיה ? שהיה פותח בדברים ודורשן ויודע שבעים לשון. בן אחיה על חולי מעיים, נחניה חופר שיחין, נביני כרוז, בן גבר על נעילת שערים, בן בכיי ער הפקיע, בן ארזא על הצלצל, הוגרום בן רוי על השיר, בית גרמו על מעשה לחם הפנים, בית אבטינס על מעשה הקמורת, אלעזר על הפרכת ופנחס על המלבוש.

פירוש רמ"ל

פרק חמישי.

(א) אלו הן הממונין, לא בזמן אחד היו הממונין שהוא חושב במשנה, כ"א דורות רבים הפירו כיניהן, אבל המשנה מזכרת רק השוכים והחסידים שהיו ממונין בכל דור, וענין החותמות יתבאר במשנה ד'. הפייסות, הן : שהיו הכהנים משילין גורל כיניהם מי יעלה לעבוד עבודה זו ומי עבודה זו, והיו צריכין למסונה להתחזק הסדר ושהיה רשום אצלו מי יעלה לפנים היום ומי לאחר. קניין הן הקרבנות שכל איזה יולדת היתה צריכה להקריב ומפני שהיו רבות צריכין היו לממונין גם כן להתחזק הסדר, שכל הבאה קודם תקריב קודם ושיחגו לה את הקניין במחור הקצוב ולא ירבו עליהן, וגם היו מתקריבין מפני ריבוי המביאין חכמה רבה נצרכה להורות דיני תעובות האלה, ענין בפירוש תפארת ישראל. חולי מעיים היה דבר הרגיל מאד במקדש, מפני שהיו הכהנים נושאים עליהם בעת העבודה רק הארבעה בגדים קרים, והיו חולכים יחפים על הרצפה של שיש ובין כה מוכרחים היו לאכול את בשר הקרבנות שלא יביאו קרשים ליד נותר, ולכן נחלו תמיד בחולי מעיים, והממונים היו רואים על כל אחד שנחלה להביאו למקום הרפואה ולמנות אחרים תחתיהם, ולכן היו ממונים רבים, לזה, ופה נחשב סכל המסדרונות רק המסונה הראשי שהכל היה נעשה תחת השגחתו. חופר שיחין, לא רק במקדש וירושלים כ"א בכל הארץ ובסוריא, להכין מים לעולי הרגל ולבאי מקדש. כרוז, הוא המסונה שהיה מכריז בעצמו, או מצוה להכריזו, כל עבודה ועבודה בזמנה. נעילת שערים, גם לזה היו ממונים הרבה, לנעיל כל שער ולשמור את המקדש, כי כן היה המצוה לשמור את המקדש אף שלא בעת מלחמה וסכנה, כאשר יתבאר במס' תמיד, והממונים היו מעמידים כל שומר על מקומו שלא יישן ויחלף סביב סביב במקום שהונגל לו, ואם היו מוצאין את אחד מהם ישן, היו מלקין אותו ושורפין את כסותו וזה היה נקרא פקיע שהיו לזה ממונים אחרים לכד הממונים על נעילת שערים. צלצל, המה התופים שהיו מכים בהם להשמיע בעת הקרבת הקרבנות, וכן היו מליים את אחיהם הלויים כנגדם בכל זמר את המזמורים הראויים בעת הקרבת הקרבנות, ואך המנצח על השירים, קאפעל מייכשקר" היה מסונה אחר, לכד הממונים על התופים והמצללים. מעשה הקמורת, שהיה נצרכת שתי פעמים, בכל יום והיקונה היתה ענין ועסק גדול להרכיבה ולערבבה סכמה סממנים ושיקור כל אחד ואחד, ואיך שהיתה ענין הקמורת עולה, ומן האומנין המצוינים בזה היו בית אבטינס, וכן לחם הפנים שהיו עושים ו"ב חלות בכל שבוע היו צריכין לאומנין שלא יתקררו מהרה בעת שהיו מונחים על שולחן של שיש, וגם צורתם ותכניהם, המבואר במס' תמיד, וזה היה הממונין בית גרמו דורות הרבה שהיו מוסרין את אומנתם לבניהם, גם להפרכת שהיו מחליפין אותו תדיר היה מסונה מיוחד לקבל אותו מהמנדרים ולראות אומנתו ונקיותו ומלאכתו. גם היו אנשים רבים עוסקים בהלכסת הכהנים בבגדיהם ומשגיחים שהיו נקיים מפני חולי המעיים הרגילה במקדש, וכובסי הבגדים, שעל כולם היו ממונים מיוחדים. ולשכות רבות היו במקדש שהיו מיוחדות רק לבגדי הכהנים.

ונקבות ימכרו לצרכי זבחי שלמים, (ודמיהן יפלו עם שאר נכסים לבדק הבית); רבי יהושע אומר, זכרים עצמן יקרכו עולות, ונקבות ימכרו לצרכי זבחי שלמים, ויביאו בדמיהן עולות, ושאר נכסים יפלו לבדק הבית; רבי עקיבא אומר, רואה אני את דברי רבי אליעזר מדברי רבי יהושע, שרבי אליעזר השהה את מדתו, ורבי יהושע חלק; אמר רבי פפייס, שמעתי כדברי שניהן: המקדיש בפירושו, כדברי רבי אליעזר, והמקדיש סתם, כדברי רבי יהושע.

ח) המקדיש נכסיו, והיו בהן דברים ראויין על גבי המזבח; יינות, שמנים ועופות, רבי אליעזר אומר, ימכרו לצורכי אותו המין, ויביאו בדמיהן עולות; ושאר נכסים יפלו לבדק הבית.

ט) אחת לשלשים יום משערין את הלשכה; כל המקבץ עליו לספק סלתות מארבעה, עמדו משלש, יספק מארבעה; משלש ועמדו מארבעה, יספק מארבעה, שיר הקדש על העליזנה; ואם התליעה סולת, התליעה לו, ואם החמיץ יין, החמיץ לו; ואינו מקבל את מעותיו, עד שיהא המזבח מרצה.

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כי דעת המקדיש הוא, אם גם סתם דבריו, כי למזבח יותר טוב מן בדק הבית שלכן הזכרים יקרכו לעולה בשם המנדב אבל נקבות הראויות רק לשלמים ואינו יכולין להקריב בשם המנדב, אם איננו בעת הקרבה, לכן ימכרו לצורך הזה לאחר וכדמיהן יקרכו עולות בשם המנדב. וד"ע שדעתו לענין סתם הקדש כר"א, ואמר כי הוא רואה את דברי ר"א, אבל ר' פפייס כמכריע יאמר שאם הקדיש כל נכסיו סתם וכניחם היו בהמות למזבח ולא קראם בשם, אז כונתו כי כל אחד יקרב למקום הראוי לו, ויקרכו כדברי ר' יהושע, אבל אם פירש ואמר: הנכסים והבהמות שלי כולם הקדש" ולא אמר מפורש כי הבהמות יוקרכו למזבח, גלה בזה דעתו שכל נכסיו קדושה אחת הן, לבדק הבית; כי אם לא כן, כיון שקרא הבהמות בשם, היתה לו לחוסף עוד מלה אחת "למזבח". ובמשנה שאחריה סתם כר"א, מפני שיינות שמנים ועופות אין להם פדיון ולכן יקרכו בדמיהם עולות וכו'.

ט) אחד לשלשים יום, ענין זאת המשנה, שבכל חודש היו קורין את המוכרים שיסמנו את המחיר על כל דבר הנצרך למזבח ולבדק הבית על כל תחודש, ולכל הממכר מחירו היו נותנין את הקרימה שיעמיד אותן למזבח ולבדק הבית; והמקחים שהיו קוצבים אותם היו על כל תחודש, באופן שאם נתיקרו הדברים, היו טובלים המוכרים את הנזק, אבל אם חזיל השער, יד התקדש על העליזנה; ותרשות היה לגבאים שלא לשלם רק כפי השער הזול, אם המוכרים העמידו להם בעת זול. ומה שאומרת ואם התליע, התליע לחמוכרים, ר"ל אם גם קבלו את המעות הית עוד אחריותן עליהן, אבל בירושלמי אומר, כי חמה היו מקבלין את המעות מיד, וזכהנים זריזין הם ולא הגיעו את הסולת להתליע ואת היין להחמיץ.

קדשי הקדשים; רבי ישמעאל אומר, מותר הפירות קייץ למזבח ומותר התרומה לכלי שרת; רבי עקיבא אומר, מותר התרומה קייץ למזבח, ומותר נסכים לכלי שרת; רבי חנינא סנן הכהנים אומר, מותר נסכים קייץ למזבח, ומותר התרומה לכלי שרת; זה וזה לא היו מודים בפירות.

(ה) מותר הקמורת מה היו עושין בה? מפרישין ממנה שכר האומנין, ומחללין אותה על שכר האומנין, ונותנין לאומנין בשכרן, וחוזרין ולוקחין אותה מתרומה חדשה; אם בא החדש בזמנו, לוקחין אותה מתרומה חדשה, ואם לאו מן הישנה.

(ו) המקדיש נכסיו, והיו בהן דברים ראויין לקרבנות הציבור ינתנו לאומנין בשכרן, דברי רבי עקיבא; אמר לו בן עזאי אינה היא המדה, אלא מפרישין מהן שכר האומנין, ומחללין אותה על מעות האומנין, ונותנין אותן לאומנין בשכרן, וחוזרין ולוקחין אותן מתרומה חדשה.

(ז) המקדיש נכסיו, והיתה בהן בהמה ראויה לגבי המזבח, זכרים ונקבות, רבי אליעזר אומר, זכרים ימכרו לצרכי עורות,

פירוש רמ"ל

השנה, אם נשאר כסף משנה שצרכה מה עושים בה? מותר הפירות, עתה ישא ויתן בדבר שאלה חדשה מה היו עושין בתריחו שתריוחו מהנסכים כמשנה הקדמות, ואומר ר' ישמעאל שהיו קונין קרבנות אם קרת בה שחיה המזבח עומד בשל באין קרבנות חיובים, אבל ר"ע האומר שעבור לתריחו ממעות הקדש אומר כי לקץ המזבח היו לוקחין ממותר חכסף משנה שעברה, ומותר נסכים ר"ל מה שנשאר מציצו הכדות של נסכים, (כי היו לוקחין בסדה גרדח ומקריבין סדה מעוקה) לכלי שרת, ור"ח סנן הכהנים דעת אחרת לו בזה. וחנה מן המשינה הזאת (ורבות כדומה לה בכל המשינות) נראה כי בזמן המקדש היו הכהנים הממונים מחזיקים כל דבר בסוד ולא נודע דבר איך התנהגו, כי לולא זאת לא היתה המחלוקת מצויה חכף אחר התורכן, ועוד יותר שר' ישמעאל היה כהן ואבותיו אלישע וישמעאל היו כהנים חשובים בזמן המקדש וכן ר' חנינא סנן הכהנים היה מן הכהנים החשובים, וגם הם לא ידעו את המנהג ואך חלקו בסברות. ושמו הכלל חזק בבואך לכמה משינות שהולקת בדבר המנהג ואין אחת מהן שומרת מפי הנסיון. (ח) מותר הקמורת, ר"ל הנשאר בסוף השנה משנה שעברה ומשנה החדשה היו משתמשים בקמורת הנקנות משקלים תחרישים, ויען כי סדת הקמורת היא מלא חפניו ואין חידים בגדלן ורחבן שוות, וכתן שחיד שלו קטנה היה ג"כ נוטל רק מלא חפניו, היה נשאר בכל שנה איזה מלות כממני הקמורת.

(ו) כל המקדיש נכסיו, סתם הקדש יאמר ר"ע הוא לברך הבית ולכן מיקל אם גם היו גין חפצי הקדש דברים הראויים למזבח, כמו כממני הקמורת ולא הצריכם לחיות קרבים על המזבח, ואולם בדברים חיים הראויים למזבח וכן גם יינות ידובר בזה בהמשינות לקמן, ואולם בן עזאי מחמיר גם כממני הקמורת. סדעחו, כי דעת המקדיש נכסיו בודאי נוסח יותר שיקרבן דברים הראויים למזבח, על המזבח עצמו; אשר לכן מבקש חילולם על מעות האומנין וחוזרין ולוקחין אותה מתרומה חדשה שע"ז יכוננו בודאי לדעת המקדיש.

(ז) זכרים ימכרו לצרכי עולות, גם ר"א סובר כי סתם הקדש הוא לברך הבית, אבל עכ"ז ידמה כי הדברים עצמם הראויין למזבח לא יצאו מיד המזבח אם גם שוים יילח לברך הבית שלכן מצריך למכרם לצורך המזבח עצמו. ואך ר' יהושע הסובר כבן עזאי בזה, יאמר

פרק רביעי.

(א) קְתֹרֶמָה מַה הָיוּ עוֹשִׂין בָּהּ? לֹקְחִין בָּהּ תְּמִידִין, מוֹסְפִין וְנִסְכֵּיהֶם, הָעוֹמֵר, וְשְׁתֵּי הַלֶּחֶם, וְלֶחֶם הַפָּנִים, וְכָל קֶרְבָּנוֹת הַצִּיּוֹר. שׁוֹמְרֵי סְפִיחִים בַּשְּׁבִיעִית, נוֹטְלִין שֹׁכֵר מִתְּרוּמַת הַלֶּשֶׁכָּה; רַבִּי יוֹסִי אוֹמֵר, אֵף הַרוּצָה מִתְּנַדֵּב שׁוֹמֵר חָנָם; אֲמָרוּ לוֹ, אֵף אֶתָּה אוֹמֵר שְׂאִין בְּאֵין אֵלָא מִשַּׁל צִיּוֹר.

(ב) פֶּרָה וְשַׁעִיר הַמִּשְׁתַּלַּח וְלֶשׁוֹן שֶׁל זְהוּרִית בְּאֵין מִתְּרוּמַת הַלֶּשֶׁכָּה. כֶּבֶשׂ פֶּרָה, וְכֶבֶשׂ שַׁעִיר הַמִּשְׁתַּלַּח, וְלֶשׁוֹן שֶׁבִין קֶרְנָיו, וְאֵמֶת הַמִּים, וְחֹמַת הָעִיר וּמִגְדָּלוֹתֶיהָ, וְכָל צוֹרְכֵי הָעִיר בְּאֵין מִשִּׁירֵי הַלֶּשֶׁכָּה; אֲבָא שְׂאוּל אוֹמֵר: כֶּבֶשׂ פֶּרָה כֹּהֲנִים גְּדוּלִים עוֹשִׂין אוֹתָן מִשַּׁל עֲצָמָן.

(ג) מִיֹּתֵר שִׁירֵי הַלֶּשֶׁכָּה מַה הָיוּ עוֹשִׂין בָּהֶן? לֹקְחִין בָּהֶן יֵינוֹת שְׂמָנִים וְסִלְתוֹת, וְהַשְׁכֵּר לְהַקְדֵּשׁ, דְּבָרֵי רַבִּי יִשְׁמַעֵאל; רַבִּי עֲקִיבָא אוֹמֵר, אֵין מִשְׁתַּכְּרִין בִּשְׁל הַקְדֵּשׁ, וְלֹא בִשְׁל עֲנִיִּים.

(ד) מִיֹּתֵר הַתְּרוּמָה מַה הָיוּ עוֹשִׂין בָּהּ? רְקוּעֵי זֶהב צִיּוּפֵי לְבֵית

פִּירוּשׁ רַמ"ל

פרק רביעי.

(א) שׁוֹמְרֵי סְפִיחִים בַּשְּׁבִיעִית, הָעוֹמֵר וְשְׁתֵּי הַלֶּחֶם אֲשֶׁר רִנָּם, כִּי יִבְאוּ רַק מֵאֵין יִשְׂרָאֵל וְדוֹקָא מִן תְּבוּאָה הַחֲדָשָׁה שֶׁגִּדְּלָה בְּזוֹ הַשָּׁנָה, מֵאֵין הָיוּ לֹקְחִים אוֹתָם בְּשַׁנְתַּת הַשְּׁבִיעִית שֶׁאֵין לָא זֶרְעוּ וְלֹא קִצְרוּ? הָיוּ שׁוֹלְחִים תְּרִים לִרְאוּת מִקּוֹם גְּדִילִים תְּבוּאָה מִה שֶׁנִּזְרְעָה בְּשַׁנְתַּת הַקְּדֻמָּה שֶׁנִּקְרָאת בְּלֶשׁוֹן הַמִּקְרָא (וְיִקְרָא כ"ה) סְפִיחַ וְלִשְׁמֹר אוֹתָהּ שְׁלֹא תִשָּׁלוּשׁ בָּהּ יָד אַחֵר לְעִקְרָה קֹדֶם שִׁיבֹא הַקֶּרֶן מִמֶּנָּה, סָפְנִי שֶׁבְּשַׁנְתַּת הַשְּׁבִיעִית הַכֹּל הוּא הַמִּקְרָא וְאֵין רְשׁוּת לִבְעֹל הַשָּׂדֶה לִבְלִי לִהְיוֹת אַחֲרֵים לְתִלּוּשׁ אֶת הַצִּמְחִים וְהַתְּבוּאָה. הַהֲרִים וְהַשְּׂמֹרִים הִלְלוּ הָיוּ מִקְבָּלִים שְׁכָרָם מִתְּרוּמַת הַלֶּשֶׁכָּה, וְכִסָּף הוּא נִחָשׁ כֶּאֱלוֹ קֶנָּה בּוֹ אֶת תְּתִיבּוּאָה שִׁישׁ לִבְלִי אַחֵר חֶלֶק בָּהֶם. וְר' יוֹסִי הָאוֹמֵר שֶׁמִּתְּנַדֵּב אֲדָם לְחֵיוֹת שׁוֹמֵר חָנָם טוֹבֵר שֶׁקֶרֶבֶן יָחִיד מִשְׁתַּנָּה לְחֵיוֹת שֶׁל צִיּוֹר אִם הוּא מִנְדֵּב אוֹתוֹ אֲבָל אֵין הַלֶּכֶת כְּמוֹתוֹ בְּעוֹמֵר וְשְׁתֵּי הַלֶּחֶם, אִם כִּי בִשְׂאֵר קֶרְבָּנוֹת מוֹתֵר לִקְחַת מִשַּׁל יָחִיד אִם הוּא מִנְדֵּב אוֹתָם לְצִיּוֹר בְּעֵין יֶפֶת (רֵאשִׁי ר"ה).

(ב) פֶּרָה וְלֶשׁוֹן שֶׁל זְהוּרִית, מוֹתֵר הַכֶּסֶף שֶׁלָּא הָיָה נִכְנָס לְשִׁלֵּשׁ חֲבִיּוֹת הַגְּדִילוֹת שֶׁזִּכְרָנוּ לְמַעְלָה, נִקְרָא שִׁירֵי הַלֶּשֶׁכָּה וְהָיוּ נוֹתְנִין אוֹתוֹ בְּמִקּוֹם גְּבוּהָ, שְׁהָיוּ עוֹלִים עָלָיו ע"י אֶלְמָנָק בְּלֹא מַעְלָה; וְמִהַכֶּסֶף הַזֶּה הָיוּ עוֹשִׂים כֶּבֶשׂ לְפֶרָה אֲדוּמָה, שֶׁמִּיכּוֹ יִתְבָּאֵר בְּמִשְׁנֵת פֶּרָה אֲדוּמָה, וְכֵן הַכֶּבֶשׂ לְשַׁעִיר הַמִּשְׁתַּלַּח לְעֹזָאוֹל וְלֶלֶשׁוֹן שֶׁבִין קֶרְנָיו שֶׁמִּיכּוֹ יִתְבָּאֵר בְּיוֹמָא, וְכֵן לְאֵמֶת הַמִּים לְחֹמַת הָעִיר יִירוּשָׁלַם אִם הָיוּ צְרִיכִים חִיקוֹן.

(ג) מוֹתֵר שִׁירֵי הַלֶּשֶׁכָּה, ר"ל אִם אַחֵר כָּל אֵלֶּה עוֹד נִשְׂאָר כֶּסֶף הוֹץ לְלִישְׁכָּה מַה הָיוּ עוֹשִׂין בּוֹ? לֹקְחִין יֵינוֹת, כָּל מִי שֶׁמִּבִּיא קֶרֶבֶן, עָלָיו לִקְנוֹת יוֹן לְנֶסֶךְ עַל חֲמוֹצָה וְסוּלָת וְשִׁמֵּן לְמִנְחָה, וְכָל אֵלֶּה הָיוּ קוֹנִים בְּעֹזְרָה בְּכֶסֶף, וְהַמִּשְׁנָה הַזֹּאת אֲמִירָה, כִּי בְּעַד מוֹתֵר הַכֶּסֶף שֶׁל שִׁירֵי הַלֶּשֶׁכָּה, הָיוּ קוֹנִין יוֹן שְׂמָנִים וְסִלְתוֹת לְמַכִּירָה לְהַמְקַרְבִּים, לְמַעַן יִרְוּחוּ מַעוֹת לְהַקְדֵּשׁ, אֲבָל ר"ע חוֹלֵק וְאוֹמֵר, שֶׁאֵסוּר לַעֲשׂוֹת סְחוּרָה בְּמַעוֹת הַקְדֵּשׁ וְכֵן בְּמַעוֹת שֶׁל עֲנִיִּים, וְבִירוּשָׁלַם חוֹשֵׁב דְּבָרִים רַבִּים מַה שֶׁעָשׂוּ בְּמוֹתֵר כֶּסֶף הַשְּׁקָלִים כְּמוֹ שֶׁכָּר לִימּוֹד הַלְכוֹת שְׁחִיפָה, הַלְכוֹת קֶרְבָּנוֹת, וְכֵן לִבְקֵר אֶת מוֹמֵי הַקֶּרְבָּנוֹת שֶׁכָּל אֵלֶּה הָיוּ לֹקְחִין מִמַּעוֹת שִׁירֵי הַלֶּשֶׁכָּה; וְעוֹד כְּמוֹ אֵלֶּה, (רֵאשִׁי שֶׁם הַלֶּכֶת ר' בִּזְהָר הַפֶּרֶק).

(ד) מוֹתֵר הַתְּרוּמָה, ר"ל אִם הִגִּיעַ אֶחָד בְּנֵינָן שֶׁכָּבֵר יֵשׁ תְּרוּמַת חֲדָשָׁה מִשְׁקָלִים שְׁבֹז

ויאמרו מען הלשכה העני, או שמא יעשיר, ויאמרו מתרומת
הלשכה העשיר, לפי שאדם צריך לצאת ידי המקום, כדרך
שצריך לצאת ידי הבריות, שנאמר: ידהיתם נקיים מה' ומישראל.
(במדב' ל"ב) ואומר: ימצא חן ושכל טוב בעיני אלהים ואדם' (משי' ג).
ג) של בית רבן נמליאל נכנס, ושקלו בין אצבעותיו, וזרקו
לפני התורם, והתורם מתכוין ודחפו לקופה. אין התורם תורם,
עד שיאמר להם: אתרום? והן אומרים לו: תרום! תרום! תרום!
שלש פעמים.

ד) תרם את הראשונה ומחפה בקמבלאות, שניה ומחפה
בקמבלאות, שלישית לא היה מחפה, שמא ישכח את התרום ויתרום
את דבר התרום. תרם את הראשונה לשם ארץ ישראל, והשניה
לשום כרכים המוקפין לה, שלישית לשום בכר, ולשום מדי, ולשום
מדינות הרחוקות.

פירוש רמ"ל

ג) של בית ר"ג נכנס, כלומר כל אחד מבית ר"ג בעת שהיה נותן שקליו היה מתחנצ כן.
ד) ויתרום את דבר התרום, כלומר מן הקופה הראשונה שכבר תחיל סמנה בפעם
הראשונה.

פרק שלישי.

(א) בשלשה פרקים בשנה תורמין את הלשכה, בפרוס הפסח בפרוס עצרת, בפרוס החג, והן גרנות למעשר בהמה, דברי רבי עקיבא; בן עזאי אומר בעשרים ותשעה באדר, ואחד בסיון, ובעשרים ותשעה באב, רבי אלעזר ורבי שמעון אומרים באחד בניסן, באחד בסיון, בעשרים ותשעה באלול. מפני מה אמרו בעשרים ותשעה ולא אמרו באחד בתשרי? מפני שהוא יום טוב, ואי אפשר לעשר ביום טוב לפיכך הקדימוהו לעשרים ותשעה באלול.

(ב) בשלש קופות, של שלש שלש מאין תורמין את הלשכה, וכתוב בהן: אלף, בית, נימל; רבי ישמעאל אומר, יונית כתוב בהן: אלפא, ביתא, נמלא. אין התורם נכנס, לא בפרגוד חפות, ולא במנעל, ולא בסנדל, ולא בתפילין, ולא בקמיע, שמא יעני,

פירוש רמ"ל

פרק שלישי.

(א) בשלשה פרקים כ"י, ענין הפרק הזה הוא סדר תוצאות השקלים על הקרבנות שהיו משתדלים לערבב את כסף השקלים שיהיה לכל אחד מישראל חלק בקרבנות ציבור לבי התנאי שהותנה כדלעיל, וכן היו עושין: שאחרי שכבר גבו את כל השקלים בתחילת ניסן היו מסלאים מהכסף הזה שלש חביות גדולות, ערך תשעה מאין כל אחת, והיו מכסין אותן במשפחות, ואח"כ היו מביאין שלש קופות קטנות כל אחת ג' מאין והיו ממלאין את הקופות חקטנות שהיו מסומנות בשלש אותיות א. ב. ג. כעברית זו כיונית, כל אחת ואחת מחביות הגדולות, ומתקופות הקטנות היו מוצאין את הכסף לקנות בהן קרבנות ציבור; והמילוי פעם הראשונה חיתה בשני בניסן שהוא חצי חודש קודם הפסח, וכן היו עושין מ"ו ימים לפני רג השבועות, אך בעת אשר מלאו אותם שנית התחילו מן החביות האחרונה שמשם מלאו בפעם הראשונה את הקופה המסומנת באות ג', מלאו עתה את הקופה המסומנת באות א. ואח"כ מלאו מן השניה שהיתה קודם ראשונה לקופה המסומנת באות ב. ומן השלישית שהיתה מקודם שניה לקופה המסומנת באות ג. ועשו זאת כדי לערבב הכספים שיהיה לכל אחד חלק בקרבנות ציבור או בבדק הבית, שלכן בכל פעם בבואו לשלישית לא היה מכסה אותה לסימן, שממנה יתחיל לעתיד, ותרם את הראשונה לשם ארץ ישראל הקרובה יותר לירושלם והשניה לשם הכרמים המקופות חומה הרחוקות מארץ ישראל, והשלישית בשביל כל מדינות הרחוקות מפני שכל הקרוב קרוב קודם; אך עכ"ז היו המעות מעורבין והיה לכ"א מישראל חלק בהם, וכ"ז היו עושין בפרסום גדול למען לא יהיה שום חשד על הגבאים, התורם או גם כל הנכנס ללשכה שבה היה הכסף, היו מחויבין להסיר מהם כל הכנדים שיש בהם איזה כיס וגם לא במנעל וסנדל או מומקאות מקום שיכולים להסתיר הכסף ולא גם בתפילין ובקמיע שיש בהם קמטים וחיובות קטנות ששמה יכולים להסתיר הכסף, והכל בשביל הכתוב והיה נקיים וגו'. בפרוס עצרת בפרוס החג, מפני שהקרבנות בשבעת ימי הפסח רבו לכן היו מוכרחים לפתוח את הקופה השניה בש"ו באייר, אבל חג השבועות שהוא רק יום אחד ולא רבו הקרבנות מכסף הצבור, לכן היו מעות הקופה השניה מספיקות עד חצי אלול שאך אז פתחו את הקופה השלישית, והן גרנות למעשר בחמה, כלומר הזמנים הללו והולדות של בחמות הם כמו עומדות בגורן ואסור לשחפן ולאכול מהן מרם תורש המעשר, אבל בין הזמנים הללו ראשים היו לאכילה גם קודם הפרשת המעשר. והפעם שקבעו את אלו הזמנים למעשרות, הוא מפני שאז תחלו עורי רגלים לעלות לירושלם וראגו בשבילם שיהיו הבחנות מצדם להם לקניה. בן עזאי אומר, בן עזאי וריא וריא חולקים בזה רק מפני גרנות המעשר, שלדעתם המעשר ינתן רק אז.

להן קצבה, לחטאת אין לה קצבה; רבי יהודה אומר אף לשקלים אין להן קצבה, שבשעלו ישראל מן הנוצה היו שוקלין דרכונות, חזרו לשקול סלעים, חזרו לשקול מבעין, ובקשו לשקול דינרין; אמר רבי שמעון, אף על פי כן יד כולן שוה, אבל חטאת, זה מביא בסלע, זה מביא בשתיים, וזה מביא בשלש.

(ה) מותר שקלים חולין, מותר עשירית האיפה, מותר קיני זבין, קיני זבות וקיני יולדות וחטאות ואשמות, מותריהן נדבה. זה הכרל, כך שהוא בא לשם חטא ולשם אשמה מותריהן נדבה, מותר עולה לעולה, מותר מנחה למנחה, מותר שדמים לשלמים, מותר פסח לשלמים, מותר נזירים לנזירים, מותר נזיר לנדבה, מותר עניים לעניים, מותר עני לאותו עני, מותר שבויים לשבויים, מותר שבוי לאותו שבוי, מותר המתים למתים, מותר המת ליורשיו. רבי מאיר אומר מותר המת יהא מונח עד שיבא אליהו; רבי נתן אומר מותר המת בונין לו נפש על קברו.

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„העשיר לא ירבה כתיב“, ור' יהודה חולק ואומר שגם לשקלים אין להם קצבה כי הכל לשם כסף המדינה ואם החליטו בדעתם לשקול דרכון תחת חצי שקל הרשות בידם, אבל ע"ז חשיב ר' שמעון טענה נכוחה, שגם אז יש להם קצבה כי כולם אינן רשאים לשקול רק במטבע שהחליטה, משא"כ חטאת שאין לו כל מטבע, ובעד כמה שירצת יקריב.

(ה) מותר קיני כו', אחרי שהביא המסדר את חמשה את דעת ב"ה וב"ש וידוע הוא שתחלכה כב"ה, יביא את חמשה הזאת שסתמה כב"ה שמותר השקלים תוא חולין; ומפרש הרין מן הנותר על כל דבר שבצדקה שכולם מסכימים ורק על מותר המת, ר"ל מה שהקדישו בעדו לקבורתו, יערער ר"ם ויאמר כי יהא מונח עד שיבא אליהו, מפני כי הכסף הזה לא נתן בשביל היורשים והמת כבר נקבר; ור"ג אומר כי בנין חציון הוא ג"כ כבוד המת, ואולם כל הדברים הללו הםה אם היתה הכסף של יחיד, אבל אם היה מסעות העיר, הפרנסים ברוב דעות, יוכלו לשנות את את כסף הצדקה כמו משבויים לעניים ולחופך.

פרק שני.

(א) מצרפין שקלים לדרכונות מפני משוי הדרך. כשם שהיו שופרות במקדש, כך היו שופרות במדינה. בני העיר ששקלו את שקליהן וננבכו או שאבדו, אם נתרמה תרומה נשבעין לזכרים ואם לאו נשבעין לבני העיר, ובני העיר שוקלין תחתיהן. נמצאו, או שהחזירם הנגבים, אלו ואלו שקלים ואין עולין להם לשנה הבאה. (ב) קנותן שקרו לחבירו לשקול על ידו, ושקלו עד ידי עצמו, אם נתרמה תרומה מעל; השוקק שקלו ממעות הקדש, אם נתרמה התרומה וקרבה הבהמה מעל, מדמי מעשר שני ומדמי שביעית יאכל כנגדו.

(ג) קמכנס מעות ואומר: הרי אלו לשקלי, בית שמאי אומרים מותר נדבה, ובית הלל אומרים מותרן חורין; שאביא מהן לשקלי, שוין שהמותר חולין; אלו לחמאתי, שוין שהמותר נדבה, שאביא מהן לחמאתי, שוין שהמותר חולין. (ד) אמר רבי שמעון מה בין שקלים לחמאת? לשקלים יש

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פרק שני.

(א) מצרפין שקלים לדרכונות, הדרך היתה משבע של זהב משקל שני סלעים ונקרא בל"י יון, דאריקאס, והתיבות היו כעין שופרות קצר מצד אחד ורחב מצד השני, מפני שהיו נותנין להם את תתיבות סגורות וכצד העליון היה רק נקב כגודל הדרך עביו ולא ברחבו והיו משליכין שם הדרךונות אך לא היו יכולים לקחתם משם בעת שהיו סגורות. ואמרו, מצרפין ר"ל שאם בני העיר החליפו את שקליהם בדרכונות אינם חייבים בקלונות; כי מפני משוי הדרך היו הגזברים מחויבים לעשות כן ולכן אין מזה נזק להקדש. אם נתרמה תרומה, ר"ל אם כבר הוציאו חלק מכסף השקלים על קרבנות או בדק הבית, שאז נחשבו גם אלו השקלים כאלו היתה בין אלה שתוציאו (כי כן היה התבואי ביניהם שבכל שקל יש חלק מכל אחד ואחד חנותן שקלים למען יהיה לכל אחד חלק בחקרבו או בדק הבית), ולכן אם כבר הוציאו מכלל השקלים שהיו מתחלקים לשש קופות וחיו משתמשים בקופה אחת לכל דבר הצריך עד שתתם הקופה כולקמן, אז נשבעים לזכרים, כי השקלים כבר המה שייכים להם גם אם לא הגיעו לידם, אבל אם לא נתרמה התרומה, אז יחשבו השקלים של בני העיר עד שיגיעו ליד הגזברים, והטעם הוה הוא גם במשנה שלאחרית שאם נתן לו חברו לשקול ושקל על ידי עצמו מעל בהקדש, מפני שהיו מקריבין גם על העתיד לגבות כי היו ממשכנין על השקלים אף את העניים שבישראל, (רמב"ם).

(ב) יאכל כנגדו, ר"ל יקח מכסף החולין שלו את הסכום מעות שהיו בידו מהמסע ואומר: הרי אלו תחת אלה השקלים שלקחתי מהם למהצית השקל, ויעשה בהם את חובתו.

(ג) המכנס וכו', תוכן המשנה הזאת הוא: במי שמתחיל לקבץ פרושות על יד, ואומר, מחכסף הוה אקח לשקלי שלדעת בית הלל אחרי שכבר שקל את המחויב מהסכום הנקבץ, חבותר חולין; ודעת ב"ש גם אז אם רק יחד אותם לברנה משאר הכסף, מותרן נדבה, אבל במי שאחזו בידו כסף רב ואומר הרי אלו לשקלי, מותרן נדבה אפילו לבית הלל, (ירושלמי ורמב"ם).

(ד) אמר ר' שמעון, נותן פזע לדברי ב"ה שגם לדעתם בחמאת אם גם קובץ על יד מותרן נדבה, מפני שאין קצבה לחמאת וכול לקנות גם במא"כ סלעים, משא"כ שקלים יש להם קצבה

בהמה, וכשחייבין במעשר בהמה פטורין מן הקלבון; וכמה הוא קלבון? מעה כסף, דברי רבי מאיר, וחכמים אומרים חצי (מעה).

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ולדות מאדם אחר, או גם אם חלק בנכסי אביו וקבל את הולדות מעזובו אינו חייב במעשר מפני שאנו חושבין את הולדות כאלו כל אחד מהאחים קנה אותם מאחיו, (כן השותפים רק אז חייבים במעשר בהמה בעת שהמה שותפים אבל כאשר נתחלקו יחשבו הולדות כאלו כל אחד קנה אותם משותפו), וטובן מאליו שבעת שהאחים המה ביחד יחשבו כאדם אחד, שעל כן אינם חייבים בקלבון אם נותנים סלע בעד שותפם, מפני כי כספם הוא של אביהם ולא של עצמם כ"ז שלא חלקו ויחשב פח כאלו אביהם שוקל בעדם, שאז תוא פטור מקלבון.

חמשה ישבו במקדש. משישבו במקדש התחילו דמשכן. את מי ממשכנין? ליום וישראלים, גרים ועבדים משוחררים, אבל לא נשים ועבדים וקמנים. כל קמן שהתחיל אביו לשקול על ידו, שוב אינו פוסק, אין ממשכנין את הכהנים מפני דרכי שלום.

(ד) אמר רבי יהודה העיד בן בוכרי ביבנה: כל כהן ששוקל אינו חומא, אמר לו רבי יוחנן בן זכאי לא כי, אלא כל כהן שאינו שוקל חומא, אלא שהכהנים דורשים מקרא זה לעצמן (ויקרא ו'): "וכל מנחת כהן כליל תהיה לא תאכל", הואיל ועומר ושתי הלחם ולחם הפנים שלנו, היאך נאכלים?

(ה) אמר על פי שאמרו אין ממשכנין נשים ועבדים וקמנים, אם שקלו מקבלין מידן, העכוים והכותים ששקלו אין מקבלין מהן, ואין מקבלין (מידן) קיני זבים וקיני זבות וקיני יולדות וחמאות ואשמות, (אבל נדרים ונדבות מקבלין מידן), זה הכלל: כל שנידר ונידב מקבלין מידן, כל שאין נידר ונידב אין מקבלין מידן, וכן הוא מפורש על ידי עזרא, שנאמר (עזרא ד'): "לא לכם ולנו לבנות בית לאלהינו".

(ו) נאלו שחייבין בקלבון: ליום וישראלים, גרים ועבדים משוחררים, אבל לא כהנים ונשים ועבדים וקמנים. השוקל על ידי כהן, על ידי אשה, על ידי עבד, על ידי קמן פטור, ואם שקל על ידו ועל יד חברו, חייב בקלבון אחד; רבי מאיר אומר שני קלבנות. הנותן סלע ונוטל שקל חייב שני קרבנות.

(ז) קשוקל על ידי עני ועל יד שכנו ועל יד בן עירו פטור, ואם הלון חייב. האחין והשותפין שחייבין בקלבון פטורין ממעשר

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(ד) שלנו, כלומר יש לנו חלק בהם, היאך חיינו יכולים לאכול אותם? ובאמת היתה הפענה הזאת שוא, מפני שהכל חולך אחר הרוב ורובא דעלמא אינם כהנים; אבל הסה חיו המושלים ודרשו לשובת עצמם ומפני דרכי שלום תניחו אותם.

(ה) ואין מקבלין מידן קיני זבים, כלומר על הכוחים (שמוננים) לבד (כן יפרש בירושלמי ורמב"ם). לא לכם ולנו לבנות בית לאלהינו, ומפני שהשקלים היו גם לבדק תבית לא רצו כי יהיה להם חלק בבית המקדש, אבל נדרים, עולות לקרבן, או חמאות ואשמות שמקריבין אותם בשבילם לכפרה להם, מקבלין מהם, שבות אין הבדל בין איש לאיש.

(ו) סלבון, חשקל הנזכר בתורה הוא הסלע הנזכר במשנה, והיה שזה שני שקלים הנקראים במשנה, ומפני שתתיח יד הקדש חסיד על העלייה, וחששו שמא אין משקל חשקל של המשנה שזה למשקלו של חצאי שקל האמור בתורה (לדעת הרמב"ם לא פחות מן 192 גרעיני שעורה) לכן הצריכו שיתן הכרע מעט לכל חצי שקל, וההכרע הזה נקרא קלבון מן יונית "קאלאכוס", וכל השוקל רק מסירות חסידות ולא מפני שהוא חייב עפ"י דין, אינו נותן אותו קלבון, והכהנים שהיו אומרים שאינם חייבים בשקלים, החסידים שבהם שהיו נותנים, לא היו לוקחין מהם את הקלבנות, מפני דרכי שלום.

(ז) השוקל על ידי עני, ר"ל נותן מתנה בשבילו, שזהו רק מדה חסידות ולא חיוב, לכן פטור מקלבון. האחין והשותפין וכו', מעשר בהמה ויתן אך מהנולד אצלו, אך אם קנה

מסכת שקלים.

(א) באחד באדר משמיעין על השקלים ועל הכראים, בחמשה עשר בו, קורין את המנילה בכרכין ומתקנין את הדרכים, ואת הרחובות ואת מקואות המים, ועושין כל צרכי הרבים, ומציינין את הקברות ויוצאין אף על הכלאים.

(ב) אמר רבי יהודה, בראשונה היו עוקרין ומשליכין לפניהם, משרבו עוברי עבירה, היו עוקרין ומשליכין על הדרכים, התקינו שיהו מפקירין כל השדה כולה.

(ג) בחמשה עשר בו, שולחנות היו יושבין במדינה; בעשרים

פירוש רמ"ל

(א) באחד באדר משמיעין על השקלים, שיתרומם אותם באחד בניסן, וזמן נתינת השקלים, שנאמר, ויהי בהרשע הראשון באחד לחדש חוקם המסכן (שמות ט'), וחגי עלה (בירושלמי), ביום שחוקם המסכן בו כיום נתרמה תרומתו. ועל הכלאים, מכרזין להוחר מתעריבות, משום שבעת הזאת זמן הזריעה קרוב לבוא. במ"ו בו קורין את המנילה בכרכים, אבל בפרוות קורין ב"ה, ולא היה צורך להזכיר זאת במשנה מפני שרוב הערים אינן מוקפות חומה ולא חיישינן לשכחה, אבל בערים המוקפות חומה שהנה מעטות וקרוב לשכחה, לפיכך הזכיר זאת במשנה שידעו בכרכים את זמן קריאת המנילה, כי אם גם קראו אותה ב"ה חייב לקרותה עוד הפעם במ"ו כאשר כן היא תחלכה פסוקה בירושלמי, "אמר ר' מני ויאות" כו', ואולם אחרי כל הדיוקים שדחקו עצמם המפרשים החרשים לפרש את מאמר ההלמוד בירושלמי שהכשנה בצה ללמדנו, שכל המצות הנחנות באדר שני, אינן נוהגות באדר ראשון, איני יודע איכנה מוכח זאת מהמשנה. ומתקנין את הדרכים, אחרי שעברו ימות הגשמים ונתקלקלו ובפלישתיהם זמן גשמים הוא רק עד אדר, והוא הפעם לדחובות ומקואות, שהרחובות נתקלקלו ובמקואות נפל הרפס, וצריכין נקותן, למען יוכלו לשחר עצמם לפני הרגל. ועושין כל צרכי הרבים, אומר בירושלמי שבעת החיא חב"ד מתאסף לדון דיני ממונות, דיני נפשות, דיני מכות, ופודין ערכין, תרומות הקדשות, ומשקין את הסוטה, ועורפין עגלה ערופה, ושורפין את הצרה, ורצין עבר עברי ומטהרין את המצורע, ועוד כמו אלה שנהגו בעת החיא. ומציינין את הקברות, שנתקלקלו בימות הגשמים, בסוד; ובירושלמי אומר שמציינין את הקברות למען לא ישמאו בתם העוברים, ומוכיח זאת מקרא (ויקרא י"ב) ושמוא ממו יקרא, שתהא המוכאה קוראת ואומרת, "פרש ממני". ויוצאין אף על הכלאים, משום חומר האיסור לא היו מסתפקין בתכרה בלבד, כי אם היו שולחים לבקר את חשרות.

(ב) ר' יוחנן בא לבאר מה שהיו עושין השלוחים אם מצאו כי לא נזתרו בכלאים; ובירושלמי מוכיח מנין להפקר ב"ד שהיא הפקר מן יזרא (י' 8), "וכל אשר רא יבא לשלש הימים יחרם". לפניהם, על השדה משרבו עוברי עבירה, שהשתמשו בהם.

(ג) שולחנות, מפני שהתלמידים היו נושאים אתם שולחנות לחניה עליהם את המטבעות, ואמר, כי היו משימים השולחנות עד חמשה ועשרים באדר במדינת, להקל על חצין שיחלפו את מעותיהם על חצי השקל הכתוב בתורה, שמחויב כל אחד לתת; ואך מן חמש ועשרים בו היו יושבין במקדש להמציא שם את תחצי שקל לבוא מבחוץ ועוד לא שקלו את שקליהם; ומשישבו במקדש, התחילו למשכן גם בחוץ לצרף את אלה אשר לא הביאו שקליהם, למען יביאו את תרומתם פרס יבוא אחד בניסן, כי גם במדינה היו שופרות למטרה הזאת. וגם חכהנים חייבים היו בשקלים אשר עקרו לקרבנות ציבור, אבל הם מצאו עליה להפטר מזה כולקמן, ומפני שהיו הח"צים בזמן המקדש בני לא היו מסתכנים אותם, מפני דרכי שלום.

בכל מקום בש"ס שהנמרא תפרש את חמשה ותדקדק אחריה בכל מלה וגם בכל אות, הנה המשניות מבוארים והנמרא במקום שפירשה צריך ביאור ולא יובן בלעדיו, אפרשנו בפירוש רש"י על מקומו בפנים, שכמעט בכל מקום דבריו אשר יוסיף, הנם לא בתור "פירוש" ורק כמשלים את החסר בפנים למען יובנו דבריהם, אבל מה שאין נמרא כלל וישנם מקומות במשניות הללו הצריכים פירוש וביאור ולא רק להשלים את החסר, ולכן הביאור נחוץ מאוד להיות לבדו למען תובן כונת המשנה.

מובן מאליו, כי חדשים משלי בביאורי, מעמים חמה, וכולו מיוסד על פירוש הנמרא הירושלמית, המיוסד והברמנורא, הר"ר ישראל ליפשיטץ, וגם על הפירושים הנמצאים מה ושם בש"ס הבבלי (כמו בביאור ענין הקלבון אחזתי פרוש רש"י בחולין ונתתי לו היתרון נגד שארי הפרושים אשר נמו ממנו, וכמהם עוד באיזה מקומן) ובכן אחשוב למותר לבקש חסד מאת המבקרים, כי לא יסחרו להוציא משפט מרם יתבוננו היטב בכל הפרושים הנ"ל ובטחם יעמיקו נ"כ בפירושי שצריך התבוננות מפני קיצורו; כי הישרים בלכותם ותחכמים חמבינים, יעשו כזאת מבלעדי אבקשם, ולהחצופים, הבורים ועמי הארץ, הרגילים לקרא תגר על דברי, קזיף, ולהניד בשמי או מפי כתבי, דברים אשר לא עלו על דעתי לעולם, הלא לא יתילו בקשותי; וכשם שרקדו כנגד כל מה אשר כתבתי וערכתי עד כה, ולא ננעו ולא פגעו בכבודי ובכבוד מלאכתי אפילו כמלא נימה, כן ירקודו, ינחמו יברכרו וינעייו כנגד מלאכתי החדשה הזאת, ואקוה כי גם עתה לא יפגעו בי לרעה, ולא אשים לב לדבריהם, חלומותיהם ונביחתם, כאשר כן עשיתי עד כה, כי באמת אני בתומי אלך, אינע ולא אינעף למצא חן בעיני אלהים ואדם אך לא בעיני בורים חצופים, ועמי הארץ, אשר כל מנמתם בנעייתם נגדי היא, רק למען יודע כי בראים כמותם עוד נמצאים בעולם, ומה איפוא לי ולהם?

קראתי לפרושי הזה "פירוש רמ"ל" שהיא הראשי תיבות משמי ראדקינסאן מיכאל ל. ולא ר' מיכאל ל. והנני מודיע זאת מפורש, לבל יאשימוני כי לקחתי לעצמי תואר "רבי", כי כשם שאיני מתגדר במלאכת אחרים כן איני חפץ שתהיה מלאכתי בת בני שם, כי הודות לה' לא אבוש בשמי ואקוה כי לא יבלמו בי אוהבי גם מפרושי החדש.

ובה' הנותן ליעף כח אבטח ולא אפחד, כי הוא יאזני חיל, ינחני במעגלי צדק ויעזרני לגמור את המלאכה הנדולה והכבדה הזאת להגדיל תורת התלמוד להאדירה ולתרגמה כיד ח' הטובה עלי, ומשנאי ומשניאי יראו ויבושו, אמן.

נויארק, בחש אייר, תרנ"ז.

מיכאל ל. ראדקינסאן.

הקרמת העורך והמפרש.

בשם השם!

מלאכתי הכבדה, ההערכה וההוצאה החדשה של התלמוד בבלי ותרנומו בשפת אנגליש, הביאתני למלאכה חדשה אשר לא נסיתי עד כה והיא, להיות גם מפרש את המשניות של המסכתות שהנמרא הבבלי חסרה להן; כי לחסר את המסכת הזאת מן סדר טועד לא יתכן, מפני שכל המשניות הללו יסודתן בהררי קודש, קורות החיכל ועבודת הכהנים בו, בזמן שהיה קים, דבר הצריך לימוד, ידיעה וקריאה, כמו במקורן העברי כן בתרנומן, אבל לתרגם את המשניות הללו על פי אחד הפירושים שכבר נדפסו הוא כמעט דבר שאי אפשר, כי שונים המה הפירושים זה מזה וכולם ארוכים ומפולפלים, ואם אמנם טובים המה ורצויים לעם לא יכולתי להשתמש בהם בתרנומי, הנקי מכל פלפול צדדי, זולת פלפולי הנמרא בעצמה. ובאמת עד כמה שלא יהיו טובים ומתוקנים כל הפירושים למס' הזאת, לא נוכל בשום אופן לדמותם עם פירוש רש"י ז"ל כמו בקצורו, כן בסגנון לשונו, המפרש כל דבר על מקומו בלי שום פלפול צדדי, ומבלי שום נמיה לענין אחר זולת הענין שהוא עוסק בו; ואך פירוש כזה מוכשר ומתוקן לתרגם בשפת חיה, ואני נזהר מאד בהוצאה הזאת שיכיל התרגום את המקור הנדפס ולא ינרע ממנו ולא יוסיף עלי, למצער במקום שאפשר, ולא יהיה בזה מה שאין בזה. שעל כן עמלתי לי לפרש את המסכת הזאת בפירוש קצר, חיינו לבאר כל משנה הצריכה פירוש וביאור, והשייך רק למסכת הזאת; מבלי כל פרושים להבירים שנשנו ונתפרשו במסכתות אחרות, ומבלי כל נמיה צדדית ופלפול זר בהלכה או בסברא, כאשר כן דרכי בכל ההוצאה הזאת, וינעתי ומצאתי תאמין.

כמדומה לי, אחי הקורא, שעלתה בידי לפרש את כל המסכת, במלות קצרות וטובנות, עד שגם הקורא שיסרא את המשניות האלו בפעם הראשונה, לא יחסרו לו ביאור המלות וכן חבנת הענין הדק היטב בכל שמונה פרקים; ולכן שמתי לו מקום במדור התחתון לכל צד במקום הצריך ביאור ופירוש, וכה עשיתי גם בתרגום האנגלי הדפסתי את הפירוש מלמטה בציונים, לא כמו שאני עושה בתרנומן של מסכתות אחרות עם פירוש רש"י שהנני מסנירו בפנים בשני חצאי לבנה, ממעם פשוט מאד, והוא:

(III)

מסכת
שקלים

הוצאה החדשה
של
תלמוד בבלי

חוכן מחרש, נסדר ונסמן בסמני הנקודות של השפות החיות
ונתתרגם בשפת אנגליש

מאת

מיכאל ל. ראדקינסאן.

מסכתות

שקלים עם פירוש רמ"ל

וראש השנה עם פרש"י ותורה אור.

חלק רביעי (מהוצאה האנגלית).

בהוצאה החברה מדפיסי התלמוד

54 East 106th Street.

נויא רק,

תרנ"ז.



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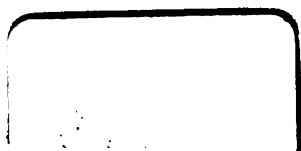
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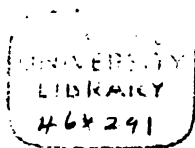
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BY
MICHAEL L. RODKINSON

SECTION MOED (FESTIVALS)
TRACT PESACHIM (PASSOVER)

Volume V.

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EXPLANATORY REMARKS.

In our translation we adopted these principles:

1. *Tenan* of the original—We have learned in a Mishna; *Tania*—We have learned in a Boraitha; *Itemar*—It was taught.
2. Questions are indicated by the interrogation point, and are immediately followed by the answers, without being so marked.
3. When in the original there occur two statements separated by the phrase, *Lishna achrena* or *Waibayith Aema* or *Ikha d'amri* (literally, "otherwise interpreted"), we translate only the second.
4. As the pages of the original are indicated in our new Hebrew edition, it is not deemed necessary to mark them in the English edition, this being only a translation from the latter.
5. Words or passages enclosed in round parentheses () denote the explanation rendered by Rashi to the foregoing sentence or word. Square parentheses [] contain commentaries by authorities of the last period of construction of the Gemara.

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TO THE
HONORABLE ISIDOR STRAUS
IN RECOGNITION OF
HIS MANY PHILANTHROPIC DEEDS AND VALUABLE
SERVICES IN THE CAUSE OF LITERATURE.

MOST RESPECTFULLY DEDICATED
BY THE EDITOR
MICHAEL L. RODKINSON.

NEW YORK, APRIL THE 6TH, 1898, THE EVE OF PASSOVER.

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SYNOPSIS OF SUBJECTS

OF

VOLUME V.—TRACT PESACHIM.*

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* We were told that some readers made reference to the synopsis instead of to the text. We have therefore, in the synopsis of this tract, omitted all conclusions. We will do so, likewise, in the future.

TRACT PESACHIM (PASSOVER).

CHAPTER I.

REGULATIONS CONCERNING THE REMOVAL OF LEAVEN FROM THE HOUSE ON THE EVE OF PASSOVER AND THE EXACT TIME WHEN THIS MUST BE ACCOMPLISHED.

MISHNA: "Or" (by light) on the fourteenth (of Nissan), search should be made for leavened bread by the light of a candle, but it is not necessary to search all places in which it is not usual to put leaven. [Why then was it ordered, that two rows (of barrels) should be searched? Because a warehouse or wine cellar is treated of, into which leavened bread is sometimes carried.] Beth Shammai decide "that search must be made between two rows of barrels over the whole surface of the warehouse"; but Beth Hillel decree: It is sufficient to search between the two uppermost rows, as they are also the highest.

GEMARA: What is meant by "Or"? Said R. Huna: "The dawn of day," and R. Jehudah said: "Night." At the first glance it was presumed that the word "Or" was actually explained by R. Huna to mean "the break of day," and by R. Jehudah to mean "night."

An objection was made, however, based upon the passage [Genesis xlv. 3]: "As soon as the morning was light ('Or') the men were sent away," etc. Thus we see that "Or" means "day"? Does then the passage say in the light of the morning? it says distinctly "when the morning was light," which means when the morning was already light, the men were sent away.

Another objection was made: It is written [II Samuel xxiii. 4]: "And as in the light of morning the sun riseth," whence we see that by light is meant "day." Does it then read in the passage "Or Boker" (light is morning)? It reads "Uchor Boker," which means "as the light of the morning," and this should be understood thus: "As the light of the morning on

this earth; so will the sun shine for the righteous in the world to come."

Another objection was made: "It is written [Gen. i. 5]: 'And God called the Or (light) Day,' whence we see, that light (Or) is day?" The passage means to say, that just as soon as it dawned the Lord called it "day."

Another objection was made: "It is written [Psalms cxlviii. 3]: 'Praise him, all ye stars of light (Or).' Whence we see that Or means night?" The passage means to say, "Ye stars that light."

Another objection was made: "It is written [Job xxiv. 14]: 'With the earliest light (Le-Or) riseth the murderer, he slayeth the poor and needy, and in the night he becometh like the thief.' Now, if the latter part of the passage states 'in the night he becometh like the thief,' then the first part must certainly mean to state, that at break of day the murderer slayeth those that pass by, while at night he robbeth houses like the thief. Whence we see that 'Or' means day?" The passage means to say the following: "If it is as clear as day to thee that the murderer cometh to slay thee, thou mayest slay him in self-defence; but if it is doubtful to thee whether he comes to slay thee or not, thou shouldst treat him as an ordinary thief and try not to slay him."

Another objection was made: "It is written [Job iii. 9]: 'Let the stars of its twilight be darkened; let it hope for light, and there be none.' Thence we see that by light (Or) is meant day?" The passage means to infer, that Job when cursing his fate, said also, that the man who announced his birth should hope for light and not be able to find it.

Another objection was made: "It is written [Psalms cxxxix. 11]: 'Surely darkness shall enshroud me, and into night be turned the Or (light) about me.' Whence we see, that by light (Or) is meant day?" In this passage David means to express the following: I thought, that in the world to come, which is equal to daylight, darkness will enshroud me, and now I find that even on this earth (which compared to the world to come is as night) it has also become light for me.

Yet another objection was made: "We learn further on in the Mishna: R. Jehudah said: 'Leaven should be searched for "Or" on the fourteenth, and in the morning of the fourteenth and at the time when the leaven is about to be burned.' If then R. Jehudah says, that on the morning of the fourteenth

leaven should be searched for, and preceding that he says 'Or' on the fourteenth, 'Or' must certainly mean 'night'?" Therefore we must say, that it is not as was presumed at the first glance to be the case, that R. Huna differed with R. Jehudah concerning the time of searching for leaven, but that both agreed upon twilight as being the proper time for that purpose, and by "Or" is meant "night," but the case was simply this: At the place where R. Jehudah resided twilight was called night, while in R. Huna's place of abode twilight was still called (day)light.

If this is so, why did the Tana of our Mishna commence with the word "Or"? Could he not have said plainly "on the eve"? He wished to commence the Mishna with a pleasing word and not with one suggesting darkness, and this is as R. Jehoshua ben Levi said elsewhere: At no time should a man allow an ill-sounding word to escape from his mouth; for the following verse used eight superfluous letters in order to circumvene the use of one ill-sounding word, as it is written [Gen. vii.]: "Of the clean beasts, and of the beasts that are not clean." Thus instead of using the word unclean (*Hatmeah*), it is written "that are not clean," which makes a difference of eight letters.*

Now if the question concerning the word "Or" has been finally decided and "Or" is supposed to mean "twilight," let us see why leaven must be searched for at night. Both according to R. Jehudah and R. Meir (as will be seen further on) it is prohibited to eat leavened bread from the sixth hour, and further, of the fourteenth of Nissan, let the time for searching commence at that hour. If the claim be made, that pious men seek to fulfil a religious duty even before the specified time, let them commence to search for leavened bread at sunrise on the fourteenth; but why at night? Said R. Na'hman bar Itz'hak: "This was ordained, because at twilight the men are generally in the house and the light of a candle at that time is the best means by which to search for leavened bread."

Said Abayi: Therefore a young scholar should not commence his study at twilight on the thirteenth of Nissan, as he might become engrossed in the ordinances and forget to search for leaven.†

* There is a difference of eight letters in the Hebrew original, and by a strange coincidence there is the same difference in English.

† These last two paragraphs are in the old edition, contained on page 4 a.

The master said: "A man should not allow an improper word to escape his lips."

Two disciples sat before Rabh: One of them said to him: "To-day's study of the ordinances made me as tired as a hog." The other one said: "To-day's study made me as tired as a tired goat." From that day on Rabh did not speak to the first of these disciples.

Two disciples (also) sate before Hillel, and one of them was R. Johanan ben Zakai. According to another version: Two disciples sate before Rabbi and one of them was R. Johanan. One of them asked: "Why must wine be pressed with clean utensils and olives do not require clean utensils?" The other disciple at some other time inquired: "Why must wine be pressed with clean utensils whereas for oil unclean utensils may be used?" Whereupon the master remarked: "I am certain that the one who put the former query to me will very shortly be empowered to decide legal questions in Israel." As a matter of fact, it was not long after when this came to pass.

There were three priests. One of them said: "My share (of the showbreads) was about the size of a bean." The other said: "My share was about the size of an olive." And the third one said: "My share was about the size of a lizard's tail." When the language of the last was heard, an investigation was made, and it was found that he was not a genuine priest.

There was a certain Aramæan who was wont to come to Jerusalem every Passover and, representing himself to be an Israelite, would partake of the paschal lamb. When he came back home in the city of Nisibis, he said to R. Jehudah ben Bathyra: "In your Law it is written [Exod. xii. 48]: 'But no uncircumcised person shall eat thereof.' Yet I go to Jerusalem every year and eat of the best of the paschal lamb." Said R. Jehudah ben Bathyra to him: "Did they then give thee some of the fat of the tail?" and he answered: "Nay." So R. Jehudah advised him when he should go there again to ask for it. When the Aramæan came to Jerusalem the following year, he asked that he be given some of the fat of the tail. Said they to him: "Who told thee that thou couldst have it? Is not the fat of the tail sacrificed on the altar?" and he answered them: "R. Jehudah ben Bathyra told me." Said they: "What does this mean?" (Surely R. Jehudah knoweth that this cannot be.) Accordingly an investigation was made and it was found out that the man was an Aramæan, and not an Israelite, and he was pun-

ished for the deception. To R. Jehudah ben Bathyra, however, they sent the following message: Peace be with thee, R. Jehudah ben Bathyra, who sittest in Nisibis and castest thy net in Jerusalem.

R. Kahana became ill. So the sages sent R. Jehoshua the son of R. Idi to find out what ailed R. Kahana. He came and found that R. Kahana's soul had already passed to its rest. R. Jehoshua accordingly made a rent in his garment, but made it so that it could not be perceived, and came back weeping. The sages asked him: "Is the soul of R. Kahana gone to its rest?" and he answered: "Yea, it is; but I did not care to tell of it; for it is written [Proverbs x. 18]: 'He that spreadeth abroad an evil report is a fool.'"

Johanan of Hakukah (according to Rashi and Tospath, but according to Rabbenu Hananel Johanan the Scribe) went out into the villages. Upon his return he was asked whether the wheat-crop was a success. He answered: "Barley is plentiful." They rejoined: "Go and report that to the horses and asses, as it is written [I Kings v. 8]: 'The barley and the straw also for the horses,' " etc. What then should Johanan have said? He ought to have said: Last year's crop was good or lentils are plentiful (*i.e.*, spoken of something fit for human beings to eat).

There was a man who used to go about and at every opportunity would say "Dono Dini" (Judge ye my judgment). Whence it was inferred that the man was one of the tribe of Dan, concerning whom it is written [Gen. xlix. 16]: "Dan shall judge his people, as one of the tribes of Israel."

There was another man who continually used to say: "On the edge of the sea will I build my palaces." It was said, that the man was probably of the tribe of Zebulun, concerning whom it was written [ibid. 13]: "Zebulun shall dwell at the edge of the seas."

A question was propounded to R. Na'hman bar Itz'hak: "If a man let a house to another on the fourteenth (of Nissan), who of the two men must search for leavened bread? Shall we say, the one who let the house, because whatever leavened bread there may be in the house is his, or that the renter must search for it, because it will be found in his domicile?" Answered R. Na'hman bar Itz'hak: "This was taught in a Boraitha, viz.: If a man let a house to another and have not yet delivered the keys before the fourteenth of Nissan, he must

search for leavened bread; but if the keys were delivered on the fourteenth, the renter must search for it."

Another question was propounded to the same R. Na'hman: "How is it, if a house was rented on the fourteenth (of Nissan) (and it is not known whether the leavened bread had been searched for or not), shall we assume, that if the house was rented from an Israelite, there is no question, but that the leavened bread had been searched for on the preceding night, or shall we not assume such to be the case?" ["What question was this: Let the man who let the house be asked." "In case the man who let the house could not be found] must the renter be troubled to go and search for leavened bread under those circumstances or not?" and R. Na'hman replied: "We have learned this in a Boraitha: 'All persons are credited if they assert, that the leavened bread was removed, even women, slaves, and minors.' " Why are they credited? Because the probability is that such was the case; and the entire law concerning the search for leavened bread is merely a rabbinical institution, the biblical law holding it to be sufficient, if the use of the leavened bread was renounced in thought only; hence where a rabbinical regulation was concerned, anyone testifying that it had been complied with, was credited by the Rabbis.

The schoolmen propounded a question: "If a man let a house to another and told him, that he had already searched for leavened bread; but it was subsequently proven, that he had not, what is the law governing this case? Shall we say, that the renter may on that ground withdraw from his agreement (and not rent the house), or that the agreement is nevertheless binding?" Come and hear: Abayi said: "Not only in such places where the search for leavened bread is not paid for is the agreement binding, because it is more satisfactory to a man to perform a religious duty himself; but even in such places, where men are hired and paid to make search for leavened bread, the agreement is binding, because it is more pleasing to a man to accomplish a religious duty with his own money."

Said R. Jehudah in the name of Rabh: "One who finds leavened bread in his house on the festival (of Easter) should cover it with a vessel (because it must not be handled)." Said Rabha: If the leavened bread was not his property but was consecrated, he need not even cover it with a vessel (because the article being consecrated there is no fear of its being eaten, and people as a rule keep away from consecrated things).

The same said again in the name of the same authority: "If there was leavened bread belonging to a Gentile in the house of a man, he should make a partition ten spans high as a sign that it should not be touched, but if the leavened bread was consecrated he need not make that partition (because the bread being consecrated there is no fear of it being eaten)."

He said again in the name of Rabh: "One who leaves his house to go to sea or to go with a caravan prior to thirty days before the Passover, he need not search for leavened bread; but if he goes away *within* the thirty days preceding the Passover, he must burn the unleavened bread in his house." Said Abayi: "A man who leaves his house within the thirty days preceding Passover must burn the unleavened bread if his intention is to return on the Passover, but if such is *not* his intention, he need not do this," and Rabha rejoined: "If a man leave his house and intend to return *on the Passover*, he must burn the unleavened bread even on the New Year day. Why only if he leave within the thirty days before Passover? Therefore," explained Rabha, "the rule that one need not search for the unleavened bread if he leaves prior to thirty days before Passover applies to one who does not intend to return on Passover, but if his intention is to return on Passover, he must do this even if he leaves on New Year day." And Rabha decrees thus in accordance with his theory elsewhere, namely: If one turned his house into a warehouse prior to thirty days before Passover and there was leavened bread in that house, he need not search for it (because, when the Passover arrives, the leavened bread will lie underneath the grain stored in that warehouse); but if he did this within thirty days preceding Passover, he must search for leavened bread (notwithstanding the fact that it will lie underneath the grain; for during these thirty days the duty to search for leavened bread is already incumbent upon him, whereas prior to that time he was not even supposed to think of removing the leavened bread). Concerning the statement, that one need not search for the leavened bread if he turned his house into a warehouse prior to thirty days before Passover, it holds good only if he did not intend to do this before Passover; but if he did intend to turn his house into a warehouse before Passover, he must search for the leavened bread even then.

Why are thirty days particularly specified? It is as we have learned in a Boraitha, viz.: "One may inquire and preach concerning the laws of Passover thirty days previous to that festi-

val." R. Simeon ben Gamaliel said: "Two weeks before." (Why does the first Tana prescribe thirty days?) Because Moses at the time of the first Passover already made the regulations concerning the second Passover (which was celebrated thirty days later), as it is written [Numbers ix. 2]: "That the children of Israel shall prepare the Passover lamb at its appointed season," and [ibid. 10 and 11]: "Speak unto the children of Israel," etc. . . . "In the second month, on the fourteenth day," etc. Why, then, does R. Simeon ben Gamaliel not agree with the first Tana? Because he holds, that Moses only enacted those regulations because it was Passover (yet this should not be made a general rule; hence two weeks are sufficient).

R. Jehudah said in the name of Rabh: "He who searches for the leavened bread must at the same time renounce its use in his mind." Why so? On account of the crumbs? Those are of no value! Said Rabha: The reason is, lest he find a useful piece of bread and will not care to burn it (in which case should he even hold it for one second he will transgress the law of "There shall be no leavened bread in thy house," etc.). Can he not renounce its use as soon as he perceives it? It may be, however, that he will not find it until it is too late to renounce its use, for R. Elazar said: "Two things are without the province of man; but the Law made him responsible for them nevertheless, as if they were his property, and they are: A pit in public ground (concerning which a man is responsible if another falls into it as explained in Tract Babah Kamma) and leavened bread after the sixth hour (on the fourteenth of Nissan); although the bread is no more in his possession, still he is responsible for it."

Let the man then renounce the use of the bread in the fourth or fifth hour? As that is not the time either for searching or for burning, there is fear lest a man forget to do this at that time. Let him renounce its use then in the sixth hour, when he is about to burn it. (This being according to a rabbinical enactment illegal, makes it the equivalent of a biblical prohibition?) (As R. Giddel said in the name of Rabh. Vide Chap. II., page 31.)

It is said, that after the prohibition to use bread had already gone into effect, it is not allowed to renounce its use, have we not learned in a Boraitha: "If a man sate in the house of learning and was suddenly reminded that he had not removed the leavened bread from his house, he may renounce its use in thought,

whether this happened on a Sabbath or on a festival?" This would be correct if the eve of Passover fell on a Sabbath; but how can this be done on the festival itself (for it is already Passover and the leavened bread is no longer the property of the man, how then can he renounce its use)?

Said R. A'ha bar Jacob: The case referred to is that of a scholar who sits before his master (and cannot leave without his consent) and having been reminded that there is some dough still in his house, which would shortly become leaven, he may renounce its use before it becomes leaven. This can be inferred from the Boraitha itself, which distinctly states "if a man sate in the *house of learning*" (and if he had leavened bread in the house, what difference would it otherwise make, whether he sat in the house of learning or elsewhere)? Hence the inference.

Rabba bar R. Huna said in the name of Rabh: "If musty bread was found in a chest used for unleavened bread and for leavened bread, and the chest was used more for unleavened bread than for leavened, the musty bread may be used." How was the case? If it was known that this bread was leavened, it would not be of any consequence that the chest was used more for unleavened bread; but if it was not known whether that bread was leavened or not, why say, that the chest was used *more* for unleavened bread? The question at issue would then be for what purpose it was used last—for leavened or unleavened bread. The use it was put to last is the main issue, as we have learned elsewhere (Tract Shekalim, Ch. VII., Mishna 2) concerning money found in Jerusalem: "If found during the festivals, it is regarded as second tithes, and if at other times of the year, it is ordinary money"; and R. Shemaya bar Zera said: "If money was found on the day following the festivals, why should it not be considered second tithes, because the markets of Jerusalem were as a rule swept daily?" whence we see, that the last contingency is the one to be considered, why not apply this to the case of the musty bread? In the case of musty bread it is different. The very fact of its having become musty is sufficient evidence that it was not of recent use. Of what benefit then would it be to ascertain that the chest had been used more for unleavened bread than for leavened? If the bread is musty it is no doubt leavened bread? Said Rabba: Do not say, that Rabh meant to state, "if the chest was used more for unleavened than for leavened bread, but the days on which unleavened

bread was used outnumbered those on which leavened bread had been previously used." If so, the case would be self-evident. Why does Rabh come to tell us this? Rabh means to state, that because the bread was very musty it might be assumed that it had been left over from the leavened bread, and he would tell us that this is not so, but that it may have been an instance of where unleavened bread had been baked on the first day of Passover and a piece was thrown into that chest, thus becoming musty.

R. Jehudah said: "He who searches for leavened bread must pronounce a benediction." How should he pronounce the benediction? R. Papi said in the name of Rabha: "Blessed be He, etc., who commanded us to remove the leavened bread," and R. Papa said in the name of Rabha: "Blessed be He, etc., who hath commanded the removal of leavened bread." Concerning the benediction which reads "commanded us to remove," etc., all agree that the words "to remove," signify an act which may be performed later; but as for the benediction "commanded the removal," R. Papi holds that "the removal" signifies an act already accomplished, while R. Papa maintains that it may refer to an act about to be accomplished. The Halakha prevails, that the benediction must be pronounced upon "the removal" (in the same manner as the benediction upon "circumcision").

All agree, however, that the benediction must precede the act. Whence do we adduce this? Because R. Jehudah said in the name of Samuel: "Benedictions must be pronounced prior to the performance of every religious duty." And the disciple of Rabh (R. Hisda) said: "In all cases with the exception of (legal) bathing, in this instance the benediction should be pronounced after the act." So have we also learned in a Boraitha: "When a man had bathed and is ready to depart, he should say: 'Blessed be He, etc., who has ordained for us (the law of) bathing.'"

"By the light of a candle." The Rabbis taught: Search for leavened bread must not be made by the light of the sun, of the moon, or of a flame of fire, but only by the light of a candle; because the light of a candle is efficient for search, and although we have no actual foundation for this regulation, still we are given a hint to that effect in the passage [Exod. xii. 19]: "Seven days no leaven shall be found in your houses," and it is written [Genesis xlv. 12]: "And he searched, at the eldest he began,"

while [in Zephaniah i. 12] it is written: "And it shall come to pass at that time that I will search Jerusalem through with lights (candles)"; [Proverbs xx. 27] it is also written: "A lamp of the Lord is the soul of man, searching all the inner chambers of the body." (Hence as it is written in the first quotation "it shall not be found," and in the latter quotations searching is mentioned in connection with lights (candles), the hint is derived from those passages.)

Under what circumstances shall search not be made by the light of the sun? Shall we say in the case of a court? Did not Rabha say, that in a court no search need be made, because the crows consume what leavened bread may be found there? In the case of a balcony? Did not Rabha say, that on a balcony one may search by the light of the balcony itself? The injunction against using the light of the sun is applied to a window of a room, namely: At the window proper search may be made by the light entering through the window, but at the sides this cannot be relied on and a candle must be procured in order to conduct a proper search.

Not even a flame of fire may be used? Did not Rabha say, referring to the passage [Habakkuk iii. 4]: "And (his) brightness was like the sunlight; rays streamed forth out of his hand unto them: and there was the hiding of his power." "The righteous as compared with the Shekhina appear as the light of a candle to a bright flame; and concerning the benediction to be made at the close of the Sabbath-day which is pronounced over a light, he said, that a bright flame is more conducive to the efficient fulfilment of that duty?" (Why then should a flame not be permitted for the search?) Said R. Na'hman bar Itz'hak: "A candle may be applied to a hole or a crack in the wall, whereas a flame cannot be moved to such a place."

"*It is not necessary to search all places in which it is not usual to put leaven,*" etc. What would the Mishna mean to add by stating "*all places*"? The Mishna means to add what was taught by the Rabbis: "The uppermost or nethermost holes in a house, the roof of an attic, the roof of a tower, a stable of oxen, a chicken-coop, a straw-shed, and the cellars where wine or oil is kept need not be searched." R. Simeon ben Gamaliel said: "A bed, which is placed in a room so that it divides the room into two parts and is so high that the space underneath it is used, must be searched."

A contradiction was interposed, based upon the following

Boraitha: We have learned: A hole through a wall standing between two houses must be searched by the householders of each house as far as they can reach from their respective sides, and the space which they cannot reach, they must renounce in their minds. R. Simeon ben Gamaliel said: "A bed dividing a room into two parts, and having underneath it stones and wood though there still be space left between the stones and the bed, need not be searched."

Thus there is a contradiction both regarding the hole in the wall as well as the bed? This presents no difficulty: As for the hole, one that should be searched is a hole in the centre of the wall, while the Boraitha refers to an uppermost and a nethermost hole, and as for a bed, one that is very high and has a great deal of space underneath it should be searched, while one that has but little room underneath need not be searched.

Wine cellars need not be searched? Have we not learned in a Boraitha that cellars where oil is kept need not be searched, but those containing wine *must* be searched? In this case wine cellars are spoken of, that are used during meals, while in the other instance wine cellars that are only used for storage are referred to. If those that are used only, must be searched, why should cellars where oil is kept be exempt? Because there are fixed times for meals and oil is used only during meals, while wine is constantly in use and the cellars are therefore frequently entered.

R. Hisda said: The place where salt fish are kept need not be searched. Did a Boraitha say that it need be searched? This presents no difficulty. The Boraitha refers to the places where small fishes are kept (*i.e.*, it usually happens that during a meal one goes to bring more fish while having bread in his hands. R. Hisda, however, refers to a place where large fishes are kept, because usually one knows the quantity of fish he requires for the whole meal, and there is no need of getting up during the meal to bring more fish.) Rabba the son of R. Huna said: The places where salt and wax candles were kept must be searched (because it often happened that during a meal salt and candles were needed). R. Papa said: The places where wood and dates were kept needed also to be searched (because it happened that during a meal one might go for wood and by the end of a meal, go for dates). A Boraitha taught: That a man was not compelled to put his hand in a hole to search for leaven as it might be dangerous.

R. Hyya taught: "The beer* cellars of Babylon were put on a par with the wine cellars of Palestine if they were frequently used."

[*"Why then was it ordered, that two rolls of barrels should be searched?"* Where is a cellar mentioned in the Mishna, that barrels should be discussed? The Mishna means to state as follows: "In all places, where it is not usual to put leaven, it is not necessary to search for leavened bread, and cellars of wine or of oil need not be searched." Why then were two rows of barrels ordered to be searched? If leavened bread was brought into such cellars and used there.]

"Beth Shammai decide that search must be made between each two rows," etc. R. Jehudah said: "The two rows mentioned are those from the ground to the ceiling, *i.e.*, the first two rows facing the door of the cellar," and R. Johanan said: The two rows mentioned are one from the ground to the ceiling and one on the top of the pile in the form of a (Greek Gamma) Γ .

We have learned a Boraitha supporting R. Jehudah, viz.: "Beth Shammai said: 'Between two rows over the whole surface of the cellar' and those two rows are from the ground to the ceiling."

We have learned another Boraitha supporting R. Johanan, viz.: "The two rows are over the whole surface of the cellar. One row faces the door and the upper row faces the ceiling. The remaining rows behind the one facing the door and those underneath the row facing the ceiling need not be searched."

"Beth Hillel decree: 'It is sufficient to search between the two uppermost rows,'" etc. Said Rabh: "Beth Hillel mean only one row not over the whole surface of the cellar, but one that faces the ceiling and the door, and another row beneath it facing the door only." But Samuel said: "Beth Hillel mean one row over the entire surface of the cellar and another row beneath it." Why do they differ? Because Rabh lays stress upon the word "uppermost" in the Mishna, which he explains as previously mentioned. [It says also "as they are also the highest," so there should be *two* highest. The Mishna calls them highest in order to contrast those beneath them, which are the lower], whereas Samuel lays stress upon the word "highest." [It also says "uppermost." These are called "uppermost" to distinguish them from those beneath them which also face the door] hence he explains the Mishna as above.

* The beer of the Babylonians was made from dates.

R. Hyya taught in accordance with Rabh's opinion and all the other sages taught in accordance with Samuel's opinion. The Halakha prevails according to Samuel.*

MISHNA: (And) it need not be suspected, that a weasel have dragged any leavened bread from (one corner that had not been searched to one that had); from one house to another or from one place to another; for if so, the same suspicion might apply to a (possible) removal from one court to another, or even one city to another, and thus make the search an endless task.

GEMARA: This applies to a case where it was not observed that the weasel had dragged the bread; but if it was observed, the search must be made over again? Why should this be so? Let it be presumed, that the weasel consumed the bread.

Have we not learned in a Mishna (Tract Ohaloth): The dwellings of the heathens must be considered unclean (because it was supposed, that they buried their miscarriages in their dwellings), and how long must the heathen have dwelt in such a dwelling in order to render it unclean? Forty days, even if he had no wife; if, however, when the dwelling was vacated, it was left open so that cats and swine entered it, its uncleanness need not be even investigated. (It is certainly clean, because even should there have been such a thing as a foetus contained therein, the cats or the swine had no doubt already devoured it. Whence we see, that the supposition of the cats having devoured the unclean object renders the investigation unnecessary, why then should in our case the fact that the weasel had carried off the bread not eliminate the necessity of another search?) Said R. Zera: "This presents no difficulty; in the case of the heathen's dwelling, the uncleanness was caused by flesh, and it is not probable that any of it was left over, but where bread is concerned, it may be that some of it was left."

Said Rabha: "What question is this? In the case of the heathen's dwelling there is a twofold supposition. Firstly, the question is whether a foetus was buried in the dwelling. Secondly, assuming such to be the case, the supposition that it was devoured enters, while in our case, if the weasel was observed carrying out the bread, so much is certain, and there is merely the supposition that it was devoured and a supposition cannot emanate from an established fact."

Our Mishna states: "It need *not* be suspected," etc. Why

* This last sentence is according to others not contained in the earlier editions, and hence the questions on this point are decided according to Rabh.

then does the succeeding Mishna enjoin, that "whatever remains must be well guarded"? Said Rabha: "By 'whatever remains must be well guarded,' the Mishna means to provide against a weasel coming and dragging it away before our eyes, in which event another search will have to be instituted."

We have learned in a Boraitha in support of Rabha's dictum: "Whosoever wishes to eat Chometz (leavened bread) after the search, should take what he has left over after the search and keep it in a well-guarded place lest a weasel come and carry it off before our eyes, in which case another search will be necessary."

R. Mari said: There is apprehension, if a man have ten pieces of bread left over and finds subsequently only nine, that another search will have to be instituted. (Therefore what remains should be kept in a well-guarded place.)

If there were nine heaps of Matzoth (unleavened bread) and one heap of Chometz and a mouse came along and took a piece of one of the heaps, but it is not known whether it was of a heap of Matzoth or Chometz, the same law applies to this as to the case where there were nine shops dealing in (ritually) slaughtered cattle and one shop dealing in carrion, and a man having bought some of the meat could not tell in which place he had bought it; in that case the meat must not be eaten (notwithstanding the fact that the majority of shops dealt in slaughtered cattle). If, however, meat was found near the shops, it is presumed to be of slaughtered cattle (because the probability is that one of the majority lost it). (The same is the case in the instance of the above-mentioned nine heaps of Matzoth.)

If there were only two heaps, one of which was Matzoth and the other Chometz, and two mice came along and taking a piece each of the two heaps ran into two different houses, in one of which search had already been made, while in the other it had not yet been made. If it was not noticed which mouse ran into the searched house, the one carrying Chometz or the other carrying Matzoth: It must be presumed, that the mouse carrying Chometz entered the house that had not yet been searched; because we have been taught in a Boraitha referring to such a case as follows: If there were two heaps of grain, one being heave-offering and the other ordinary, and opposite there were two measures, one containing heave-offering and the other ordinary grain, and the heaps had fallen into the measures, but it was not known which had fallen into which, we must presume that the

heave-offering had fallen into the measure containing heave-offering and the ordinary had fallen into the measure containing ordinary. [It might be said, however, that in these days heave-offering is merely the offspring of rabbinical law while Chometz is based upon biblical law (hence should be surrounded with more caution)! Nay; is then searching for Chometz biblical? According to biblical law renouncing the use of Chometz is sufficient.]

How is it, however, if there was but one heap and that was Chometz, while there were two houses both of which had been searched and a mouse had carried some of that Chometz into one of the houses; but it was not known into which? This presents an analogous case to two roads, one of which was clean and the other unclean and two men went on those roads but did not know which had taken the clean road and which the unclean. "If they both consecrated grain," said R. Jehudah, "and each one separately comes to inquire concerning the law in his case, they are both considered clean; but if both come together, both are held to be unclean; (for one of them is surely so)." R. Jose, however, said: "In any event both are unclean." Commenting upon Rabha, according to another version, R. Johanan said: "If both come together, all agree that they are held to be unclean; if they come each separately, all agree that both are considered clean; their point of variance, however, is: if one comes and inquires concerning the other also. According to R. Jehudah, it is the same as if each had come separately, while according to R. Jose, it is the same as if both had come together. (The same rule applies to the two houses under consideration.)

How is it, if it was not known whether the mouse that carried off some of the Chometz had entered either of the houses at all? This presents an analogous case to a valley in which an uncleanness was lost, and remains a point of variance between R. Eliezer and the sages. (Tract Teharoth, Chap. VI., Mishna 5.)

If the mouse had entered, however, and the man instituted another search but could not find the Chometz, must he go further and search the next house also? This will present a point of variance between R. Meir and the sages and is analogous to a case where the uncleanness of a place was at issue where the object causing the uncleanness could not be found. (Bechoroth xxv. b).

If the mouse had entered the house and the man when instituting another search had actually found the piece of Chometz

but did not know whether it is the same, that the mouse had carried in or not, it presents a similar case to the one concerning which Rabbi and R. Simeon ben Gamaliel differ, viz. : if a grave was lost and subsequently a grave was found but it was not known whether it was the same grave or not [ibid. ibid.].

If a man had left over nine pieces of bread and found ten, it again presents an analogous case to the point of variance between Rabbi and the sages concerning a case where a man had deposited one hundred coins and found two hundred. According to one opinion it is all ordinary money and according to another it is ordinary and second-tithe money combined.

If a man had left over ten pieces and only found nine, it again presents a point of variance between Rabbi and the sages similar to the case where a man had deposited two hundred coins as second-tithe and subsequently only found one hundred. According to one opinion the remainder is still second-tithe, while according to the other, the remainder is ordinary money; for it is considered as if the two hundred coins had been stolen and another hundred of ordinary money had been left in place thereof.

If the man had left the remainder of the Chometz in one corner and found it in another, according to the sages another search is necessary while according to R. Simeon ben Gamaliel it is not, and it is a similar case to the one in which they differ concerning uncleanness.

Rabha said: "If a mouse entered a house with some Chometz in its mouth and the man going in after it poured crumbs on the floor, he must make another search; because as a usual thing a mouse leaves no crumbs behind; but if a child entered and he finds crumbs when entering after the child, he need not make another, for usually a child leaves crumbs behind it."

Rabha propounded a question: "If a mouse entered a house and another came out of the same house and both had pieces of Chometz in their mouths, shall we presume that it was the same mouse in both cases or not? If it should be said, that it *is* the same, how is it if the mouse entering was black and the other was white, shall we assume that one took the piece of bread away from the other or that there were two separate pieces of bread? If you will say that one mouse would not take anything away from another, how would it be if a mouse entered with the piece of bread and a cat came out with a piece of bread? If we presume that the piece of bread is the same, would the cat not

have held the mouse in its mouth also? If then, you say, that the piece of bread was a different piece, how would it be if the cat came out with the mouse and the piece of bread in its mouth? Shall we say that it is the same piece of bread and, the mouse having dropped it through fright, the cat picked it up, or that were it the same piece of bread the mouse would have had it in its mouth?" This question is not decided.

MISHNA: R. Jehudah said: "Search (for Chometz) should be made on the evening ('Or') before the 14th (of Nissan), early on the morning of that day and at the time (when all Chometz must be removed);" but the sages said: "If search had not been made on the evening preceding the 14th (of Nissan), it may be made on that day; if neglected on that day, it may be made on the festival,* and if omitted even then, it must be done after the festival,† and whatever Chometz is left over, must be kept in a well-guarded place, in order that no further search may become necessary.

GEMARA: What reason has R. Jehudah for his assertion? R. Hisda and Rabba bar R. Huna both say: "He bases his assertion upon the fact that the search or the removal of Chometz is mentioned three times in the Scriptures" [Exod. xii. 15, ibid. 19, and ibid. xiii. 7].

R. Joseph objected: We have learned in a Boraitha: R. Jehudah said, "If he did not make the search at any of these three times, he need not make any search at all. Hence we see that R. Jehudah does not differ with the sages only concerning the necessity of searching after the three stated times had passed." R. Jehudah in reality only means to state that search should be made but once and that at one of the times mentioned, but if the three appointed times had passed he must not make search on the festival, lest he find some leavened bread and eat it; while the sages hold, that he may do so even on the festival and there is no fear of his eating any of the Chometz which he might find.

MISHNA: R. Meir says: "It is lawful to eat (Chometz on the 14th of Nissan) the whole of the first five hours and what remains must be burned at the commencement of the sixth

* The term used in the Mishna, which we render with "festival," is *Mo'ed*, and Rashi explains this to mean "at the appointed time"; but we render it according to the explanation of *Tosphath*, which is more reasonable.

† The reason that search must be made even after the festival is because the Chometz situated in the house during the festival must not at any time be used.

hour," but R. Jehudah says: "It is only permitted to eat (Chometz) the first four hours; during the whole of the fifth hour this must be abstained from and it must be burned at the commencement of the sixth hour."

R. Jehudah *also* taught: Formerly (during the existence of the Temple) two cakes of thanksgiving-offering which had become desecrated were exposed on a bench (of the Temple). As long as the two cakes remained there, all the people still ate leavened bread; when one of them was removed, they abstained from eating it but did not yet burn it; when both were removed, all the people commenced burning (the Chometz). Rabbon Gamaliel says: Ordinary (Chometz) may be eaten during the first four hours; but heave-offering may still be eaten during the fifth hour; both, however, must be burned at the commencement of the sixth hour.

GEMARA: We see thus, that at the commencement of the sixth hour, all agree, Chometz must be burned.* Whence do we adduce this? Said Abayi: From two passages, viz. [Exod. xii. 19]: "Seven days no leaven shall be found in your houses," and [ibid. 15]: "But on the first day ye shall have put away leaven out of your houses." According to this, then, on the first day there would still be leaven in the house and this would be contrary to the ordinance of the first passage? Hence we must say, that by "the first day" is meant the day preceding the festival. Then why say the sixth hour? Say that already early in the morning of the day preceding the festival (leaven should be burned). The word "but" with which the passage commences divides the day into two parts, so that in the morning leavened bread may be eaten while in the afternoon it must not.

The disciples of R. Ishmael taught: The reason that Chometz must be removed on the 14th (of Nissan) (the eve of Passover) is because that day is referred to as the first day (of the festival) in the passage [Exod. xii. 18]: "In the first, on the fourteenth day of the month, at evening shall ye eat unleavened bread," etc.

Rabha said: "The reason may be inferred from the passage [Exod. xxxiv. 25]: 'Thou shalt not offer the blood of my sacrifice with leaven; neither shall be left unto the morning the sacrifice of the feast of the passover,' which signifies, that the Passover sacrifice must not be offered up as long as there is yet

* The GEMARA in the original old edition is on pages 4a to 6b. The proper place for it, however, is here.

leaven." If that be the case, then it might be said that the leaven should be burned by each man immediately before offering his passover sacrifice; why designate the sixth hour? The passage means to state, that when the *time* for the Passover sacrifice arrives, there must no longer be any leaven on hand.

We have learned in a Boraitha in support of Rabha: It is written: "But on the first day ye shall have put away leaven out of your houses," and by the first day is meant the day preceding the festival. Whence do we know this? Perhaps the first day of the festival is meant? Nay; for there is another passage stating: "Thou shalt not offer the blood of my sacrifice with leaven," which signifies, that the Passover sacrifice must not be offered up while there is yet leaven on hand. So said R. Ishmael. R. Aqiba, however, said: "The second passage quoted is not necessary, for it is written, 'But on the first day ye shall have put away leaven out of your houses,' and again [Exod. xii. 16]: 'No manner of work shall be done on them'; thus we see that the leaven could not be burned on that day, for is not burning one of the principal acts of labor."

R. Jose, however, said: R. Aqiba's additional passage is not necessary either; for it says "But," and that "but" signifies that the day must be divided, if the first day were the first day of the festival, how could it be divided? No leaven must be eaten at any time during the festival proper. (If it should be said), that eating leaven only is prohibited but removing or burning it is permitted even on the first day, it would not be correct; for removing leaven is mentioned at the same time as the prohibition to eat leaven bread and at the same time also it is ordered that unleavened bread be eaten, whence we see, that at the time when Matzoth should be eaten no leaven must be on hand. Matzoth must be eaten on the evening of the 14th, hence no leavened bread must be on hand at the time. In consequence the "but" signifies the division of the day preceding the festival.

Rabha said: "Three things may be inferred from the words of R. Aqiba, and they are: Firstly, that R. Aqiba holds according to the opinion of R. Jehudah, that Chometz can be removed only by burning it; secondly that he holds with the opinion of R. Nathan, that the additional commandment not to kindle a fire on a Sabbath was taught for the sake of separation (of other acts)*; and thirdly, that he does not hold that, because

* *Vide* Tract Sabbath, Vol. I., page 136.

a fire may be made for the purpose of cooking on a festival, it may be also made for any other purpose."

The Rabbis taught: For what purpose is the passage "Seven days no leaven shall be found in your houses" written; it is stated *once* already [Exod. xiii. 7]: "And there shall not be seen with thee any leavened bread, neither shall there be seen with thee any leaven in all thy boundaries"? Because from the latter passage it might be assumed that only such leaven as belongs to the man must not be seen; but leaven belonging to others or such as is consecrated may be seen, and it might also be assumed, that one may hide leaven or may keep for a Gentile leaven intrusted to his care and for that reason the other passage says: "no leaven shall be *found*." Then again it may be presumed, that it is not permitted to receive any leaven from a Gentile living in a different place or one who is not under thy control, but how do we know that it is also not permitted to receive leaven from one who lives in the same house or *is* under thy control? To that end the passage reads "no leaven shall be found *in your houses*." Thus we know that it must not be found in the *houses*, but whence do we adduce that it may not be stored in caves or cellars? From the passage which reads: "Neither shall there be seen with thee any leaven *in all thy boundaries*."

Then again it might be said that if any leaven was found in the houses, one is culpable for transgressing the ordinance relating to "it shall not be seen" nor "found" nor "be hidden" nor "be received from Gentiles," while concerning the boundaries, it might be assumed that one's own leaven must not be seen but that belonging to others or consecrated leaven may be seen; but whence do we know that the ordinances relating to the houses apply also to the boundaries and *vice versa*? To that end the word leaven is repeated. Leaven is mentioned in connection with the houses and also in connection with the boundaries; thus if leaven be found in the house of a man, he is culpable of transgressing the ordinances "it shall not be seen" nor "found" nor "hidden" nor "received from a Gentile"; so is it also in the case of boundaries, and as in the boundaries a man's *own* leaven must not be seen but that belonging to others may; so is it also in the case of houses, a man's own leaven must not be seen, but that belonging to others and consecrated leaven may be seen.

The master said: "It is not permitted to receive any leaven

from a Gentile living in a different place or from one who is not under thy control, but whence do we know that it is also not permitted to receive leaven from one who lives in the same house or *is* under thy control?" How is this to be understood? The question should be to the contrary? Said Abayi: "Read the question in the opposite sense" (*i.e.*, it may be presumed that only from a Gentile living in the same or under thy control leaven must not be accepted, but whence do we know that from one living elsewhere or *not* under thy control it must not be accepted?) Rabha, however, said: The question need not be inverted, because it refers to the first part of the teaching of the Rabbis, which says, that a man's own leaven must not be seen but that of others, or consecrated leaven, may; hence it is said, "that leaven belonging to a Gentile living elsewhere or not under thy control must not be seen, but whence do we know that leaven of a Gentile under thy control may be seen?" Rabha concludes that the leaven of a Gentile under thy control may be seen and does this from the passage which distinctly states that it must not? He does this because the passage contains the words "with thee" twice. The master said: "It might be assumed, that one may keep for a Gentile leaven intrusted to his care, and for that reason the passage says, 'it shall not be found.'" Was it not just said, that leaven belonging to others and such as was consecrated may be seen? This presents no difficulty. Such as a man is not responsible for may be seen, but such as is intrusted to his care is considered as his own and must not be seen, as was said by Rabha to the inhabitants of Mehuzza: "Ye shall remove the Chometz belonging to the government from your houses, because ye are responsible for it and should it be stolen ye must make compensation, hence it is regarded as your own and must not be found in your houses."

This would be correct according to the Tana who holds, that an object which entails a possible pecuniary indemnity is not considered as the property of the one responsible for it; hence a separate passage is required to ordain, that this must not be kept; but according to the Tana who holds such an object to be the property of the one responsible for it (as if he had indemnified its original owner for its loss), why is a separate passage necessary? Because we might assume, that the object not yet being subject to an indemnity it is still the property of another and hence may be seen, we are told that such is not the case.

The Rabbis taught: If a Gentile came into the court of an Israelite (on Passover) with a piece of leaven in his hand, the Israelite is not obliged to insist upon its removal. If the Gentile, however, had given it to the Israelite for safe-keeping, it must be removed. If a special place, however, was provided for such leaven, it need not be removed, because the passage only states, that "leaven must not be found in your houses." Where a special place had been provided, that place is considered as belonging to the Gentile.

"*R. Jehudah says:*" Rabh^a said: "R. Jehudah's reason for his statement is the fact that he holds that the only manner in which Chometz may be removed is by burning, hence he allows us the fifth hour in order to prepare the wood for the fire." Rabhina objected to this statement: "Have we not learned, that R. Jehudah said removal by burning is only to be effected if the appointed time for the removal had not yet arrived; but if it had, the leaven may be removed by any means whatever?" Therefore Rabha said: "R. Jehudah's reason for his statement was the fact that the exact hour could not be ascertained on account of a cloudy day: and hence a man might mistake the sixth hour for the fifth." If that be so, then it should not be allowed to eat leaven even in the fourth hour? The fourth hour is a general time for eating,* hence no mistake can be made.

R. Na'hman in the name of Rabh said: "The Halakha prevails according to R. Jehudah." Said Rabha to him: "Why does not the master say that the Halakha prevails according to R. Meir; for have we not a Mishna by anonymous teachers (the first Mishna in Chapter II.) which bears out R. Meir?" "That Mishna is not in accordance with R. Meir, because it is opposed by others." "Then," rejoined Rabha, "why does master not say, that the Halakha prevails according to R. Gamaliel, who in this instance is the mediator between R. Jehudah and R. Meir?" Answered R. Na'hman: R. Gamaliel is not the mediator in this case, but merely asserts his own opinion, and if it is thy wish, I would tell thee, that Rabh holds with the Tana in the following Boraitha: If the 14th (of Nissan) fall on a Sabbath, all leaven must be removed before the Sabbath. Unclean or doubtful heave-offering must be burned and from clean heave-offering, which, however, cannot be used on the Passover, sufficient for two meals only must be left over for consumption

* *Vide* Tract Sabbath, page 17.

before the fourth hour. So said R. Elazar ben Jehudah the man of Barthutha in the name of R. Jehoshua. He was asked why the clean heave-offering should be burned, perhaps there may be found such as can eat it, and he answered: "Such men were sought but could not be found," but the Rabbis persisted: "Perhaps there were priests who passed the night beyond the town and might come in on the morrow and eat it?" R. Elazar replied: "According to your argument, the doubtful heave-offering should not be burned either lest Elijah come on the morrow and declare it clean!" and they rejoined: "It is known that Elijah will not come on the eve of Sabbath." In conclusion the Boraitha relates, that the sages carrying on the discussion did not move from their places until it was finally declared that the Halakha should remain according to the dictum of the mentioned R. Elazar ben Jehudah in the name of R. Jehoshua.

Then, if the Halakha prevails according to R. Elazar ben Jehudah it may be assumed, that concerning eating on the day preceding Passover nothing must be eaten after the fourth hour. Said R. Papa in the name of Rabha: "The Halakha prevails according to R. Elazar only concerning the removal of leaven but not concerning the hour of eating."

Rabbi also holds in accordance with the opinion of R. Na'hman; for Rabhin bar R. Ada related: "There was a man who stored a basket full of Chometz with Johanan Hakuka, and mice having gnawed holes in the basket, the Chometz commenced spreading. In the first hour of the eve of Passover Johanan came to Rabbi and asked him what to do. Rabbi told him to wait. In the second hour he still told him to wait, and so also in the third and fourth hour (perhaps the man might come to remove the basket). In the fifth hour he told him to take out the basket and offer it for sale in the market." We must assume, that he advised him to sell it in the market to Gentiles because Israelites could not use it at that hour and hence held with R. Na'hman that the Halakha prevails according to R. Jehudah.

Said R. Joseph: "Nay; he advised to sell it in the market and even to Israelites, thus holding to the opinion of R. Meir." Rejoined Abayi: "What need was there of his selling it in the market (to an Israelite), he could have used it himself under those circumstances?" And R. Joseph replied: "He could not do this on account of a possible suspicion that he would not pay the man a fair price." Said R. Ada bar Matthna to R.

Joseph: "Thou thyself at one time told us distinctly that Rabbi advised him explicitly to sell it to Gentiles, because he was of the opinion of R. Jehudah."

"*R. Jehudah also taught*," etc. One Tana taught in the presence of R. Jehudah, that the two thanksgiving-offering cakes were laid on the benches. Said R. Jehudah: "Was it then the intention to hide the cakes, that they should be put on the benches? Say, rather, they were placed on the roof surmounting the benches, where they could be seen."

Rahba said in the name of R. Jehudah: "On the mount of the Temple there was a double arched seat. We have also learned to this effect in a Boraitha, and R. Jehudah said: It was called Istavanith (columns) because a roof surmounted the seat, and the seat was composed of two arches one within the other."

"*Which had become desecrated*." Why had they become desecrated? Said R. Hanina: Because the cakes were such as had been brought with thanksgiving-offerings and there being so many of them they could not be consumed within the statutory time; hence they became desecrated by being left over night, as we have learned in a Boraitha: "It is not permitted to bring thanksgiving-offerings on Passover, because cakes of unleavened bread must be brought with them." Is this not self-evident? Said R. Ada bar Ahabha: "The Boraitha refers not to the Passover but to the day preceding it; and we are told, that no thanksgiving-offerings should be brought on that day, because there will not be sufficient for the consumption of the leavened cakes before the morrow. Therefore such offerings were brought on the thirteenth; but as there were still more leavened cakes than could be consumed, the remaining ones became desecrated over night (and of these two were placed on the benches)."

We have learned in a Boraitha upon the authority of R. Elazar, that the cakes were not desecrated; that when both were still on the benches all the people still ate leavened bread, when one was removed eating was abstained from and when both were removed it was commenced to burn the leaven.

In another Boraitha we have learned: Abba Saul said: There was another sign, viz.: Two cows were drawing a plough on the Mount of Olives. While both cows were seen, all the people still ate leavened bread; when one of them was taken away, the people abstained from eating and as soon as the other was also taken away, it was commenced to burn the leaven.

MISHNA: R. Hanina, the Sagan of the priests, said: The priests never objected to burn flesh which had become unclean through a child of uncleanness * (*i.e.*, had become an uncleanness of the second degree) together with such as had become unclean with a parent of uncleanness (*i.e.*, had become an uncleanness of the first degree), although the (legal) uncleanness of the first mentioned had become correspondingly increased. R. Aqiba added to this and said: "The priests never objected to burn the oil of heave-offering, which had become unclean by being poured by an unclean person, who, however, had bathed on that day, into (a metal) lamp which had come in contact with an uncleanness produced by a dead body, notwithstanding the fact, that a higher degree of impurity had thus been added to its former impurity."

Said R. Meir: We learn from their words, that it is permissible, on account of the Passover, to burn clean heave-offering (of leaven) with that which has become unclean; but R. Jose rejoined: "This is not a (correct) inference." R. Eliezer and R. Jehoshua agree, however, that it is necessary to burn each separately. Wherein do they differ? Concerning things whose uncleanness is doubtful, and things which are positively unclean; for R. Eliezer says: "Each of them must be burned separately"; but R. Jehoshua says: "They may be burned together."

GEMARA: Let us see! If flesh had become unclean through a child of uncleanness, it became an uncleanness of the second degree; the flesh which had become unclean through a parent of uncleanness, became an uncleanness of the first degree; now, if the first mentioned flesh came in contact with the last mentioned, it also only attains a second degree of uncleanness, how can it be said that its degree of uncleanness had been increased? Said R. Jehudah: "The first named flesh had not been contaminated by a child of uncleanness, but by a second (degree) of uncleanness, in which it had become a third of uncleanness. Thus when brought into contact with flesh which was a first degree of uncleanness, it becomes unclean in the second degree, and R. Hanina holds, that a third degree of uncleanness may be made unclean in the second degree."

It is known, however, that eatables cannot become unclean by contact with other eatables? Here a case is referred to, where the flesh was soaked with a beverage, when it can become

* For definition of the terms "parent of uncleanness," "child of uncleanness," etc., see Tract Shekalim, Ch. VIII., Mishna *d.*

unclean on account of the beverage. If so, why does the Mishna state flesh only? It should have been mentioned in connection with beverages. Therefore we must say, that although, according to biblical law, eatables cannot become unclean by contact with other eatables, yet according to rabbinical law, eatables may become unclean in that manner.

"*R. Aqiba added to this and said.*" Let us see! What does R. Aqiba add to the above? The oil which had been touched by the unclean person became primarily a third of uncleanness, and, when poured into the lamp which was a first of uncleanness by reason of its contact with a parent of uncleanness, it became a second of uncleanness. (Hence where is the difference between R. Aqiba's statement and that above?)

Said R. Jehudah: In this instance the lamp was of metal and the Merciful One said [Numbers xix. 16]: "And whosoever toucheth in the open field one that hath been slain with a sword," which signifies, that the sword (which is of metal) becomes equally unclean with the object which it touches. Thus the lamp having come in contact with a parent of uncleanness also becomes a parent of uncleanness and the oil consequently becomes through contact with the lamp a first degree of uncleanness. This constitutes the addition made by R. Aqiba, viz.: A third of uncleanness may be turned into a first of uncleanness.

"*Said R. Meir: 'We learn from their words,'*" etc. From whose words do we learn? Said Resh Lakish in the name of Bar Kappara: The Mishna in citing a parent or a child of uncleanness refers to such according to the biblical institution, and R. Meir's statement: "We learn from their words," which refers to rabbinical enactments, has no bearing upon our Mishna but concerns the difference between R. Eliezer and R. Jehoshua elsewhere (Tract Terumoth, Chap. VIII., Mishnas 8 and 9), and signifies as follows: "From the dispute between R. Eliezer and R. Jehoshua we learn, that clean heave-offering (of leaven) with that which has become unclean may be burned, etc."

This may be inferred also from our Mishna itself; for further it is stated, that "R. Eliezer and R. Jehoshua agree," etc., and had they not been referred to in the first place, how could they be quoted as agreeing upon the point involved? So also said R. Na'hman in the name of Rabba b. Abuhu.

R. Assi said in the name of R. Johanan: "R. Jose and R. Meir differ only concerning the sixth hour but after that time R. Jose also admits, that the clean heave-offering may be burned

with the unclean." Said R. Zera to R. Assi: According to thy statement, then, R. Johanan holds, that R. Hanina the Sagan treats of the parent of uncleanness from a biblical point of view and of the child (first) of uncleanness from a rabbinical point of view; R. Meir, therefore, in his statement refers to the words of R. Hanina. (For the reason, that R. Meir speaks of the sixth hour, when, according to biblical law, even eating is permissible.) R. Assi rejoined: "Yea; so it is." The very same statement was taught also in the name of R. Johanan: And R. Meir holds according to his theory elsewhere while R. Jose holds in accordance with *his* own theory. R. Meir's theory is, that contact with beverages which are unclean causes uncleanness only according to rabbinical law, while according to biblical law this cannot take place (hence if R. Hanina the Sagan says, that flesh which has become unclean in the second degree was burned with flesh unclean in the first degree, the first named was only unclean according to rabbinical law while according to biblical it was clean and it was burned together with a biblical parent of uncleanness). R. Jose, however, holds, that contact with unclean beverages can cause uncleanness even according to biblical law; hence the first named flesh was made a child of uncleanness *biblically*, in which case it cannot be equal to clean heave-offering in the sixth hour, at which time according to biblical law leaven may still be eaten. This we learn from the following Boraitha:

"If there were doubtful beverages (*i.e.*, it was not known whether they had come in contact with an unclean person or not) they are themselves unclean, but cannot impart uncleanness to others. Such is the dictum of R. Meir. So also said R. Elazar. R. Jehudah, however, said, that they can even impart uncleanness to others. R. Jose and R. Simeon both said: They can impart uncleanness to eatables only but not to vessels."

The master said: "R. Jehudah, however, said, that they can even impart uncleanness to others." Shall we assume, that R. Jehudah holds the capability of doubtful beverages to impart uncleanness to vessels also in accordance with biblical law? Have we not learned in a Mishna [Tract Kelim xxv. 1]: "all vessels having an inner side and an outer side, *f.i.*, bolsters, pillows, sacks and bags, if becoming unclean on the inner side, the outer side is also unclean; but if the outer side only had become unclean, the inner side remains clean. Said R. Jehudah: Such is the case if they had become unclean through contact

with beverages, but if through contact with reptiles, it makes no difference which side had become unclean: both sides are unclean?" If we would say then, that uncleanness through contact with beverages is based on biblical law, why is there a distinction made (the same should be the case as with reptiles)?

Said R. Jehudah in the name of Samuel: "R. Jehudah (of the Mishna) retracted this statement."

The schoolmen propounded a question: "Did R. Jehudah retract his statement concerning vessels only but as for eatables he holds as R. Jose and R. Simeon, or did his retraction also apply to eatables and he is of the same opinion as R. Meir?" Said R. Na'hman bar Itz'hak: "Come and hear: The flesh of a cow, which had drunk the waters wherein were contained the ashes of the (sacrificial) red heifer and was slaughtered immediately afterwards, is unclean. R. Jehudah, however, said, that the flesh is not unclean, as the water was annihilated in the entrails of the cow." If, then, R. Jehudah's retraction only referred to vessels, but as for eatables he holds with R. Jose and R. Simeon, why does he say that the flesh is not unclean? Granting that the water was not quite effective in the entrails of the cow, the uncleanness caused thereby is not severe but it certainly constitutes a mild uncleanness? R. Jehudah really means to state that the flesh was not severely unclean but was mildly so. R. Ashi, however, said, that the water was actually annihilated and R. Jehudah holds such to be the case not because of his retraction, but because the water mentioned is foul and cannot be considered a beverage.

CHAPTER II.

REGULATIONS CONCERNING THE TIME FOR EATING LEAVENED BREAD ON THE EVE OF PASSOVER—MATERIAL USED FOR MAKING UN- LEAVENED BREAD AND BITTER HERBS.

MISHNA: As long as it is lawful to eat leavened bread, one may also give it to his domestic or wild animals or to fowls; he may also sell it to strangers or derive benefit therefrom in any other way; when that time is passed, however, it is unlawful to derive any benefit from it whatever, not even use it for fuel or to light therewith an oven or a stove. R. Jehudah said: "The removal of leaven cannot be effected except by burning"; but the sages maintain, "It can also be effected by crumbling it into small particles, casting it to the wind or throwing it into the sea."

GEMARA: According to the Mishna, at the time when one is no longer allowed to eat leaven himself, he must not give it to others either? With which Tana does the Mishna accord?

Said Rabba bar Ula: The Mishna above is according to the opinion of Rabbon Gamaliel, who says, that ordinary eatables may be eaten only during the first four hours, but heave-offerings may be eaten even during the fifth hour and should be explained thus: As long as the priest may still eat heave-offering an ordinary Israelite may give ordinary leaven to others, etc.

Why does the Mishna enumerate domestic and wild animals and fowls? Would it not suffice to simply mention animals? Were domestic animals only mentioned, it might be assumed that they may be given that leaven, because should they leave any it will be seen and can be guarded against, whereas wild beasts generally hide what they leave uneaten and may thus cause the man to be guilty of having leaven in his house on the Passover. On the other hand, were wild animals only mentioned, it might be presumed that wild animals only are mentioned, because whatever they leave uneaten they hide and a man will not be able to see it, while if domestic animals should leave any of it, it will be within sight of all and will not be heeded by him,

when he will become guilty of having leaven in his house within the view of all. Hence the enumeration is made. Why are fowls specially mentioned? Because animals are specified, fowls are also added.

"He may also sell it to strangers." Is this not self-evident? (If it may be eaten, why should it not be allowed to sell it to a Gentile?) We are told this in order not to presume that the Halakha prevails according to the Tana of the following Boraitha: "Beth Shammai say: Leaven should not be sold to a Gentile unless it is positively known that he will consume it before the Passover. Beth Hillel, however, hold, that if it may be eaten, it may also be sold. R. Jehudah ben Bathyra said: 'Kuthach (a dish made with leavened bread) and any other dishes made with Kuthach must not be sold thirty days before Passover.'"

"Or derive benefit therefrom," etc. Is this not self-evident? This refers to corn which had been parched during the first four hours and which may under those circumstances be used even after the appointed time, and the Mishna is in accordance with the opinion of Rabha, who decreed that.

"When that time is passed, however," etc. Is this not self-evident? The Mishna means to state that even from the sixth hour up to the time when the Passover sets in, no benefit may be derived from any remaining leaven notwithstanding the fact that eating during the time mentioned is rendered unlawful by rabbinical enactments only; for R. Giddel said in the name of R. Hyya bar Joseph, quoting R. Johanan: "If a man betroth a woman on the eve of Passover after the sixth hour even with hard wheat,* it is not considered a valid betrothal."

"Nor even use it for fuel." Is this not self-evident? The Mishna means to state, that even according to R. Jehudah, who holds that removal of leaven cannot be effected except by burning, we might assume, that while it is being burned it may also be used as fuel, hence we are told that this must not be done.

Hezkyah said: Whence do we know that no benefit may be derived from leaven on Passover? Because it is written [Exod. xiii. 3]: "And no leavened bread shall be eaten," and "it shall not be eaten," signifies, that no benefit may be derived from it in the same manner as it must not be eaten. How would it be,

* A betrothal is not made effective unless the man gives something to the woman and she accepts it. The gift may consist of anything whatever, if of any value.

however, if the verse read "ye shall not eat"? Then leaven could be used for everything else except eating? Hence we must say, that Hezekyah differs with R. Abbahu, who said: Wherever it is written "one shall not eat," or "it shall not be eaten," or "ye must not eat," it implies, that no use whatever must be made of such thing unless it be explicitly stated that while it should not be eaten, one may otherwise derive benefit therefrom, as it is written [Deut. xiv. 21]: "Ye shall not eat anything that dieth of itself, unto the stranger, etc., canst thou give it or thou mayest sell it," etc.

Concerning reptiles it is written [Levit. xi. 41]: "And every creeping thing that creepeth upon the earth is an abomination, it shall not be eaten," and still we have learned in a Mishna, that those who catch beasts, fowls or fish and among them there should be any unclean species, they may nevertheless sell them to Gentiles? In that case it is different, for previously it is written [ibid. 23]: "Shall be an abomination unto you," which signifies, that it is theirs and they may derive what benefit they can thereof. Then why does the Mishna state, "*if there should be* among them any unclean species, he may sell them," why should it not be allowed to sell such to commence with? Because it is written "shall be *unto you* an abomination" and that implies, that they should always be an abomination, but if incidentally they should come within the possession of a man, he may use them at will.

According to Hezekyah, who says, that wherever it is written "it shall not be eaten" it is unlawful to derive any benefit from the object mentioned, why should it not be written instead "ye shall not eat," in which event the additional passage "shall be an abomination unto you" will become unnecessary? Hezekyah could reply: That is just the ground upon which I base my assertion (for, because it is written "ye shall not eat," the additional passage quoted legalizes the use of such objects; hence wherever it is written "it shall not be eaten" without such additional passage, it is obvious that no benefit may be derived from the object mentioned).

As for leavened bread again, concerning which it is written "it shall not be eaten," and we have learned in a Boraitha that R. Jose the Galilean nevertheless states, that it is surprising why it is ordained that no benefit may be derived from it for all the seven days of Passover? R. Jose may explain his statement by citing the other passage, which reads "shall not be

seen *with thee*," and the words "with thee" signify, that the leaven belongs to the man and he may make use of it. What explanation will the sages bring forth? The sages hold that the words "with thee" merely suggest, that *thy* leaven must not be seen, which belongs to *thee*, but that of others and consecrated leaven may be seen. Whence does R. Jose infer this suggestion? The words "with thee" are written twice. What do the sages infer from the fact that "with thee" is written twice? They hold, that one refers to a Gentile under the control of the man, and the other to one, that is not under his control. Whence does R. Jose adduce this? Because "with thee" is written a third time in another passage [Deut. xvi. 4]. How will the sages explain the third citation of "with thee"? They claim that separate passages were necessary in order to make a distinction between leaven and leavened bread. Were leaven alone mentioned it might be presumed that leavened bread was allowed or *vice versa*, hence both passages were necessary.

Shall we assume that the difference of opinion between Hezekyah and R. Abbahu is similar to the difference of opinion between the following Tana'im: It is written [Levit. vii. 24]: "And the fat of a beast that dieth of itself, and the fat of that which is torn by beasts may be used for any manner of work, but ye shall in no wise eat of it." Why is it written "for any manner of work"? Because it might be presumed that the fat should be used for work pertaining to divine service, but not to ordinary work, hence we are told that it may be used "for any manner of work." So said R. Jose the Galilean. R. Aqiba, however, said: "On the contrary! it might be presumed that the fat could be used for ordinary work but for that pertaining to divine service it should not, hence we are told that this may also be done."

Shall we assume that R. Jose the Galilean and R. Aqiba differ concerning the intent of the passage "Ye shall not eat," R. Jose holding, that wherever the passage occurs, it signifies also, that no use may be made of the object in question and the verse quoted above [Lev. vii. 24] is required in order to permit of the use of such an object as must not be eaten, while R. Aqiba holds, that such things as are forbidden to be eaten may nevertheless be made use of and the verse quoted merely signifies the relation to cleanness or uncleanness?

Nay; it may be that both R. Jose and R. Aqiba agree, that wherever it is written "Ye shall not eat" the object in question

must not even be used, and their point of variance concerns another matter. One holds, that the permission to make use of carrion does not include the fat of the carrion; hence an additional passage is necessary in order to make the use of the fat lawful; while the latter holds, that fat is included in the permission to use the carrion; hence the additional passage concerns only the relative cleanness or uncleanness.

Let us see! Notwithstanding the citation of so many passages, and the allegation of diverse opinions existing between Hezkyah and R. Abbahu, we do not find a single instance of where the two sages actually differ concerning the main issue involved, viz.: the permissibility or non-permissibility of using such objects as are forbidden to be eaten. Upon what point then *do* they disagree? They differ concerning leaven on Passover, according to the sages, who prohibit its use, and concerning the ox, which must be stoned for goring a man,* and the flesh of which all agree must not be used. According to Hezkyah, it must not be used on account of the passage which states "his flesh shall not be eaten," while R. Abbahu declares, that no passage to that effect is necessary, as by being stoned the ox becomes carrion and must for that very reason not be used.

Even in this case there is no palpable difference of opinion between the two sages? According to both the flesh of the ox must not be used? They differ concerning an ordinary (non-consecrated) animal which had been slaughtered in the court of the Temple, where only consecrated animals could be slaughtered; if an ordinary animal, however, had been slaughtered at that place (it is considered as if it were torn by beasts in the field and its flesh must not be used), Hezkyah says, that it must not be used, because the passage [Exod. xxii. 30] reads: "Flesh that is torn of beasts in the field shall ye not eat; to the dogs shall ye cast *it*." The word "*it*," in his opinion, refers only to the flesh that is torn of beasts, which, though it must not be eaten, may be used as food for dogs, etc., but not to flesh of an animal slaughtered in the court of the Temple. According to R. Abbahu, however, such flesh may, from a biblical point of view, be used.

One of the scholars sate before Samuel bar Na'hmeni and said in the name of R. Jehoshua ben Levi: Whence do we know

* See Exod. xxi. 28.

that all things, which are according to biblical law forbidden to be eaten are also forbidden to be made use of; *f.i.*, leaven on Passover and the ox which is stoned? Because it is written [Levit. vi. 23]: "And every sin-offering whereof any of the blood is brought into the tabernacle, etc., shall not be eaten; it shall be burned in fire." Why is the additional injunction to burn it with fire made? The words "it shall be burned in fire" are superfluous in the passage [Lev. vi. 23] quoted, because further on [ibid. x. 16] it is written "Behold it was burnt," hence they should be applied to all other prohibitions of the Law; and if they cannot be applied in connection with such prohibitions as distinctly forbid the eating of the objects mentioned, they should be applied to the use of such objects (*i.e.*, whatever is prohibited to be eaten should also not be used).

Accordingly it might be said, that all such things which must not be used should be burnt? Therefore it is written [ibid. vi. 23]: "And every sin-offering whereof any of the blood is brought into the tabernacle of the congregation to make atonement therewith in the holy place, shall not be eaten; it shall be burnt in fire." Whence we infer, that only such things as are brought into the holy place must be burnt but not other things the use of which is prohibited by the Scriptures should be burned.

Replied Samuel bar Na'hmeni: "From the verse just quoted R. Simeon decrees in another Boraitha that all things of sanctity which become desecrated, *f.i.*, flesh of sacrifices which had been left over, must be burned."

The scholar rejoined: Thy teacher R. Jonathan inferred the above from the following passage [Exod. xxix. 34]: "And if aught of the flesh of the consecration sacrifice, or of the bread, remain unto the morning, then shalt thou burn the remainder with fire; it shall not be eaten." Is not the sentence "it shall not be eaten" superfluous? It is already written, "thou shalt burn the remainder with fire." Hence it should be applied to the other prohibitions of the Law; and wherever it is already written "it shall not be eaten," apply it in the sense that it shall not be used. And lest it might be assumed, that whatever must not be used should be burned, therefore the verse distinctly states "then shalt thou burn the *remainder* with fire." Thus the remainder only should be burned but not other things which are not to be used.

R. Abbahu said in the name of R. Johanan: "All the prohi-

bitions of the Law 'it shall not be eaten' or 'it shall not be used' cannot, if disregarded, make one amenable to the punishment of stripes unless the acts were committed in the manner incidental to their customary execution." What would he intend to exclude thereby? Said R. Schimi bar Ashi: He means to exclude the act of putting fat from the stoned ox on a wound; notwithstanding the fact that, contrary to the law, benefit was derived from the fat, the act does not make a man amenable to the punishment of stripes, and so much the more would he exclude the act of eating raw fat (tallow).

It was also taught by R. A'ha bar Ivia in the name of R. Assi quoting R. Johanan: "If a man put fat from the stoned ox on his wounds, he is not culpable; because all the prohibited acts of the Law cannot if committed make a man amenable to the punishment of stripes unless they were executed in the customary manner." Said R. Zera: "We have learned a similar ordinance in another Boraitha (in Tract Cholin)."

Abayi said: All agree, that concerning Kilaim in a vineyard, there is an exception and even if not carried out in the customary manner, the man becomes amenable to the punishment of stripes, because in that instance eating is not mentioned at all (as it is written [Deut. xxii. 9]: "Thou shalt not sow thy vineyard with divers seeds: that the ripe fruit of thy seed which thou hast sown and the fruit of thy vineyard shall not be defiled"), but the injunction is against defilement in any manner whatever.

R. Jacob said in the name of R. Johanan: "It is permitted for a man to cure himself by means of any of the prohibited things mentioned in the Scriptures with the exception of wood taken from the groves used for idolatry." How is this to be understood? If there is danger attending the illness, then even the wood from that grove may be used, and if the illness be not serious then no prohibited things whatever must be used? A dangerous illness is referred to, and nevertheless the wood from a grove used for idolatry must not be used as we have learned in a Boraitha: "R. Eliezer said: 'It is written [Deut. vi. 5], "Thou shalt love the Lord, etc., *with all thy soul*," therefore, even if thou shouldst be forced to give up thy soul thou shalt not do any things pertaining to idolatry.'"

When Rabhin came from Palestine, he said in the name of R. Johanan: "With all things it is permitted to cure one's self except by means of idolatry, adultery, and shedding of blood." Not by means of idolatry as we have learned above, and "not by

means of adultery and shedding of blood" as we have learned in the following Boraitha: Rabha said: "It is written [Deut. xxii. 26]: For as when a man riseth against his neighbor, and striketh him dead, even so is this matter," hence the ravishment of a betrothed damsel is considered equal to murder, and as concerning murder it is said, that if a man be told to slay another or else he would be slain, he must rather permit himself to be slain than slay another, so it is also concerning a betrothed damsel, who should rather permit herself to be slain, than to be ravished by a man."

Whence do we know, that a man must rather permit himself to be slain than to slay another? This is a matter of common sense, as it happened with Rabha: A man came to Rabha and told him, that the governor of the city had ordered that he (the man) slay a certain man or himself suffer death, and Rabha said to him: "Rather than slay another, thou must permit thyself to be slain; for how dost thou know that thy blood is better than his, perchance his blood is better than thine?"

It was taught: The benefit of a thing which is forced upon a man against his will, may, according to Abayi, be enjoyed (*f.i.*, if a man was carried into a house where fragrant incense was offered up to idols he may enjoy the odor of such incense). Rabha, however, maintains, that he must struggle against it. If he can avoid enjoying it and has no intention to derive any benefit therefrom, it is a case similar to the point of variance between R. Simeon and R. Jehudah concerning an act committed unintentionally. R. Simeon holds, that an act committed unintentionally does not make one culpable, while R. Jehudah holds, that it does. If one cannot avoid enjoying it, but had no original intention to derive any benefit therefrom, all agree, that he must not struggle against it. They differ, however, concerning a case where a man cannot avoid enjoying it, but also had the intention to derive pleasure therefrom. According to R. Simeon he is culpable, and according to R. Jehudah as long as the enjoyment cannot be avoided, the man is *not* culpable. Hence Abayi holds in accordance with the opinion of R. Jehudah. Rabha can also declare, that he is in accord with R. Jehudah; for R. Jehudah holds an intentional act and an unintentional act to be on a par only when a more vigorous ordinance is concerned (*f.i.*, in the case of an unintentional act committed on the Sabbath), but was it ever known, that R. Jehudah should be of the same opinion where a more lenient ordinance is concerned?

Said Abayi: When do I adduce my statement? From the following Boraitha: "It was told of R. Johanan ben Zakai, that he sate in the shade of the Temple and lectured all day. (The Temple being sanctified must not be put to (profane) use, and R. Johanan, on account of the heat of the sun, sought the shade caused by the height of the Temple)." In this case it was a matter of necessity for R. Johanan to use an open space because he could not find a room sufficiently large to accommodate his audience, and when seeking the shade of the Temple he did so with the intention to avail himself of the benefit of the shade, whence I may infer, that such an act, even though it be intentional, is permissible.

Rejoined Rabha: "With the Temple it is different. It was constructed for use on the inside and not on account of its shade."

"*Or to light therewith an oven or a stove,*" etc. The rabbis taught: An oven which was fed with the peel of fruit from newly planted trees* or with the straw of Kilaim (divers seeds) of a vineyard (if the oven was new and by such burning had become fit), must be demolished. If the oven, however, was an old one, it must only be allowed to cool off and may subsequently be used. If bread was baked with the heat caused by such fuel, Rabbi said, "the bread must not be used," while the sages permit its use. If food was cooked over the coals of such fuel, all agree, that such food may be consumed.

Have we not learned in another Boraitha, that be the oven old or new it need only be cooled off and subsequently it may be used? This presents no difficulty. The latter Boraitha is in accord with the sages, who hold, that bread baked in an oven fed with such fuel may be used, thus discountenancing the assumption that the heat of such fuel invalidates the bread; consequently they hold that the oven must simply be allowed to cool off but need not be demolished.

Said R. Joseph in the name of R. Jehudah quoting Samuel: "An oven fed with the peel of fruit from newly planted trees or with straw of Kilaim of a vineyard (if the oven was new) must be demolished. If it was an old one, however, it must only be allowed to cool off and may subsequently be used. If bread was baked with the heat produced by such fuel, Rabbi said 'the bread may be used,' while the sages prohibit it." Did

* Concerning the law of newly planted trees, see Leviticus xix. 23.

we not learn to the contrary, however, viz.: that Rabbi prohibited the use of such bread while the sages permitted it?

Samuel generally adheres to the rule, that wherever Rabbi differs with an individual, the Halakha prevails according to Rabbi, but when differing with the sages, the Halakha prevails according to the sages. In this instance, however, Samuel holds, that the Halakha prevails according to Rabbi in the former Boraitha; but knowing that the people hold to the rule that wherever Rabbi and the sages differ, the Halakha prevails according to the sages, he purposely inverts the Boraitha and makes it appear as if the sages originally prohibited the use of the bread in question.

The Boraitha also stated: "If food was cooked over the coals of such fuel, all agree, that such food may be consumed." R. Jehudah in the name of Samuel and R. Hyya bar Ashi in the name of R. Johanan differed concerning this ordinance. One holds, that the ordinance is effective only if the coals were already extinguished; but if still live, the food must not be used. The other, however, holds, that even if the coals were still live, it is also permitted to use the food.

According to the former opinion, Rabbi *correctly* states, that bread baked in the heat caused by such fuel is not to be used, because he holds, that the use of the fuel is indirectly transmitted to the bread or, in the case of the live coals, to the food; but according to the one who permits the use of food cooked over the *live* coals of such fuel, how can Rabbi prohibit the use of the bread baked in the heat produced by such fuel? Said R. Papa: Rabbi may refer to bread which is baked directly by the flame of such fuel. In that case, do the sages *also* permit the use of such bread? Under what circumstances then does the fuel render the use of things unlawful? When a man sits opposite the flame, said R. Ami bar Hama, caused by such fuel in order to warm himself and thus derives direct benefit from such fuel it is not permitted (but bread, being baked only when the flame is about to die out and heat remains, may be used).

"R. Jehudah said: '*The removal of leaven cannot be effected except by burning.*'" We have learned in a Boraitha: R. Jehudah said: "Leaven must be removed only by burning and so should the law be; for if the remainder of the flesh of the sacrifices, concerning which there are no commandments directing that it must neither be seen nor found, must be burnt, so much the more should leaven be burned"; but the sages replied:

"Every regulation which is intended to be made more rigorous, but by force of circumstances eventually becomes even more lenient, cannot be considered a proper regulation; for in this case thou sayest 'leaven must be removed only by burning,' but how would it be if a man could not find any wood at the time? Should he do nothing towards removing it? But the law distinctly orders the leaven to be removed, as it is written [Exod. xii. 15]: 'But on the first day ye shall have put away leaven out of your houses,' which signifies, that it must be removed by any means whatever."

R. Jehudah, however, advanced another argument: "The remainder of the flesh of the sacrifices must not be eaten and leaven must not be eaten; hence as the former must be burnt so must the latter"; but the sages again replied: "Take the instance of carrion. Carrion must not be eaten, yet it need not be burned," and R. Jehudah replied: "There is a difference between the two. The remainder of the flesh must not be eaten nor may any benefit be derived therefrom, which same law applies also to leaven." "Then take the instance of the stoned ox," said the sages again, "that must not be eaten nor even used and still it need not be burnt." "There is still a difference," rejoined R. Jehudah, "the remainder of the flesh must neither be eaten nor used, and if it is the culprit becomes amenable to the punishment of Kareth (being 'cut off'); the same law applies to leaven; hence the latter should also be burned." "Then what about the fat of the stoned ox," queried the sages, "that must not be eaten, and if this be done, it constitutes a transgression punishable with Kareth; still it need not be burned?" R. Jehudah then advanced another argument: "Concerning the remainder the law prescribes, that it shall not be left until morning, and concerning leaven it is also prescribed, that none should remain, then why should not burning apply to both?" and the sages replied: "Take the instance, then, of a trespass-offering brought for a doubtful transgression or a sin-offering fowl brought for a doubtful case, which we ourselves declare should be burned, still thou maintainest, that it must not be put on the altar but should be buried." This rejoinder silenced R. Jehudah. Commenting upon this R. Joseph said: "This can be compared to the general saying, that a wood-carver carved a spoon and with that spoon he carried mustard to his mouth and burned his tongue." Abayi, however, said: "It can be compared to a man making stocks, which are subsequently shackled to his own

feet," and Rabha said: "It can be compared to a man making arrows, one of which finally reaches his own heart."

"*But the sages maintain, it can also be effected by crumbling,*" etc. The schoolmen propounded a question: "What does the Mishna mean, that it should be crumbled in order to be thrown forth to the wind but that it may be thrown into the sea whole or that it must also be crumbled before being thrown into the sea? We have learned in a Boraitha: If the man is in a desert, he should crumble the leaven and throw it forth to the wind; but if he is at sea, he may throw it into the water whole."

MISHNA: Leaven belonging to a Gentile, which during the Passover was in possession of that Gentile, may be used after that festival, but not when it belonged to an Israelite, for it is written [Exod. xiii. 7]: "Neither shall there be seen with thee any leaven in all thy boundaries."

GEMARA: According to whose opinion is this Mishna? Not according to R. Jehudah, nor R. Simeon nor R. Jose the Galilean? What is their opinion? We have learned in the following Boraitha: One who ate Chometz (leavened bread) before or after the appointed time (which is the time between noon and sunset on the eve of Passover) transgressed a negative commandment. If he ate it during the appointed time he transgressed a negative commandment and is amenable to Kareth (being cut off). From the time when it is prohibited to eat Chometz and further, no benefit whatever may be derived therefrom. Such is the dictum of R. Jehudah. R. Simeon, however, said: "Before and after the appointed time, eating Chometz does not constitute a transgression," but at the appointed time he agrees with R. Jehudah, and R. Jose the Galilean said: "It is surprising to know, that no benefit may be derived from Chometz during all of the seven days." Whence do we know that a man who eats Chometz during the six hours preceding the time when Passover sets in, transgresses a negative commandment? Because it is written [Deut. xv. 3]: "Thou shalt not eat *therewith* any leavened bread." Such is the dictum of R. Jehudah. Said R. Simeon to him: "How canst thou say such a thing? It is also written [ibid.]: 'Seven days shalt thou eat *therewith* unleavened bread' (if thou shouldst say that 'therewith' refers to the Passover-sacrifice, did then the Passover-sacrifice continue for seven days?). Thus 'therewith' refers to the moment when the eating of unleavened bread be-

comes compulsory; but before such time the negative commandment, 'Thou shalt not eat leaven,' is not effective."

Upon what grounds, then, does R. Jehudah base his dictum, that even during the six hours preceding the arrival of Passover, Chometz must not be eaten? Because there are three passages referring to leaven [Exod. xii. 20, *ibid.* xiii. 3, and Deut. xvi. 3], one of which has reference to the six hours preceding the appointed time, the second to the appointed time, and the third for the Chometz which was not removed before the Passover, and was left over until after Passover.

How does R. Simeon account for the three passages? He applies *one* to the appointed time, another [Exod. xii. 20] to such things as had become leavened by contact with leaven, and the third refers to the time when the Israelites went out of Egypt, when the eating of Chometz was prohibited for one day only, as stated by R. Jose the Galilean, who bases his assertion to that effect on the passages [Exod. xiii. 3 and 4]: "No leavened bread shall be eaten. This day go ye out, in the month of Abib." Thus only on this day no leavened bread should be eaten.

Now, then, according to whose opinion is the Mishna? Shall we assume that it is according to R. Jehudah? Does he not hold all Chometz to be unlawful after Passover, if in existence during the Passover, regardless of whether it belong to a Gentile or an Israelite? According to R. Simeon, even that belonging to an Israelite may be used after the Passover? And according to R. Jose the Galilean, even during Passover benefit may be derived from Chometz belonging to an Israelite also?

R. A'ha bar Jacob replied: "The Mishna is according to the opinion of R. Jehudah, and the question how, according to R. Jehudah, leaven belonging to a Gentile may be used after the Passover can be answered by stating, that R. Jehudah infers a comparison by analogy from the fact that leaven, being mentioned in connection with eating and also with seeing, in the same manner as only leaven belonging to the person concerned must not be seen, but that belonging to others may be seen, so it is also with respect to eating. A man must not eat his own leaven, but that of another he may eat. Accordingly our Mishna should have taught that eating is also permissible; but in consequence of the necessity of mentioning that no benefit may be derived from bread belonging to an Israelite, the same term is used in connection with bread belonging to a Gentile. In the

same manner, our Mishna should have taught, that bread belonging to a Gentile may be eaten even during the appointed time; but from the necessity of mentioning that bread belonging to an Israelite must not be used *after* the appointed time, the same is also taught concerning a Gentile."

Rabha, however, said: "The Mishna may also be in accordance with R. Simeon, and the question, Why should no benefit be derived from bread belonging to an Israelite after the Passover? may be answered by stating, that it was merely a punishment for the transgression of the two commandments, 'it shall not be seen' and 'it shall not be found,' which the Israelite committed by leaving the leaven over from before the Passover."

The Mishna concludes by quoting the passage: "Neither shall there be seen," etc. Thus Rabha's statement is borne out; but according to R. A'ha bar Jacob, it should conclude with the passage: "No leaven shall be eaten." Thou assumest that the conclusion of the Mishna refers to the prohibition of using bread belonging to the Israelite! This is not so! It refers to the first clause of the Mishna; namely, the bread belonging to a Gentile may be used, because it is written, "Neither shall there be seen with *thee*," but that belonging to a Gentile may not only be seen but also used, as stated above.

Both of these sages (Rabha and R. A'ha bar Jacob) hold to their individual theories, as it was taught: "If a man had eaten leaven belonging to Gentiles on the Passover, according to R. Jehudah, said Rabha, he should be punished with stripes; but according to R. A'ha bar Jacob, he need not be punished in that manner." Why does Rabha decree thus? Because he holds, that R. Jehudah does not put the eating of leaven on a level with the sight thereof; but R. A'ha bar Jacob holds, that R. Jehudah does put eating on a level with the sight of leaven, hence the punishment of stripes is not to be inflicted.

Rabh said: "Chometz, whether it became mixed with its own kind (which was unleavened) or with another kind during the appointed time (the seven days) is prohibited to be used. If it became mixed at any other but the appointed time, it is prohibited to be used only if it became mixed with its own kind; but if with a different kind it may be used."

[How is the case? Does Rabh mean to state, that the Chometz which had become mixed with the unleavened can be tasted? Why then does he permit its use at any other but the

appointed time and if mixed with a different? The Chometz can be detected by means of the taste? It might be said, however, that the Chometz was of so trifling a quantity that it could not be detected; then why, if it became mixed during the appointed time and not with its own kind, should it be prohibited?

Rabh intended that his decree serve as a precautionary measure, and prohibits even a trifling quantity of Chometz during the appointed time, which had become mixed with a kind not its own, lest it be used if it became mixed with its own kind.]

Samuel, however, said: "During the appointed time only Chometz which had become mixed with its own kind is prohibited but not such as had become mixed with another kind, while at any other but the appointed time it may be used even if mixed with its own kind." (Thus Samuel does not hold the precautionary measure of Rabh to be necessary.)

R. Johanan, however, said: "Chometz even during the appointed time and when mixed with its own kind is only then prohibited if it can be tasted (with the unleavened). In all other cases it may be used." (Because he holds with R. Simeon, who permits the use of Chometz after the appointed time in any manner.)

Said Rabha: The Halakha prevails, that Chometz during the appointed time is prohibited to be used, if mixed with its own kind or with another kind even in trifling quantities, as Rabh decreed; and at any other but the appointed time it may be used in any manner, as R. Simeon decreed. Rabha holds to his individual theory and says: When we were at the school of R. Na'hman, he told us after the Passover to go and buy leavened bread from the soldiers of the government.

Rabh said: "Earthenware pots which had been used during the year must be destroyed before Passover." For what reason? Let them be left over until after the Passover and then used for other kinds of food than formerly? This is a precautionary measure, in order to prevent the possibility of their being used for the same kinds of food as formerly.

Samuel, however, said: "They need not be destroyed, but kept until after Passover, and then they may be again used for any purpose whatever." Samuel holds to his individual theory, for he said to the vendors of earthenware pots for the Passover: "Lessen the prices of your pots for the Passover, otherwise I

shall decree that the law prevails according to R. Simeon (and the old pots will be valid after the Passover).'' Why did he not proclaim this in reality? He is of the opinion of R. Simeon? The place where he was at the time was within the jurisdiction of Rabh; hence he could only threaten them.

An oven was greased with fat immediately after it had been heated. Rabha bar Ahilayi prohibited the eating of the bread baked therein even with salt, lest it be eaten with Kutach (a dish made with milk), and prohibited the use of the oven for all time to come. An objection was made: We have learned: '' Dough must not be kneaded with milk, and if this was done the bread therefrom must not be eaten, in order to avoid the possibility of committing a transgression (*i.e.*, eating such bread with meat). Likewise, an oven must not be greased with the fat of a ram's tail, and if this was done, the bread must not be eaten and the oven must again be heated and other bread baked.''

Thus we see, that the oven may be reheated and other bread baked therein; why does Rabha bar Ahilayi prohibit the use of the oven permanently? Rabha bar Ahilayi can make no answer to this question.

Said Rabhina to R. Ashi: '' Now, if Rabha bar Ahilayi's statement was effectually refuted by the Boraitha, why should Rabh decree, that the pots which were used during the year must be destroyed before the Passover,* why could they not be burnt out and then used again?'' and R. Ashi answered: '' With an oven it is different. That is heated on the inside; hence as soon as it is heated again no traces of the fat will be left and it becomes the same as it was before; while pots are always exposed to the fire from the outside, and for that reason their condition will remain unchanged; and if thou shouldst ask why the inside of the pots should not be exposed to the fire also, the answer is, that there is fear of their bursting should this be done. Hence I say, that a pot which could withstand a

* Why was the decree of Rabh confronted with the fact that Rabha bar Ahilayi's statement had been effectually refuted by the Boraitha? Why could not the Boraitha itself have been used in order to counteract Rabh's decree? In our opinion, this was not done because Rabh was a Tana, and in many instances the Talmud allows Rabh, as a Tana, to dispute a Boraitha. In this case, however, as Rabha bar Ahilayi could find no answer for the refutation, and it was not said in his defence that he held according to Rabh, which he could have done provided Rabh had actually differed with the Boraitha, hence we must assume that Rabh is in accordance with the Boraitha. Now, then, if such is the case, the question why Rabh holds that the pots must be destroyed according to Rabh is a logical one.

fire must not be used on Passover, unless it was filled with live coals and burnt out."

Rabhina asked of R. Ashi: "What should be done on Passover with knives?" and he answered: "I buy new knives for the Passover." And Rabhina rejoined: "In Master's case it is proper; for thou art rich and canst afford it; but what should a poor man do?" "I do not mean exactly new knives," replied R. Ashi, "but renovated knives," *i.e.*, knives the blades of which are covered with clay and placed in the fire, and after being thoroughly burnt are taken out, and together with the hilts are soaked in boiling water, when they become equal to new ones. The Halakha prevails, however, that the whole knife need only be soaked in boiling water which had not been removed from the fire.

Said R. Huna the son of R. Jehoshua: "A wooden ladle should be placed in boiling water which had not been removed from the fire," for he holds, that in the same manner that the ladle absorbs the leaven contained in the pots, in the same manner can it be purified.

Ameimar was asked: What is the law concerning glazed pottery? If the color of the coating was green, there is no question but that they must not be used; but we refer to such as were glazed in black or in white. If the coating was cracked, there is also no question but that they must not be used; but we refer to such as were perfectly smooth. Ameimar replied: "I noticed that the fat cooked in such pots oozes out on the other side, and hence it is obvious that they absorb it; and the Scriptures attested that an earthen pot never yields forth what it has once absorbed." *

Said Rabba bar Abba in the name of R. Hyya bar Ashi, quoting Samuel: "All vessels in which leavened food had been kept while cold may be used for unleavened food, with the exception of such vessels as contained actual leaven, for that is very pungent." Said R. Ashi: "Such vessels in which leavened bread and vinegar were generally mixed must also not be used, because that is equal to leaven." And Rabha said: "The large basins which are frequently used in the city of Mehuza for kneading dough must also not be used, because they are considered the same as kneading-troughs." Is this not self-evident? Because basins are open on all sides we might assume that the

* *Vide* Leviticus vi. 21.

air surrounding it destroys the effects of the leaven, hence we are told that such is not the case.

MISHNA: If a Gentile lent money to an Israelite, taking as security leavened articles, such articles may be used after the Passover; but if an Israelite had lent money to a Gentile on leavened articles they must not be made use of after the Passover.

GEMARA: It was taught: If one man owed another money and pledged his property as security for the debt, and the debt becoming due had not been paid, Abayi said the articles pledged must be considered the property of the creditor from the time the loan was made, while Rabha said, "Only from the moment the debt became due." If the debtor sold or consecrated his property before the debt fell due, all agree that the creditor can recover such property, or (if consecrated) redeem it (for a trifle), in order that it may not be said that consecrated articles can be recovered gratuitously. Wherein they do differ is, if the creditor had, prior to the time the debt fell due, transferred his eventual right to the property to another or consecrated it. Abayi holds, that such transfer is valid in the event of consecration; it holds good because, as we see that the debt was not paid when it became due, the pledged articles are considered the property of the lender from the time the money was loaned. Rabha, however, maintains, that on account of his having no right to the property until it was forfeited, the transfer or consecration, whichever the case may be, is of no account, because if the debtor would have had the money he would have redeemed his pledge, consequently the pledge belongs to him until the time has expired.

An objection was made based upon our Mishna: "If a Gentile lent money to an Israelite upon leavened articles, they may be used after the Passover." Thus, according to Abayi, who holds that the right of possession is vested in the creditor from the moment the loan is made, it would be correct, because during the Passover the leavened articles were the property of the Gentile; but according to Rabha, who holds that the right of possession is not the creditor's until the property is forfeited, the leavened articles were the property of the Israelite during the Passover, how can they then be lawfully used? In this case the Mishna refers to an instance where the pledged articles were deposited with the creditor, as we have learned in a Boraitha: "If a Gentile pledged a large loaf (used as a wedding-cake) with

an Israelite on Passover, the Israelite does not transgress the law prohibiting leaven to be seen or found with him. If the Gentile, however, told him that thenceforth that loaf should be his, the Israelite by accepting it would commit such a transgression"; hence Rabha's opinion is borne out.

The rabbis taught: If there was a store of wine and bread belonging to an Israelite, and Gentile and Israelitish laborers worked there, the Chometz found therein after the Passover must not be used, much less eaten. If it was a store belonging to a Gentile and Israelitish laborers worked there, the Chometz found there after the Passover may be eaten, and so much the more be used.

MISHNA: Leaven that had been covered by fallen ruins must be considered as annihilated and removed. Rabbon Sim-eon ben Gamaliel says: "Only then, if it is covered to such an extent that a dog cannot drag it out."

GEMARA: Said R. Hisda: Nevertheless, the man should in mind renounce the leaven.

The Mishna states: "If it be buried to such an extent that a dog cannot drag it out." We have learned in a Boraitha: "How much is that? Three spans."

R. A'ha the son of R. Joseph asked R. Ashi: "Samuel said: There is no better way of hiding money than by burying it in the ground. Should it be buried to a depth of three spans also?" and he answered: "In the case of the leaven it is essential that the dog should not scent it, hence three spans are necessary; but when burying money it is only required to hide it from view and a lesser depth is sufficient." What should the depth be, however? Said Raphram bar Papa of Sikhra: "One span."

MISHNA: If any person should eat leavened heave-offering during the Passover by mistake, he must pay the principal and a fifth part* in addition; but if he ate it wilfully, he is exempt from the obligation of making restitution and also from payment of its value as wood (fuel) in case of the heave-offering being unclean.

GEMARA: The schoolmen propounded a question: "In what manner must the person make restitution, according to the quantity consumed or according to the value thereof? We do not ask concerning a case where the value of the article con-

* *Vide* Leviticus xxii. 14.

sumed had been greater and had subsequently depreciated; *f.i.*, if it had originally been worth four zuz and later only one. In that case he must certainly refund its original value, for there is no difference between his case and that of a robber, concerning whom we have learned in a Mishna, that when a robber makes restitution for a pillaged article he must do so in accordance with the value of such article at the time it was purloined. We ask, however, concerning an instance of where the article consumed had enhanced in value; *f.i.*, it had been worth one zuz and subsequently rose to the value of four zuz. Should he restore the article according to the quantity or according to the value, *i.e.*, if he had only eaten the worth of one zuz, should he restore the equivalent of that amount?"

Said R. Joseph: "Come and hear: 'If he ate dried figs and repaid with dates, may he be blessed'; thus we have learned in a Boraitha. If he paid in accordance with the quantity, *i.e.*, he ate a measure of dried figs which is only of the value of one zuz and made restitution with a like measure of dates which was worth four zuz, it is obvious why he should be blessed; but if he restored only the value of the dried figs with dates of equal value, why the blessing?"

Rejoined Abayi: "He may have only refunded the value of the figs by an equal value in dates, but nevertheless he may be blessed on account of making restitution for a less salable article with one that is more easily marketable."

An objection was made based upon our Mishna: "Our Mishna states, that 'he must pay,' etc. If he must restore the leavened heave-offering in equal measure it would be correct, but if he must refund the pecuniary equivalent therefor, how can this be done? Leavened articles have no pecuniary value on Passover?" Our Mishna is in accordance with R. Jose the Galilean, who holds that benefit may be derived from leavened articles on the Passover. How then will the latter clause of the Mishna correspond? Why should he be exempt from repayment if he had eaten the leavened heave-offering wilfully? According to R. Jose, benefit may be derived therefrom on Passover? He holds with R. Nehunia ben Hakana of the following Boraitha: R. Nehunia ben Hakana says that the Day of Atonement is put on a par with the Sabbath in the event of a violation of the law concerning either of the two days. (*I.e.*, if a man violate the Sabbath and by such violation cause damage to another, he need make no restitution for the damage inflicted

from the fact that he has committed an offence punishable with death by stoning; should he have done likewise on the Day of Atonement, the fact that he incurs the punishment of Kareth (being cut off) also exempts him from making restitution.* Thus in this case, where by eating leavened heave-offering the man incurs the punishment of Kareth, he need not make restitution for the article consumed.)

This case presents a difference of opinion between Tanaim, as we have learned: If a person had eaten leavened heave-offering on Passover, he is exempt from the obligation of making restitution and also from payment of its value as wood (fuel). Such is the decree of R. Aqiba. R. Johanan ben Nouri, however, holds him liable. Said R. Aqiba to the latter: "What benefit does a man derive from eating leaven on Passover?" and he answered: "What benefit can a man derive from eating unclean heave-offering at any time of the year, and still he is obliged to refund its value?" and R. Aqiba rejoined: "While a man must not eat unclean heave-offering he may otherwise make use thereof, as fuel; how canst thou compare this to leaven on Passover, which must not be used in any manner? The only comparison which can be made between the two can be made by comparing grapes or berries which had become unclean heave-offering and cannot even be used as fuel and leaven on Passover. If such grapes or berries *had* been eaten, I say, no restitution need be made." This difference of opinion refers only to such heave-offering as had been set aside and become leavened before the Passover; but if a person had set aside leavened articles as heave-offering on Passover it cannot be accounted heave-offering at all, for it does not accept of the sanctification of heave-offering.

We have learned in another Boraitha: It is written [Leviticus xxii. 14]: "And he shall make good unto the priest the holy thing." This signifies that he must make good the thing eaten with another that can become holy, but if a man eat leavened heave-offering on Passover, he need not make restitution even for its value as wood (fuel). Such is the dictum of R. Eliezer ben Jacob. R. Eliezer Hasma, however, holds him liable for restitution. Said R. Eliezer ben Jacob to the latter: "What benefit does a man derive from eating leaven on Passover?" (and he answered in the same manner as R. Johanan answered

* The sages do not concur in this opinion of R. Nehunia where the punishment of Kareth is incurred.

R. Aqiba. Whereupon R. Eliezer ben Jacob made the same rejoinder as R. Aqiba to R. Johanan ben Nouri, and the conclusion was, that) R. Eliezer Hasma said: "The priest can make use of such leavened heave-offering as food for his dog or as fuel for his stove."

Abayi said: "R. Eliezer ben Jacob, R. Aqiba, and R. Johanan ben Nouri all agree, that no benefit may be derived from leaven on Passover, and R. Aqiba differs with R. Johanan ben Nouri only as follows: R. Aqiba holds, that restitution for holy things must be made in accordance with the value of the article consumed, while R. Johanan ben Nouri maintains, that restitution must be made in accordance with the quantity thereof." Is this not self-evident? We might assume, that their point of variance does not concern the value or the quantity of the article consumed, but whether any benefit may be derived from leaven on the Passover or not; hence we are told by Abayi that such is not the case. Whence does Abayi adduce that such is not the case? Because otherwise R. Johanan ben Nouri would have answered R. Aqiba as R. Eliezer Hasma answered R. Eliezer ben Jacob.

The master said: "If leaven was set aside as heave-offering on Passover, all agree that it cannot be accounted heave-offering." Whence do we adduce this? Said R. Na'hman bar Itz'hak: "From the passage [Deut. xviii. 4]: 'And the first shearing of thy sheep shalt thou give *him*.'" Thus we see that it is written "give *him*," but not for fuel.

R. Huna the son of R. Jehoshua objected: "We have learned, that heave-offering must not be set aside from unclean (grain) to serve for clean (grain), but if this was done unintentionally, the heave-offering is valid." Thus the heave-offering is nevertheless unclean and must not be eaten; still the priest may use it for fuel (and it is nevertheless valid?). This presents no difficulty: In this latter instance the heave-offering at some time could have been eaten by the priest (when it was still clean), while in the case of leaven on Passover the priest never had an opportunity to use it for himself, but it could at any time only have been used as fuel. How should this be understood? For instance, if the article whereof the heave-offering was to be set aside had become leavened while still growing.

How is it, however, if the article had become leavened after it had been reaped? Can it be accounted heave-offering? R. Na'hman bar Itz'hak answered: "Yea; 'This is the interpreta-

tion of the angels and this is the resolve of the Most High^r [Daniel iv. 21], and it is also decided in the colleges as I have said."

Subsequently, when R. Huna the son of R. Jehoshua came from Palestine, he gave as a reason why leaven set aside as heave-offering on Passover is not accounted heave-offering the following: "It is written [Deut. xviii. 4]: 'The first fruit of thy corn,' etc., which means that the first of fruit should be given to the priest and the remainder should be used by the donor; but when the remainder cannot be used, as was the case with leaven on Passover, the first cannot be given as heave-offering to the priest."

MISHNA: A person acquits himself of the duty (of eating unleavened bread) on Passover with the following articles: With cakes made of wheat, barley, spelt, rye, and oats; also with Demai (grain of which it is doubtful whether the legal dues had been separated), with first tithes of which the heave-offering had been taken, with the second tithes, and with consecrated things which have been redeemed. Priests (acquit themselves of the duty) with the first of the dough, with heave-offering, but not with (grain) which is still mixed (untithed), nor with the first tithes of which heave-offering has not yet been taken, nor with unredeemed second tithe and consecrated things not redeemed. Neither with cakes of thanksgiving-offering nor the thin cakes of the Nazarite's offering, if they had prepared them for their own use; but if prepared for public sale, they may acquit themselves of the duty (of eating unleavened bread on Passover) therewith.

GEMARA: We have learned in a Boraitha: Spelt is considered grain, and rye and oats are considered cereals.

With the articles enumerated in the Mishna a person acquits himself of the duty, but not with rice or millet? Whence do we know this? R. Simeon ben Lakish and also the disciples of R. Ishmael said; and likewise the disciples of R. Eliezer ben Jacob taught: "It is written [Deut. xvi. 3]: 'Thou shalt not eat therewith any leavened bread. Seven days shalt thou eat therewith unleavened bread,' which signifies, that only such things should be used for unleavened bread which can become leavened; but rice and millet can never become leavened, only putrid." Our Mishna is not in accordance with the opinion of R. Johanan ben Nouri, who said, that rice and millet are also grain, that they *may* become leavened, and that one *may* acquit himself of his duty therewith.

Rabba bar bar Hana said in the name of Resh Lakish: "Dough which was kneaded with wine, oil, or honey, and becomes leavened, does not make the owner amenable to Kareth, if he had eaten it."

R. Papa and R. Huna the son of R. Jehoshua sate before R. Idi bar Abhin, and the latter was slumbering. Said R. Huna the son of R. Jehoshua to R. Papa: "What reason did Resh Lakish have for his dictum?" and he answered: "Because the above passage [Deut. xvi. 3] implies, that only such things as can become leavened may be used for unleavened bread on Passover he holds that the dough in question being rich, and poor dough only being permissible for unleavened bread, it is not an offence punishable by Kareth to eat such (rich) dough." In the meantime R. Idi awoke and said to them: "Youngsters! Thus was the reason of Resh Lakish: 'The dough was made with juice of fruit and not with water, and juice of fruit cannot make dough leavened.'"

"Also with Demai." (The discussions concerning this citation of the Mishna occur many times in the Talmud and have been left in the Tract Berachoth (Benedictions), where they will appear once for all. See Tract Erubin, page 71.)

"Priests—with the first of the dough." Is this not self-evident? We might assume that the unleavened bread for Passover must be valid for all alike, and as the first of the dough, etc., cannot be eaten except by priests only, they should not be used to discharge the obligation (mentioned); hence we are told by the Mishna that they may, because the verse reads Matzoth (the plural of Matzoh), implying that all kinds of Matzoth may be used.

The rabbis taught: "We might assume that a man may acquit himself of the duty of eating unleavened bread with grain of which all the legal dues had not yet been separated, *f.i.*, grain of which heave-offering had been separated but not the heave-offering of the first tithes or of which first tithes only had been taken, but not second tithes or even such of which only the tithes for the poor had not been taken; therefore the passage quoted states, that 'thou shalt not eat therewith any leavened bread: seven days shalt thou eat therewith unleavened bread'; and this implies, that only such things should be eaten as would make one culpable if eaten in a leavened state only; but not such as would make a man culpable for other reasons."

What has become of the prohibition regarding the eating of leaven in that event? The rabbis are in accord with R. Simeon, who holds that a twofold prohibition cannot apply to one and the same thing, as we have learned in a Boraitha: "R. Simeon said: One who eats carrion on the Day of Atonement is free of the sin of violating that day."

The rabbis taught: Shall we assume that a man may acquit himself of the duty of eating unleavened bread with the second tithes, which he had brought to Jerusalem? Therefore it is written [Deut. xvi. 3], "The bread of affliction," which signifies, that only bread which can be eaten during affliction may be used; but second tithes, which must be eaten with joy (according to the passage [Deut. xxvi. 14], "I have not eaten thereof in mourning"), cannot be used. So said R. Jose the Galilean. R. Aqiba, however, said: "Because it is written Matzoth (the plural of Matzoh) and it is repeated several times, even second tithes are included." Why, then, is it called bread of affliction? This implies, that the dough should not be kneaded with wine, oil, or honey. [What could R. Aqiba, however, say to the claim of R. Jose, that second tithes cannot be eaten as "bread of affliction"? R. Aqiba can say: Is it then written "bread of affliction"? it is written "poor bread."*]

Does R. Aqiba, then, hold that one cannot acquit himself of the duty with dough kneaded with wine, oil, or honey? Have we not learned in a Boraitha: It is not lawful to knead dough in Passover with wine, oil, or honey, and if this was done, Rabbon Gamaliel decrees that it should be immediately burned; the sages, however, say, that it may be eaten. R. Aqiba, commenting thereon, said: "At one time I took my Sabbath-rest in the house of R. Eliezer, and R. Jehoshua and I kneaded them dough with wine, oil, and honey, and they did not object?" [Although (according to Rabbon Gamaliel) this must not be done, if it *was* done, cold water may be poured on on the festival, in order to keep it from becoming leavened, and the sages said: "Such dough as may be kneaded may also be kept from becoming leavened by pouring water thereon on a festival; but such as must not be kneaded must also not be kept from becoming leavened in the manner described. All agree, however, that on Passover dough must not be kneaded with tepid water?"]

* The difference between the two is as follows: The Hebrew term for affliction is Oni, written Ayni, Nun, Vav, Iod; and the term for "poor" is also Oni, but is written Ayni, Nun, Iod, and in the verse it is spelled in the latter manner.

This presents no difficulty. On the first day of the Passover one cannot acquit himself of the duty of eating unleavened bread with dough kneaded with wine, oil, or honey; but on the remaining days such dough may be used, as was told by R. Jehoshua to his children: "On the first day (of Passover) ye shall not knead the dough for the unleavened bread with milk; but on the remaining days ye may do so." (It is allowed to knead dough with milk, according to the opinion of Rabbina, providing it is made so that it can be distinguished from the other.)

The rabbis taught: Shall we assume that a man may acquit himself of the duty of eating unleavened bread with firstfruits* (brought as a meat-offering on Pentecost)? To that end it is written [Exod. xii. 20]: "In all your habitations shall ye eat unleavened bread," which signifies, that only such things as may be eaten in all your habitations may be used for the acquittal of the duty of eating unleavened bread, but such things as can be eaten only in Jerusalem, as is the case with the firstfruits, cannot serve for that purpose. Such is the dictum of R. Jose the Galilean. R. Aqiba, however, says, that the reason firstfruits cannot serve the purpose is because as the unleavened bread is put on a par with the bitter herbs which cannot be taken from the firstfruits (as no firstfruits were taken from herbs); hence the unleavened bread also cannot be taken from the firstfruits. Lest it might be said, on the other hand, that as the bitter herbs are prepared from articles of which kind no firstfruits can be brought, leavened bread which would serve for the acquittal of the obligation should be made only from material of a kind of which no firstfruits can be brought; but wheat and barley, of which firstfruits *are* brought, should be deemed unfit for such purpose; hence the passage repeats Matzoth (plural for Matzoh), which includes all kinds. If that term includes all kinds, why not also firstfruits? R. Aqiba retracted his statement concerning the comparison between bitter herbs and unleavened bread, as we have learned in the following Boraitha: Shall we assume that a man may acquit himself of the duty of eating unleavened bread with firstfruits? To that end it is written [Exod. xii. 20]: "In all your habitations shall ye eat unleavened bread," which signifies, that only such things as may be eaten in all your habitations may be used for the acquittal of the

* *Vide* Leviticus ii. 12-14.

duty of eating unleavened bread, but such things as are eaten only in Jerusalem, as is the case with firstfruits, cannot serve the purpose. Accordingly, it might also be presumed that unleavened bread should not be made with second tithes, which should also be eaten in Jerusalem: therefore Matzoth is repeated several times in the passage and made to include even second tithes. If this be so, why are firstfruits excluded, while second tithes are included? We include second tithes because they may be eaten under certain circumstances in any place, as R. Elazar stated: "When second tithe becomes unclean even in Jerusalem, it may be redeemed, and with the ransom-money things may be bought which can be eaten in any place whatever, and firstfruits which cannot be eaten outside of Jerusalem under any circumstances are excluded." Who holds, then, that unleavened bread may be made with second tithes? R. Aqiba, and he excludes firstfruits by reason of the passage quoted [Exod. xii. 20], and not through comparison with bitter herbs. Thus we see that he retracts his former statement, as mentioned above.

The rabbis taught: "It is written 'bread of affliction'; hence pancakes (made of flour, boiling water, and oil) and large loaves cannot serve for the acquittal of the duty of eating unleavened bread." Shall we assume, then, that only coarse (barley) bread can serve that purpose? Therefore Matzoth is repeated in order to add that any kind may be used, even such as were as fine as those used in the time of King Solomon. For what purpose, then, is it written "bread of affliction"? In order to exclude the two kinds mentioned; and whence do we know that large loaves (called in Hebrew "Ashishah") are considered articles of value which cannot be called "bread of affliction"? From the passage [II Samuel vi. 19]: "And he dealt out to all the people, to the whole multitude of Israel, to both men and women, to every person one cake of bread, and an Ashpar (good piece of flesh), and one Ashishah." Said R. Hanan bar Abba, by an Ashpar is meant the sixth part of a young bullock and by an Ashishah is meant a loaf which was made of flour to the quantity of a sixth of an Ephah (a half-saah), and this is at variance with the opinion of Samuel, who maintains that an Ashishah is a flagon of wine; as it is written [Hosea iii. 1]: "Who turn themselves after other gods, and love Ashishai (flagons of wine)."

The rabbis taught: "Thick loaves must not be baked on the

Passover. Such is the decree of the school of Shammai, but the school of Hillel permit this to be done." How thick should they be? Said R. Huna: "One span, because the thickness of the showbreads was one span." R. Joseph opposed this: How can Beth Hillel permit the loaves on Passover to be one span thick, for what have the showbreads in common with Passover loaves? In the case of showbreads there were priests who were thoroughly competent for their work; but the Passover loaves are prepared by ordinary people. The showbreads were prepared with the utmost skill, and how can they be compared to ordinary loaves? For the former dry wood only was used, while for the latter even damp wood is used? The former were baked in a hot oven, while the latter are often baked in a cooler oven; for the baking of showbreads an iron stove was used, while for the Passover loaves an earthen oven was considered sufficient. Said R. Jeremiah bar Abba: I especially asked our Rabbi (meaning Rabh), and according to another version R. Jeremiah bar Abba said in the name of Rabh, who asked *his* (Rabh's) master (who was R. Jehudah the Holy) concerning this question, and he answered: By "thick loaves" is meant in reality a large quantity of dough, and the reason that this should not be baked on Passover is in order to prevent the preparation of bread on the festival for the coming week-days. Why does the Tana teach this with especial reference to Passover? It applies to every other festival? Because he was at the time teaching concerning the Passover. In another Boraitha we were distinctly taught, instead of "on the Passover," on a festival.

The rabbis taught: "One may acquit himself of the duty of eating unleavened bread on the Passover with coarse or fine bread, and even with cakes adorned with figures, although the sages said that it is not allowed to bake cakes adorned with figures on Passover."

Said R. Jehudah: "This question was propounded by Baithus ben Zunin to the sages: 'Why is it not allowed to prepare figured cakes on Passover?' and they answered: 'Because the woman in preparing them tarries over her work, and in the meantime the dough becomes leavened.' Rejoined Baithus: 'Could she not impress the figures on the cakes with a press and thus facilitate the work?' and the sages replied: 'In that event it would be said, that all figured cakes are prohibited, with the exception of those made by Baithus.'"

Said R. Elazar bar Zadock: "I once went with my father to

the house of Rabbon Gamaliel, and he was served with figured cakes on Passover. Afterwards I asked my father whether it was not a fact that the sages had prohibited the use of figured cakes on Passover, and he replied: 'My son, only such as are made by ordinary people are prohibited, but not such as are prepared by bakers.'"

R. Jose said: "If such cakes are made, they should be made as thin as wafers, but not as thick as loaves, because in the latter event they might become leavened."

R. Assi said: "Dough of second tithe, according to R. Meir (who holds second tithe to be consecrated) is exempt from the obligation of first dough (due the priests); but according to the sages it is not. Unleavened bread baked from such dough cannot, according to R. Meir, serve for the acquittal of the obligation of eating unleavened bread on the Passover, while according to the sages it may. According to R. Meir the citron, which must be used on the first day of the Feast of Tabernacles,* must not be bought with the proceeds of second tithes, while according to the sages it may."

"Neither with cakes of thanksgiving-offering nor the thin cakes of the Nazarite's offering," etc. Whence do we adduce this? Said Rabba: "From the passage [Exod. xii. 17]: 'And ye shall observe the unleavened bread,' which signifies, that only dough which is observed for unleavened bread may be used, but not such as is observed for any other purpose, as is the case with that of the thanksgiving-offering and the Nazarite's offering."

R. Joseph, however, said: "This may be inferred from *this* passage: 'Seven days shall ye eat unleavened bread,' which signifies, that only such bread should be eaten as can be used for the entire seven days, but the thanksgiving and Nazarite offering can only be eaten on one day and night."

There are two Boraithas, one of which bears out the dictum of Rabba, while the other bears out that of R. Joseph.

Why are passages needed upon which to base the decree of the Mishna? Is it not sufficient that the cakes of both offerings mentioned are made of rich dough (*i.e.*, with oil)? Said Samuel bar Itz'hak: The quantity of oil mixed with the dough is so insignificant that it is not counted; for a quarter of a lug of oil is used for a great many cakes. Then let it be said that the rea-

* See Leviticus xxiii. 40.

son why those cakes cannot be used is because they cannot be eaten anywhere except in Jerusalem? Said Resh Lakish: "From the Mishna itself, we can infer that these two offerings were eaten not alone in Jerusalem, but also in Nob and in Gib'an."

We have learned in a Boraitha: R. Ilayi said: I asked R. Elazar whether the two kinds of cakes mentioned could serve for the acquittal of the duty on Passover, and he answered that he had not heard whether they could or not. So I went out and asked R. Jehoshua, and he answered: "It was decided, long ago, that such as were made for personal use could not, but those prepared for public sale could be used." When I came back to R. Elazar and told him what R. Jehoshua had said, he replied: "Is this (the result of) a covenant? Was it so decreed to Moses on Sinai, that no reason should be given for the enactment?"

What is truly the reason for this ordinance? Said Rabba: "An article prepared for public sale is of a necessity made conditional; for the intention is, if the article is not sold, the maker will use it for himself."

MISHNA: The duty of eating bitter herbs on the Passover may be acquitted with the following herbs: with lettuce, wild endive and garden endive,* with Harhabinah,† with bitter coriander,‡ and bitter herbs (horseradish), either fresh or in a dried state, but not if pickled, boiled, or cooked in any way; they may also be combined to the size of an olive, and the obligation is discharged if the stalks of them only had been used; also with Demai (when it is doubtful if they had been tithed), or such as are of the first tithe of which the heave-offering had been taken, or of the second tithe, or of redeemed consecrated things.

GEMARA: The disciples of R. Samuel taught: "The duty of eating bitter herbs may be acquitted with the following herbs: with lettuce, wild endive and garden endive, with Harhabinah and bitter coriander, with oleander§ and Harginin and Hardafni ||

* Hebrew for endive is Thamchah. According to De Pomis, it is the *Carduus marianum*." Others consider it to be the green tops of horseradish.

† A species of nettle. Landau's dictionary translates it *Urtica*.

‡ According to De Pomis, this should be the *Lactuca agrestis* (wild lettuce).

§ Oleander is poisonous, but here a certain non-poisonous species is meant.

|| In explanation of this word, see Hamashbir (Warsaw, 58), opposing the Aruch in this matter.

(kinds of herbs having a bitter taste)." R. Jehudah said: "Also with lettuce of Julin and of Galin."

Likewise said R. Ilayi: "I heard from R. Eliezer that (Akarbanin) hart's tongue (*scolopendrium*) may be used, and I inquired among all his disciples, seeking one to corroborate his statement, but could not find one; and when I came to R. Eliezer ben Jacob, he admitted that R. Eliezer had made that statement."

R. Jehudah said: "All herbs which when cut emit white juice may serve for the acquittal of the duty of eating bitter herbs on Passover," and R. Johanan ben Berokah, that such as when cut should become a shade paler. Anonymous teachers, however, say that all bitter herbs emit white juice, and become a shade paler when cut. Said R. Johanan: "From these teachings we can infer, that all the bitter herbs enumerated so far are juicy and when cut become a shade paler." Said R. Huna: "The Halakha prevails according to the decree of the anonymous teachers."

Rabhina noticed that R. Aha the son of Rabha always endeavored to have a certain kind of bitter herbs (horseradish) on Passover. Said he to R. Aha: "It is thy opinion that this kind of herbs is to be desired because it is more bitter; but have we not learned in the Mishna, and also from the disciples of R. Samuel, that lettuce stands first, and R. Oshiya also said that lettuce was more preferable. Even Rabha said that lettuce is called Hassa (in Arabic), which signifies, 'God has mercy on us,' and R. Samuel ben Nahmeni said in the name of R. Jonathan: 'Why are the Egyptians compared to bitter herbs? Because, as the bitter herbs are first soft and then hard, so were also the Egyptians: at first they treated the Israelites with kindness and afterwards with harshness?'" Answered R. Aha the son of Rabha: "I shall not do so any more."

R. Rehum said to Abayi: "Whence do we know that bitter herbs must be used? The passage says 'Maror' (bitterness)? Can this not refer to the gall of a Khuphia (a certain kind of fish)?" and he replied: "We adduce this from the Matzoth. As Matzoth should be made of the fruit of the earth, so should also the bitterness be derived from the fruit of the earth." "Cannot this also refer to oleander (which is poisonous)?" queried R. Rehum, and Abayi replied: "Fruit of the earth is required, and not fruit of trees." "Cannot this also refer to Harzapha?*" "

* Probably myrrh, or Greek *κυπέριον*.

Answered Abayi: "It must be equal to Matzoth in that it may be bought with the proceeds of second tithes, and Harzapha cannot be bought therewith, as it is not an edible article."

Said Rabba bar R. Hanin to Abayi: "As it is written 'Maror' (bitterness), (one kind), why should the bitterest of all kind of herbs be used?" and Abayi replied: "In one place it is also written 'Merarim' [Numb. ix. 11], which signifies more than one." "Perhaps it means but two kinds?" Said Abayi: "As Matzoth may be of several different kinds, so the bitter herbs should be of several different kinds."

"*Either fresh or in a dried state,*" etc. Said R. Hisda: "This refers only to stalks of the herbs, but if leaves of the herbs are used they may only be fresh but not dried." If the latter clause of the Mishna, however, refers to stalks, then should it not be assumed that the first clause refers to the leaves? Nay; the Mishna merely explains that the stalks only may be used, fresh or dried.

The rabbis taught: If the leaves are withered the duty of eating cannot be discharged therewith; but upon the authority of R. Eliezer ben Zadock it was said, that even herbs with withered leaves may be used.

MISHNA: It is prohibited to soak bran on the Passover to feed fowls therewith; but it is permitted to pour boiling water on bran. A woman must not soak the bran which she takes with her to the bath, but must use it in a dry state for the purpose of rubbing her body therewith. A person must not masticate grains of wheat to put it (as a poultice) on his wound, because they will become leavened.

GEMARA: The rabbis taught: The following things can never become leavened: "Baked, cooked, and scalded articles." Cooked articles do not become leavened; but can they not become leavened while being cooked? Said R. Papa: "By cooked articles is meant, articles which had previously been baked and then cooked."

We have learned in a Boraitha: "If water drip on flour even all day long, the flour cannot become leavened." Said R. Papa: "This is the case only if the water drip drop by drop."

The disciples of R. Shila said: "Vathka (a dish made of salt, meal, and oil) may be used on Passover." Have we not learned that Vathka must not be used? This presents no difficulty. Such as was made with water and salt must not be used, but Vathka made with oil and salt is permitted.

Mar Zutra said: "The bottom of a cooking-pot must not be strewn with dry flour, lest it be not thoroughly cooked and become leavened." R. Joseph said: "A man should not pour boiling water on two grains of wheat together, lest one become attached to the other and the water will not reach every particle of the grain, in which case it may become leavened."

The rabbis taught: "It is not allowed to soak barley on Passover, but if it was soaked it is not to be used, only if the barley fall asunder, whereas if it remained whole it may be used." Said R. Jose: "Even if it be observed that they are about to fall asunder, it is permitted to pour vinegar on them, which will prevent their becoming leavened." Said Samuel: "The Halakha does not prevail according to R. Jose."

R. Hisda said in the name of Mar Uqba: "The Boraitha which states that if the barley fell asunder it must not be used means to say, that even if they had not yet fallen asunder, but would when taken out, they must also not be used," and Samuel said: "Nay; it distinctly means to say, only if they had already fallen asunder," and so Samuel acted on one occasion in the village of Bar Hashu.

Rabba said: "A man who wishes to guard his soul (*i.e.*, a very pious man) should not soak grain on Passover." Why only a man who wishes to guard his soul? Does not the Boraitha prohibit this to all alike? Rabba means to say, that one who wishes to be pious should not even soak wheat, which is less liable to become leavened than barley. Said R. Na'hman: "One who would obey the dictates of Abba (Rabba) will be compelled to eat mouldy bread; for at R. Huna's house wheat was soaked, and also at the house of Rabha bar Abin," and Rabha said: It is a duty to soak wheat, for it is written, "Ye should observe the unleavened bread," and if it be not soaked, what would there be observed? Shall we say, the kneading should be observed; did not R. Huna say, that even with unleavened dough of a Gentile the obligation of eating Matzoth may be discharged, providing a piece of unleavened bread of the size of an olive is eaten afterwards? Thus we see that the piece of unleavened bread must be eaten afterwards and not first, because the Gentile's dough was not originally intended to serve for Matzoth. If, therefore, the baking alone should be observed, the dough could be baked for the express purpose of using it as Matzoth; the same applies to kneading the dough; hence the observing of the unleavened bread must take place

before the dough is kneaded, *i.e.*, from the time the wheat is soaked.

Whence do we know that the unleavened bread must be observed before being kneaded? Did not R. Huna say that the dough of a Gentile may be used, and a piece of unleavened bread must be eaten afterwards only because the dough was not originally intended to serve as Matzoth, but if the dough was made by the Gentile especially for that purpose, would it not be sufficient to discharge the obligation of eating Matzoth therewith?

Notwithstanding the fact that Rabha's assertion was thus refuted, he did not retract; for he said to the sheave-binders in the field: "When ye bind the sheaves, bear in mind that they are intended for the preparation of Matzoth"; whence we see that he holds that the unleavened bread must be observed from beginning to end.

The mother of Mar, the son of Rabhina, would buy her wheat for the Passover directly from the field.

It happened that a ship with a cargo of wheat was sunk in the river of Hishta. So Rabha advised that the (recovered) wheat should be sold in small lots to Israelites, in order that they could consume it before the Passover set in.

The rabbis taught: A cooking-pot must not be strewn with flour on Passover, and one who would do this should first strew the flour and then pour vinegar thereon, while according to others, the vinegar may be poured on first. Who is meant by the others? Said R. Hisda: "R. Jehudah, who holds (in Tract Sabbath), that on Sabbath spices may be put in all vessels or cooking utensils, except in such as contain vinegar, because vinegar facilitates cooking." Ula, however, said that this must not be done under any circumstances, for concerning a Nazarite it is said: "Go away! go away! Do not draw nigh unto the boundaries of the vineyard (meaning: One should avoid even such things as might appear as prohibited, lest the prohibition itself be disregarded)."

R. Papa permitted the bakers in the house of the Exilarch to strew a pot with dry flour, and Rabha would even strew his own pots with dry flour.

MISHNA: It is unlawful to put flour in Harosoth (sauce)*

* Presumably a mixture of almonds, vinegar, and spice, in which food was dipped by the ancients.

or in mustard, but if this be done, it should be immediately eaten. R. Meir, however, prohibits it. The Passover sacrifice must not be boiled in any liquid or in juice of fruit; but it is permitted to moisten it (after it has been roasted), or to dip it (in a liquid when eaten). Water used by a baker (to cool his hands while kneading the dough for Matzoth) must immediately be thrown away, because it becomes leaven.

GEMARA: R. Kahana said: They differ only concerning mustard; but as for Harosoth (sauce), all agree that (if flour had been put into it) it must be burned. We have also learned to this effect in a Boraitha, viz.: "Flour must not be put into Harosoth, and if this be done the same must be immediately burned; and if it be put in mustard, R. Meir holds that it must be immediately burned, while the sages hold that it should be immediately eaten." Said R. Huna the son of R. Jehudah in the name of R. Na'hman, quoting Samuel: "The Halakha prevails according to the opinion of the sages."

Said R. Na'hman bar Itz'hak to him: "Concerning what does master hold, that the Halakha prevails according to the opinion of the sages, Harosoth or only mustard?" and he answered: "What is the difference?" Said R. Na'hman bar Itz'hak: "What about the statement of R. Kahana (just quoted)?" and he answered: "I have not heard his statement nor does it concern me."

"*The Passover sacrifice must not be boiled.*" The rabbis taught: It is written [Exod. xii. 9]: "Ye shall not eat of it raw (rare), nor in any wise sodden with water." Hence we see that it must not be boiled in *water*; but whence do we know that it must not be boiled in any other liquid? Say, that it is an *a fortiori* conclusion, for, whereas it must not be boiled in water, which does not interfere with its taste, it should not so much the more be boiled in any other liquid which might affect its taste.

Rabbi, however, said: "We infer this from the fact that it is written, 'nor in *any wise* sodden with water,' which signifies, that it must not be boiled in any liquid." Wherein do Rabbi and the rabbis differ? In a case of where the sacrifice is cooked in a pot without water. According to the rabbis it may be cooked in that manner, because no water is used nor is its taste affected, while Rabbi holds that it must not be cooked "in any wise."

What definition do the rabbis attribute to the passage "in

any wise" ? They explain according to the following Boraitha: " If a person boiled (the Passover sacrifice) and then roasted it, or first roasted and then boiled it, he is culpable." In the former case it is correct to hold the man culpable; but in the latter, if he had already roasted, what difference does it make if it was subsequently boiled ? This is not allowed, because it is written, " nor in *any wise* sodden with water."

The rabbis taught: Shall we assume, that a man would be culpable if he had boiled the sacrifice even after it had been thoroughly roasted ? Therefore it is written: " Ye shall not eat of it raw (rare), nor in any wise sodden with water." If it was rare and then sodden in water it makes a man culpable; but if it was thoroughly roasted, it does not. What is meant by thoroughly roasted ? Said R. Ashi: " If it was roasted brown."

The rabbis taught: We might assume, that if a man ate a raw piece of the Passover sacrifice of the size of an olive, he is culpable; therefore it is written: " raw, nor in any wise sodden with water;" but if not sodden with water, it does not make a man culpable. Shall we assume, then, that it may be eaten raw to commence with ? To that end it is written [ibid., ibid.]: " but roasted by the fire." What is meant by raw (rare) ? Said Rabh: " That is what the Persians call ' Abarnim ' (rare)."

R. Hisda said: " If a thing is cooked on the Sabbath in the hot waters of Tiberias it does not constitute a culpable act; but it is a culpable act to cook the Passover-sacrifice therein." What is meant by the word " culpable " in this connection ? Said R. Hyya bar R. Nathan: R. Hisda plainly said: Not culpable (for stripes) but guilty of transgressing the ordinance concerning " roasted by the fire."

Abayi said: " If a man eats the Passover-sacrifice raw (rare) he is amenable to a double punishment by stripes, the same as if he eats it cooked, and if he eats it cooked and raw he is amenable to a triple punishment by stripes, because he transgresses two distinct commandments, viz.: ' Ye shall not eat it raw ' and ' but roasted by the fire.' " Rabha, however, said: " For the violation of a negative commandment, which is derived from a positive regulation, no stripes should be inflicted. " *

* Of the two statements in this paragraph, in the old edition the former is attributed to Rabha, while the latter is credited to Abayi ; but the latter statement always appears in other portions of the Talmud as the opinion of Rabha ; hence we have exchanged the places of the two names. In this we are borne out also by R. Joseph Karo in his commentary entitled " Keseph Mishna."

The rabbis taught: If a man had eaten part of the sacrifice of the size of an olive, raw, while it was yet day on the eve of Passover, he is not culpable, but if it had already become dark, he is guilty. If he had eaten a part of the sacrifice of the size of an olive, roasted, while it was yet day, he did not exclude himself from the company with whom he had combined for the sacrifice. If he had eaten the same, however, when it had become dark, he did exclude himself from the others.

The rabbis taught: "If he had eaten a roasted piece of the sacrifice while it was yet day on the eve of Passover, and a piece the size of an olive, raw, when it was already become dusk, he is culpable for both acts; because the roasted is held to be equal to the raw (*i.e.*, as he may eat the roasted only at night, he must not eat it during the day)." It is right, the act of eating a raw piece of the sacrifice is a culpable one, for the reason that it is expressly written: "Ye shall not eat it raw"; but as for the roasted sacrifice, it is written: "Ye shall eat it only at night," and from this it may be inferred that it should not be eaten during the day; hence it is a negative commandment derived from a positive, and it is known that the violation of such a commandment is only equal to the violation of a positive commandment? Said R. Hisda: "This is in accordance with the opinion of R. Jehudah, who maintains that even for the violation of such a commandment, punishment may be inflicted.*"

"*Water used by a baker must immediately be thrown away,*" etc. In one Boraitha we have learned, that the water must be thrown where it will run down, but not in a pit, where it will accumulate; while in another Boraitha we have learned, that it may even be poured into a pit. This presents no difficulty. The former Boraitha treats of a case where there is a large quantity of water, while the latter treats of a small quantity which is absorbed by the soil of the pit.

R. Jehudah said: A woman should not knead dough (on Passover) except with water "Shelanu."† R. Mathna repeated the same words in Papunia. On the morrow, all of the inhabitants came to him with jugs in their hands and begged him for water (thinking that the word "Shelanu" meant "our" and that he had the necessary water), whereupon he answered

* This will be explained in Tract Tamurah, Chap. I.

† "Shelanu" has a twofold meaning. The more general definition is "our" or "of us," and the other, which is more seldom used, is "which has remained over night." See Appendix at the end of this Tract.

them: "I meant with water that had remained over night (debithu)."

Rabh preached: "A woman should not knead her dough in the glare of the sun, nor with water that had been heated by the sun. Also not with water that had been left over in a Muliar (teakettle), and should not remove her hands in general from the oven, until her bread is baked. She also requires two vessels filled with water. One to cool off her hands when kneading and the other to moisten her dough before putting it into the oven."

The schoolmen propounded a question: "What is the law if a woman did knead her dough with such water (as thou hast prohibited)?" Said Mar Zutra: "The bread will be lawful," while R. Ashi maintained that "it will *not* be fit for use." Said Mar Zutra: "Whence do I adduce my opinion? From the previous Boraitha, which teaches that, while it is not allowed to soak grain in water, if this was done, it does not make a man culpable unless the grain fell asunder," and R. Ashi replied: "Are all threads woven in the same (woof)? Where this was explicitly taught, it remains so, but where it was not taught, it is not so."

CHAPTER III.

REGULATIONS CONCERNING ARTICLES WHICH CAUSE TRANSGRESSION OF THE LAW PROHIBITING LEAVEN TO BE SEEN OR FOUND IN THE HOUSE OF AN ISRAELITE.

MISHNA: The law (prohibiting leaven to be seen or found in the house) on Passover is transgressed by the following articles: Babylonian Kuthach,* Median beer (made of wheat or barley), Edomite vinegar (made by the fermentation of barley and wine), Egyptian zeethum,† the dough of bran used by dyers, the dough used by cooks,‡ and the paste used by scribes (to paste the sheets of paper together). R. Eliezer says, also the ornaments used by women. This is the general rule: What is composed of any kind of grain can cause a transgression of the law of Passover, and they that become guilty of such a transgression incur the penalty attached to the transgression of a negative commandment § (*i.e.*, a commandment commencing with "thou shalt not"); but not the penalty of Kareth (being cut off).

GEMARA: The rabbis taught: "Three things were said in reference to Babylonian Kuthach: It depresses the heart, blinds the eyes, and makes the body lean. It depresses the heart on account of the whey contained therein, it blinds the eyes on account of the salt, and makes the body lean on account of the mould (on the bread)."

They also taught the three things which cause much waste (in Tract Erubin, page 171).

They also taught: "Three things lessen waste, make the body erect, and increase the light of the eyes, and they are: Bread made of fine meal, fat flesh of a virgin she-goat, and

* This is explained to be a mixture of mouldy bread with milk and salt, used as a sauce for food.

† According to the Talmud, this is a mixture of barley, salt, and wild saffron, while according to Pliny, who calls it "zythum," it is a medicine of Egyptian origin.

‡ A dough used to attract the impurities in a pot where food is boiling.

§ The penalty for such transgression is chastisement with thirty-nine stripes.

three-year-old wine. As a general thing, all things that are good for the eyes affect the heart and other parts of the body, while those that are good for the heart affect the eyes, excepting moist ginger* and pepper-pods and the three things mentioned above."

Median beer and Edomite vinegar are prohibited, because they are both made of barley.

What is Egyptian zeethum? R. Joseph taught: "A mixture of equal parts of barley, salt, and wild saffron," but R. Papa substitutes wheat for barley. The ingredients of this mixture are soaked, then parched over the fire, and afterwards ground. (When the liquid is fermented) it is usually drunk from Passover to Pentecost. One who is constipated is relieved thereby, and diarrhoea is stopped. For a sick person or a pregnant woman it is a dangerous beverage.

"*The dough of bran used by dyers,*" etc. This was explained to mean water of bran used to remove spots on the chest. (This is according to the explanation of Rashi in Tract Chulin and of Maimonides.)

"*The dough used by cooks,*" etc. This is explained to mean dough made of grain which had only been one-third mature, and when kneaded into dough and placed over a boiling pot of victuals would attract all the impurities in the pot.

"*Paste used by scribes.*" This was explained to mean glue; but R. Shimi of Huzana said, that this is a cosmetic used by the daughters of rich men for the hair, and the reason it is called "paste used by scribes" is, because the rich women would leave it for the use of the daughters of the poor scribes, and he does not concur in the opinion that it means glue, because it would in that event be called "paste used by shoemakers." Said R. Oshiya: "It is glue, and the reason it is called 'paste used by scribes' is because scribes also paste their sheets together therewith."

"*R. Eliezer says also ornaments of women.*" What connection have ornaments with the Passover? Read instead of ornaments, paste used by women to adorn themselves, as R. Jehudah said in the name of Rabh: The daughters of Israel who have not yet attained the age of puberty, but have all the signs thereof, are ashamed in consequence, and the poor conceal those

* The Hebrew term which we render with ginger is Zangbila, and according to other versions it is supposed to be sandal-wood.

signs with chalk, the rich with fine meal, and daughters of princes with oil of myrrh, as is written in Esther ii. 12.

"*This is the general rule,*" etc. Said R. Jehoshua: If the general rule was made that all things which are composed of any kind of grain cause a transgression of the law of Passover, what need was there of enumerating all the articles mentioned in the Mishna? This was done in order to acquaint the people with the names of those articles in order that they might not commit an error, as it happened that a Palestinian came to Babylon, and having some meat in his possession asked for something to eat with the meat. He heard his host order that he be given Kut-hach, and having heard the name Kuthach he refused to accept it.

They that become guilty, etc., incur the penalty attached to the transgression of a negative commandment. Who is the Tana who holds that suitable leaven combined with other ingredients, and unfit leaven by itself, also comes under the prohibition of the negative commandment? R. Jehudah said in the name of Rabh: "That is R. Meir," and R. Na'hman said: "It is R. Eliezer," as we have learned in a Boraitha: "For the transgression of the law with leaven of suitable grain the penalty is Kareth; but if combined with other ingredients the penalty is that attached to the transgression of a negative commandment. Such is the decree of R. Eliezer; the sages, however, maintain that with leaven proper the penalty is Kareth; but if combined with other ingredients no penalty whatever is incurred." Now, if R. Eliezer holds that the penalty for using leaven combined with other ingredients is the same as that attached to the transgression of a negative commandment, so much the more would the use of leaven itself, even if it be unfit, make one incur the same penalty.

We have learned a Boraitha in accordance with R. Jehudah: It is written [Exod. xii. 20]: "Nothing that is leavened shall ye eat," which means to include Babylonian Kuthach, Median beer, Egyptian zeethum, and Edomite vinegar. Shall we assume that these articles, if used, would make a man incur the penalty of Kareth? To that end it is written [ibid. 15]: "Whosoever eat-eth *leavened bread*, that soul shall be cut off," whence we infer, that only one who eats leavened bread made of suitable grain incurs the penalty of Kareth; but one who eats such as is combined with other ingredients only incurs the penalty attached to the transgression of a negative commandment. Now, then, who

is the Tana who holds that the use of leaven combined with other ingredients make one incur the penalty attached to the transgression of a negative commandment? R. Eliezer; but we do not learn that he classes unfit leaven in the same category as that of mixed leaven, and for the simple reason that he does not consider the use of unfit leaven a violation of the law. (Hence the Tana who also holds the use of unfit leaven to constitute a transgression of the law is R. Meir.)

Whence does R. Eliezer adduce that the use of leaven combined with the other ingredients constitutes a transgression of the law? From the passage, "Nothing that is leavened shall ye eat," and he means to say that "nothing" includes also leaven combined with the ingredients. How will he explain the "whosoever"* in the other passage [Exod. xii. 15]? That includes women, who must also not eat leavened bread on Passover.

Did not R. Jehudah in the name of Rabh say, that women are held to be equal to men as far as all prohibitory laws are concerned, on account of the passage [Numbers v. 6]: "If any man or woman commit any sin"? In this case a special passage prohibiting the eating of leavened bread by women is essential, for the following reason: The negative commandment prohibiting the eating of leavened bread and the positive ordaining the eating of unleavened bread [Deut. xvi. 3] being written together, we might assume that only those who are obliged to eat Matzoth must not eat Chometz; and as the women are not obliged to eat Matzoth, because the positive commandment ordaining the eating of Matzoth is dependent upon the time,† we might assume that women may eat Chometz; hence we are told by the passage, "Whosoever eateth leavened bread, etc., shall be cut off."

Now, if we have arrived at the conclusion that women must not eat Chometz, we may add, that they are also obliged to eat Matzoth, and this is in accordance with the opinion of R. Eliezer, who said, that women are *biblically* obliged to eat Matzoth; because the negative and positive commandments are consequent one upon the other, I say, that as they must observe

* Both passages quoted contain the word "Kol," Hebrew for "all"; and the passages should read: "All that is leavened shall ye not eat" and "All who eat leavened bread shall be cut off," etc. Hence the analogous comparison made in the above paragraph.

† *Vide* page 71.

the negative commandment prohibiting the eating of Chometz, so must they also observe the positive commandment ordaining the eating of Matzoth.

Why is it adduced that the "all" (Kol) in the passage means to include women and to exclude leaven combined with other ingredients? Say, that the "all" also means to include leaven combined with other ingredients. Common sense precludes this supposition; because the passage refers to those who had eaten; hence if anything should be included, it must be that which is also capable of being eaten, but not things that are eaten, as leaven combined with other ingredients.

MISHNA: Should there be any dough in the (holes or crevices of a kneading-trough, and there is as much as the size of an olive in any one place, it must be removed immediately; but if there be less than that quantity in any one place, it may be considered as not in existence, being so inconsiderable. Thus it is also with respect to defilement: If the owner, however, be particular about the dough, it constitutes an intervention (between the trough and possible defilement, and the trough is not rendered defiled); but if it is desired to leave the dough in the trough, it should be considered as an integral part of the trough.

GEMARA: "*If there be less than that quantity,*" etc. Said R. Jehudah in the name of Samuel: "This applies to a case where the dough was placed in the crevice of the trough in order to strengthen the trough; but if it is not there for that purpose it must be forthwith removed." Whence we infer, that even if there was a piece of the size of an olive in the crevice of a trough for the purpose of strengthening it, it must also be removed. We have learned to this effect in a Boraitha:

Dough which was placed in the crevices of a kneading-trough for the purpose of strengthening it does not constitute an intervention to defilement nor a transgression of the law of Passover; but if it be found in places where it was not necessary, in order to make the trough firmer, it *does* constitute an intervention and *does* cause a transgression of the law. All this is said of dough which was less than the size of an olive; but if it was of that size, even if it was used to make the trough firmer, it must forthwith be removed.

Said R. Na'hman in the name of Samuel: "If there were two pieces of dough each the size of half an olive in the trough and happened to be connected with a thread, they are considered

as a whole olive, provided when the thread is lifted both pieces are carried with it, otherwise they are not and may remain in the trough." Said Ula: "This applies to dough situated in the trough; but if the two pieces were not in a trough but in the house, and being connected by a thread would not be carried with the thread, if lifted, they must nevertheless forthwith be removed, lest they in some manner become joined and there will be leaven in the house to the size of an olive."

The rabbis taught: If bread had become mouldy and while unfit for a human being could be eaten by a dog, it is subject to defilement as long as it is of the size of an egg, and may be burned together with unclean things on Passover, even though it be itself clean (heave-offering). Upon the authority of R. Nathan it was said, however, that not being fit for a human being it cannot be subject to defilement.

The rabbis taught: If in a trough of the tanners flour had been put within the three days preceding the Passover, it should be removed; but if it had been placed prior to that time, it need not be removed. This is said of a case where no skins had been placed in the trough by the tanner; but if this had been done, even flour placed in the trough during the three days need not be removed. Said Rabha: "The Halakha prevails according to R. Nathan, and even if the flour was put in one day, yea, even one hour before Passover, it need not be removed."

"If the owner, however, be particular about the dough," etc. How can defilement be compared to the laws of Passover. Concerning the latter it depends entirely upon the size, while as for the former, it depends upon whether the owner is particular about it or not? Said R. Papa: The Mishna should be explained thus: "So it is also with respect to defilement *on Passover*, if it be of the size prescribed on that festival; and 'if the owner be particular,' etc., refers to any other time of the year." How should this be understood? In this wise: If a reptile contaminated such dough on the Passover, and the dough, being of the size of an olive, is for the time being a prohibited thing; hence it serves as an intervention between the uncleanness (of the reptile) and the trough; but at any other time it depends whether the owner is particular about it or not. If he is, it proves an intervention; but if he intends to leave it in the trough, it does not.

MISHNA: Dull dough (which does not exhibit any signs of having risen) must not be used, if another dough which had been

kneaded at the same time and was of equal size and quality had already become leavened.

GEMARA: How is it if there is no other dough on hand (with which to compare the dull dough)? Said R. Abuhai in the name of Resh Lakish: "If it had lain the length of time it is required to walk from the tower of Nunia to Tiberias," which is a mile.

MISHNA: How can the first of the dough (due the priest) be separated on the Passover when it had become unclean? R. Eliezer says: "It should only be named after it had been baked." Ben Bathyra says, however, "It should be put in cold water." Said R. Jehudah to him: "This is not the leaven concerning which it is written, 'It shall not be seen nor found in thy house.' Therefore it may be separated, and left lying until evening, regardless of whether it become leavened or not."

GEMARA: It was taught: He who bakes on a festival for the coming week-days, R. Hisda says, incurs the penalty of stripes; but Rabba says, that he does not. R. Hisda says, that he incurs that penalty because he does not admit of the supposition that, had the man called guests, he could have consumed the entire quantity baked, while Rabba holds, that *because* this could have been done (whether it was done or not) the man is not culpable.

Said Rabba to R. Hisda: "If thou dost not admit of this supposition, how then can it be allowed to cook on a festival for the Sabbath?" and R. Hisda answered: "By means of the Erub of cooked things." * "May, then, a biblical prohibition be disregarded even by means of such an Erub?" queried Rabba, and R. Hisda replied: "Cooking on a festival for the Sabbath is, according to biblical law, permissible, and the sages only prohibited it as a precautionary measure, lest some people would cook on a festival for week-days. Hence an Erub of cooked things is a sign that this must not be done."

Rabba objected: "We have learned: 'An animal which is supposed to be in danger of dying must not be slaughtered on a festival, unless there will be sufficient time after the slaughtering to roast and eat a piece of the size of an olive.' Thus we see, that there must be sufficient time to roast and eat a piece of that size, even if the man have no desire to eat it. According to my opinion, from the fact that I admit of the supposition

* See introduction to Tract Erubin.

that he could eat it, the man is allowed to slaughter the animal; but according to thy opinion, if thou dost not admit of such a supposition, how can the man be allowed to slaughter the dying animal?" R. Hisda replied: "In this case, where a pecuniary injury would have resulted, the prohibition was removed," and Rabba rejoined: "Will, then, a biblical prohibition be disregarded on account of a pecuniary injury?" "Yea," answered R. Hisda; "on account of such pecuniary injury the man would make up his mind to eat a piece of that animal of the size of an olive, and as he cannot do this unless the animal is ritually slaughtered, it is permitted to slaughter it."

Said Rami bar Hama: "The same point of difference as was quoted between R. Hisda and Rabba exists between R. Eliezer and R. Jehoshua. R. Eliezer admits of the supposition (that a certain act was done whether it was done or not); therefore he decrees, that the dough should first be baked and then named; because he holds that while the man is baking for himself he can bake for another also. R. Jehoshua does not admit of such a supposition and hence decrees, that the first of the dough should be separated before baking."

Rejoined R. Papa: "(How canst thou say of a certainty that R. Eliezer and R. Jehoshua differ concerning this supposition?) Perhaps R. Eliezer only admits of the supposition in a case of where a man, when baking each loaf of bread, may do so for himself alone (and afterwards separate a piece of a loaf as the legal first dough for all, which would not involve much labor); but as for the instance cited in the controversy between R. Hisda and Rabba, where it was an impossibility to consume the bread baked on a festival for the week-days without calling guests, and the supposition is, that guests were called, it may be that R. Eliezer in that case does not admit of such a supposition." Said R. Shesha the son of R. Idi: "Perhaps the argument may be reversed, namely: 'In the case of loaves subject to the legal first of the dough, where it is a certainty that one of the loaves must not be used by the owner nor by anybody else, R. Jehoshua does not admit of the supposition, whereas in the point of controversy between R. Hisda and Rabba, where all the loaves baked may be eaten, if not by the man himself by guests, R. Jehoshua *may* admit of the supposition (that guests were called).'"

The sages related the above to R. Jeremiah and R. Zera. R. Jeremiah accepted (the view of Rami bar Hama); but R.

Zera would not. Said R. Jeremiah to the latter: "Should the decision of a question which for such a length of time remained unanswered and was finally decided by so great a man as Rami bar Hama, not be accepted by us?" and he answered: How can I accept it? Have we not learned in a Boraitha that R. Jehoshua said to R. Eliezer: "According to thy decree permitting the baking of the dough and the subsequent naming thereof, would the man not be culpable of transgressing the law contained in the passage [Exod. xii. 16], 'No manner of work shall be done on them (the festival-days),' and R. Eliezer did not reply. Should he not have said: 'My reason is based upon "supposition"?' " Rejoined R. Jeremiah: "And according to thy opinion, does the teaching in another Boraitha, that R. Eliezer said to R. Jehoshua: Will not, according to thy decree, a man be culpable for the transgression of the law, 'It shall not be seen nor found in thy house,' and the failure of R. Jehoshua to answer, prove that he could make no reply to the query? Is it not answered in the Mishna by 'this is not the leaven referred to by that passage'? Hence the former Boraitha brings only the question, but not the answer, and the answer may be found elsewhere."

We have learned in a Boraitha: Rabbi said: "The Halakha prevails according to R. Eliezer," and R. Itz'hak said: "The Halakha prevails according to Ben Bathyra."

How much must the quantity of the dough under discussion be? Said R. Ishmael the son of R. Johanan ben Berokah: "If made of wheat it must be two Kabh, but if made of barley three Kabh." Did we not learn in another Boraitha that the same R. Ishmael said: "If made of wheat, three Kabh, and if made of barley four?" This presents no difficulty. One Boraitha treats of good grain and the other of poor grain.

Rabh said: "The measure of dough to be prepared on Passover is a Kabh as used in Lugan, and the same measure applies to a dough of which legal first must be acquitted (to the priests)."

Have we not learned in a Mishna, however, that a trifle over five quarters of meal (equal to five lugs as used in Sepphoris and to seven lugs and a trifle over as used in the desert, which in turn equalled an Omer) are subject to the first of the dough? A Kabh of Lugan contains about the same quantity.

Said R. Joseph: "Our wives bake bread in small quantities on the Passover, not over three lugs of meal at a time," and

Abayi remarked: "Thou wouldst suppose that they do this in order to observe the more rigorous interpretation of the Passover law? However, a more lenient ordinance is thereby observed, namely: They thus become exempt from the duty of acquitting the first of the dough," and R. Joseph replied: "Nay; they do this in accordance with the opinion of R. Eliezer, who said in a Mishna elsewhere, that the basket wherein the loaves are deposited combine the quantities, and they acquit themselves of the duty of the first of the dough from the combined quantity of loaves, and R. Jehudah said in the name of Samuel, that the Halakha prevails according to R. Eliezer."

MISHNA: Rabbon Gamaliel says: "Three women may knead dough on the Passover at the same time and bake it in the same oven, one after the other"; but the sages say: "Three women may occupy themselves with their dough, but in the following manner: one should knead the dough, another form it, and the third bake it." R. Aqiba said: "Not all women, nor all wood, nor all ovens are alike." This is the rule: as soon as the dough rises, let the woman plunge her hand in cold water (in order to moisten the dough).

GEMARA: The rabbis taught: The same woman who kneads should also moisten the dough, and the one next to her should then take up the kneading; while the former is baking the latter should moisten the dough, and the third woman should take up kneading. Thus the first woman will commence kneading while the last is moistening the dough, and so on in rotation. The principle thereof is, that so long as the dough is being handled it does not become leavened.

"*R. Aqiba says*," etc. We have learned in a Boraitha: "R. Aqiba said: I argued thus before Rabbon Gamaliel: 'Let our Master teach us whether skilled or inexperienced women are meant; whether dry or damp wood is spoken of; whether a heated or a cooled stove is under consideration,' and he answered: 'We need only follow the teachings of the sages (and not concern ourselves as to details), but this bear in mind as the rule: As soon as the dough rises, let the woman moisten the dough.'"

MISHNA: Dough which commences to become leavened must be burned; but the person who had eaten it does not incur the penalty of Kareth (being cut off). Dough which becomes riven must be burned, and whosoever eats it incurs the penalty of Kareth. When is a dough considered as about to become

leavened? When small rents can be observed, standing apart in different directions like the feelers of locusts. When is a dough to be considered riven? When the rents cross each other; such is the dictum of R. Jehudah, but the sages say: Whoever eats either kind of dough incurs the penalty of Kareth. When is a dough considered about to become leavened? When (no rents are visible, but) its surface becomes pale like the face of a person whose hair stands on end (through fright).

GEMARA: The rabbis taught: What is called dough about to become leavened? If its surface becomes pale as the face of a man whose hair stands on end. What is called riven dough? If there are rents visible, standing apart like the feelers of a locust. Such is the dictum of R. Meir; the sages, however, maintain: When the rents standing apart like the feelers of a locust are visible, the dough is considered about to become leavened, and when the rents cross each other, the dough is considered riven. Whosoever eats either kind incurs the penalty of Kareth. Have we not learned in our Mishna that dough about to become leavened must be burned, but one who eats it does not incur that penalty and that such is the decree of R. Jehudah? The Mishna should be supplemented with the statement: According to R. Meir, whosoever eats either kind incurs the penalty of Kareth.

Said Rabba: "What reason has R. Meir for his decree?" According to R. Meir, there can be no rents on the surface, even if they stand apart like the feelers of locusts, that have not many rents underneath which may even cross each other.

MISHNA: If the fourteenth (of Nissan) fall on the Sabbath, all leaven must be removed *before* the Sabbath commences. Such is the dictum of R. Meir; but the sages say that it should be done at the proper time. R. Elazer* ben Zadok says: "The heave-offering must be removed before the Sabbath, and non-consecrated things at the proper time."

GEMARA: We have learned in a Boraitha: R. Elazer ben Zadok said: "Once my father spent the Sabbath in Yemen (Yamnia), and that Sabbath being the fourteenth (of Nissan), Zunin, the supervisor of R. Gamaliel's household, came and said: 'It is time to remove the leaven.' So I went with my father, and we removed the leaven."

* According to Strack, referring to Frankl, Brill, and Bacher. But Heilpern in his Seder Hadoreth and Mielziner in his introduction to the Talmud, Eliezer.

MISHNA: If a man (on the 14th of Nissan) went to slaughter his Passover sacrifice, or to circumcise his son, or to eat the betrothal-meal at the house of his father-in-law, and on the road recollects that he has left leaven in his house: if he can return home, remove it, and then go back and accomplish any of the acts mentioned, he should do so and remove the leaven; but if he cannot, he should in his mind renounce (the use of the leaven). If his object in leaving home was to aid persons to escape from armed foes, from inundation, robbers, or fire, or to rescue persons from beneath the ruins of fallen buildings, he should in his mind renounce the leaven; but if his object in leaving home was to secure his sabbatical resting-place for his private purposes (in order to obtain his right to the legal limits), he must immediately return and remove the leaven. Likewise, if a person on leaving Jerusalem remembers having in his possession consecrated flesh: if he had gone beyond (the hill) Zophim, he may burn it wherever he may be; but if he had not gone beyond it, he must return and burn it before the sanctuary, with wood of the altar. What is the quantity (of consecrated flesh or leaven) which makes it obligatory for a man to return? R. Meir says: "Either must be of the size of an egg." R. Jehudah says: "Of the size of an olive"; but the sages say: "Consecrated flesh if of the size of an olive and leaven if of the size of an egg."

GEMARA: There is a contradiction: (We have learned): "One who goes to eat the betrothal-meal at the house of his father-in-law or to secure his sabbatical resting-place for his private purposes, should, if he remembered having leaven in his house, return immediately and remove it." Said R. Hisda: "The point of difference between this teaching and the Mishna is only concerning the second meal (after the betrothal); but as for the first, all agree, that it is a religious duty and the man need not return."

We have learned in a Boraitha: "R. Jehudah said: 'I only heard concerning the actual betrothal-meal, but not concerning the meal at which the bridal gifts are bestowed.' Said R. Jose to him: 'I heard concerning both.'"

We have learned in a Boraitha: R. Simeon said: "A meal which is not served on account of some religious duty should not be enjoyed by a Talmud-chacham (scholar)." What kind of a meal is referred to as not being served on account of a religious duty? Said R. Johanan: "The betrothal-meal served

when an ordinary Israelite weds the daughter of a priest, or when a common person weds the daughter of a Talmud-chacham (scholar)"; for R. Johanan would always maintain, that such alliances do not end well. This is not so! Did not R. Johanan say elsewhere, that he who would become rich should ally himself to the descendants of Aaron, when the union of prestige and learning will make him rich? This presents no difficulty. For a scholar it is beneficial to wed a priest's daughter, but not for one of the common people.

R. Jehoshua wedded the daughter of a priest. Subsequently he became ill, and said: "Is then Aaron not contented to have his descendants receive me as a son-in-law?"

R. Idi bar Abhin also wedded a priest's daughter, and they brought forth two sons, both of whom were admitted to fellowship (*i.e.*, were entitled to be ranked as rabbis). They were R. Shesheth and R. Jehoshua.

R. Papa said: "If I had not wedded a priest's daughter I should never have become rich;" but R. Kahana said: "If I had not married a priest's daughter I should never have gone into exile";* and he was asked: "What hast thou suffered thereby; didst thou not flee to a place of learning?" and he answered: "I did not go into exile voluntarily (to improve my learning or to better my condition), but was compelled to flee from the persecution of the government."

R. Itz'hak said: "One who enjoys a meal which is not served for the sake of a religious duty finally incurs the penalty of exile, as it is written [Amos vi. 4]: 'That eat lambs out of the flock, and calves out of the midst of the stall,' and further, it is said [ibid. 7]: 'Therefore now shall they go into exile.'"

The rabbis taught: "A scholar who indulges in too many meals destroys his home, makes his wife a widow, his children orphans, his knowledge vanishes; he becomes involved in strife, his words are disregarded, he profanes the name of Heaven, puts to shame the name of his teacher and the name of his father, and leaves behind him an ill-repute for himself, and his children unto the end of his generations."

The rabbis taught: "A man should sell all his possessions and wed the daughter of a scholar; for should he die or be forced to go into exile he will be assured that his sons will be scholars, and he should not wed a daughter of the common people; for

* R. Kahana was forced to flee from Babylon to Palestine.

should he die or be forced to go into exile, his children will be common persons."

The rabbis taught: "A man should sell all his possessions in order to secure a scholar as a husband for his daughter. This can be compared to grapes which are planted among other grapes in a vineyard, where they are readily assimilated and present a good appearance. If, however, a common person is secured as a husband, it is like planting grapes among thorns, where they cannot thrive."

The rabbis taught: "A man should sell all his possessions and secure the daughter of a scholar for a wife, and if he cannot secure the daughter of a scholar he should try to obtain a daughter of one of the most prominent men of the age. If he cannot succeed in that, he should endeavor to obtain a daughter of the most prominent men in his community; and failing in that, should seek the daughter of a man known to be charitable; and if he cannot succeed even in this, he should try and obtain the daughter of a teacher of children; only should he avoid wedding the daughter of a common person."

We have learned in a Boraitha: R. Aqiba said: When I was still a common (ignorant) man, I used to say: "If I could lay my hands on a scholar I would bite him like an ass," and his disciples said to him: "Rabbi, say 'like a dog,' an ass does not bite," and he replied: "When an ass bites he generally breaks the bones of his victim, while a dog only bites the flesh."

We have learned in a Boraitha: R. Meir said: "One who gives his daughter to a common person virtually casts her to a lion; for as a lion tears and devours his victim without shame, so does a common person beat his wife, then they come together again and he is not ashamed."

We have learned in a Boraitha: R. Eliezer said: "If the common people did not require us for their own welfare, they would slay us."

R. Hyya taught: "A man who occupies himself with the study of the Law in the presence of a common person evokes as much hatred from that person as if he had stolen his bride. As it is written [Deut. xxxiii. 4]: "The law which Moses commanded us is the inheritance of the congregation of Jacob." Do not read **מורשה** (inheritance), but **מאורסה** (betrothed). For the enmity of a common person toward a scholar is even more intense than that of the heathens towards Israelites, and that of their wives even greater than their own. A Boraitha

stated: That whosoever was at first a scholar and then resigned his studies, and became a common man, is even worse than if he were entirely ignorant.

"*If a person on leaving Jerusalem,*" etc. : We have learned in a Boraitha: R. Nathan said: "The quantity for either (the consecrated flesh or leaven) must be the size of two eggs"; but the sages did not coincide with him.

It is written [Zechariah xiv. 6]: "And it shall come to pass on that day, that there shall be no light, but fleeting light and thick darkness." What is meant by "fleeting light and thick darkness"? He means to point out, that what is considered a strong light in this world is nothing but fleeting light in the world to come. So said R. Elazar; but R. Jehoshua ben Levi said: "The passage means to state, that those men who are considered enlightened in this world are enveloped in darkness in the world to come," as it happened that R. Jose the son of R. Jehoshua ben Levi once fell in a trance, and upon awakening was asked by his father what he had seen while in his apparently lifeless state, and he answered: "I saw a reversed world: Those who are at the head in this world were at the bottom there, and those who are at the bottom here were at the head there." And his father said to him: "My child, thou hast seen the right world! But how do we scholars appear there?" and R. Jose replied: "We are on the same footing there as we are here. I also heard it said there: Well is to the man who hath brought his learning with him, and further, it was said: The place of those who had suffered death (had been martyrs) for the glory of God cannot be entered by any other man." Does this refer to R. Aqiba and his companions? Were they accorded that place merely because they were martyrs; did they then possess no other merits? Therefore this must refer to the two brothers who sacrificed themselves at Lud (Lydda).*

It is written [Zechariah xiv. 9]: "And the Lord will be king over all the earth; on that day shall the Lord be (acknowledged) one, and His name be one." What is meant by "on that day"? Is He not *one* even *to-day*? Said R. A'ha bar Hanina: "This world is not like the world to come. In this world, when

* It is related in Tract Taanith that a daughter of a prince in that city having been murdered, the crime was attributed to all the Israelites, when, in order to save their co-religionists, who were innocent of the crime, two brothers went up and confessed that they had committed the murder (although they were also innocent), thus shielding their brethren from persecution.—RASHI.

good tidings are received, a man says: 'Blessed be He who is good and doth good to others,' and the recipient of bad tidings says: 'Blessed be He who judgeth in truth'; but in the world to come the first benediction only will be pronounced, for there shall be no more bad tidings." Why is it said: "His name shall be one," is His name not *one* even to-day? Said R. Na'hman bar Itz'hak: "Not as this world is the world to come. In this world the Name is written Yahveh and pronounced Adonai, while in the world to come it will be pronounced as it is written."

Rabha wished to preach concerning the name of Yahveh from the pulpit; so a certain elder said to him: "In the passage [Exod. iii. 15] where it is written: 'This is my name forever,' the word Olam, which when written Ayin, Vav, Lamed, Mem, means 'forever,' is written in that passage Ayin, Lamed, Mem, which also signifies 'concealed.' Hence the name of the Lord should be concealed and not openly discussed."

R. Abbini propounded a contradictory question about the same passage: In the first part it says: "This is my name Leolam (concealed)," and in the last part it says, "This is my memorial unto all generations"? And he answered: So said the Holy One, blessed be He: Not as I (my name) am written shall I also be pronounced. I am written Yahveh and am pronounced Adonai.

CHAPTER IV.

REGULATIONS CONCERNING WORK WHICH MAY AND SUCH AS MUST NOT BE PERFORMED ON THE DAY PRECEDING THE FESTIVAL OF PASSOVER.

MISHNA: In places where it is customary to work till noon on the day preceding the Passover, work may be done; but not in places where it is not customary to work on that day. If a person should go from a place where the said custom prevails to another place where it does not, or the reverse, he is subject to the rigor of the custom, either of the place he came from or of that to which he went. Thus it is always proper not to act differently from the established customs of a place, on account of the disputes to which such conduct may lead.

Likewise, when a person brings fruit of the sabbatical year from a place where it is no longer to be found in the fields (and in consequence must not even be kept in the house), to another place where it is still to be found in the field (and may be kept in the house), or the reverse, he is obliged to remove the same. R. Jehudah, however, says: "Such a person may be told to go and fetch for himself similar fruit, and eat."

GEMARA: Why does the Mishna particularly mention the day preceding the *Passover*? is it not a fact that no work may be performed after the Minchah prayer on the day preceding a Sabbath or any other festival? for have we not learned in a Boraitha, that "whoever performs any work after the Minchah prayer on the day preceding a Sabbath or a festival shall find no blessing for his work"? The Boraitha only states that he shall find no blessing for his work, but not that he should be put under a ban; while a man who performs work after the Minchah prayer on the day preceding the Passover (in places where it is not customary to do so) may be put under a ban.

The text of the Boraitha states further: "One who performs work after the Minchah prayer on the day preceding a Sabbath or a festival, or on the night when the Sabbath or a festival has drawn to a close, or on the night following the Day of Atone-

ment, or at any time when there can be the faintest suggestion of a transgression, as for instance on a day which had been designated as a fast-day for the sake of (praying for) rain, shall find no blessing for his work."

Rabha propounded a contradictory question: "It is written [Psalms lvii. 11]: 'For great, even *unto* the heavens, is thy kindness,' and further, it is said [ibid. cviii. 5]: 'Be thou exalted *above* the heavens, O God.' How can the two passages correspond?" The inference is, that the first passage refers to one who fulfils a religious commandment, because it is customary to do so and his parents before him did so, while to one who fulfils such a commandment for the honor of the Lord, the kindness of God is manifested even higher than the heavens, and this is in accordance with R. Jehudah's opinion, who said in the name of Rabh: "A man should always occupy himself with the Law and with religious duties, even if he bear not in mind always that he does so for the honor of God; for thereby he becomes accustomed to doing thus, and it will eventually be for the honor of the Lord."

The rabbis taught: "He who depends upon the earnings of his wife or upon the proceeds of a hand-mill will never perceive the sign of a blessing." What is meant by the earnings of his wife? If his wife go about with scales, relying upon others to use them and pay for their use. The same applies to the proceeds of a hand-mill: if he rely upon others to use it and pay for its use. If, however, he use the hand-mill himself for the obtainment of his sustenance, or if his wife is actually engaged in traffic, he may even be proud of her, for it is written [Proverbs xxxi. 24]: "Fine tunics she maketh, and selleth them."

The rabbis taught: "From the proceeds of four professions one can never perceive a sign of blessing, and they are: the professions of the scribes, the criers, those who earn their money from orphans, and the men who carry on their traffic at sea." The reason the criers perceive no blessing for their work is because their work (of repeating the words of the rabbis) is generally done on the Sabbath, and those who earn their money from orphans perceive no blessing because they cannot be forgiven if they take the least advantage of orphans; the reason the men who carry on their traffic at sea see no blessing for their work is because a miracle does not occur every day (that a ship should reach port in perfect safety); but why should this also apply to scribes? Said R. Jehoshua ben Levi: "Twenty-four

days the members of the Great Assembly fasted and prayed that the scribes of Scrolls, Tephilin, and Mezuzoth should not become wealthy; for if they did, they would not write any more."

The rabbis taught: The scribes, who write Scrolls, Tephilin, and Mezuzoth; those that deal in them, and those that sell them to the people, and all those who occupy themselves with religious works, even those who sell the blue wool for the show threads, do not perceive any blessing for their work. If, however, they occupy themselves with such work in honor of the Lord (not for gain) they will perceive the blessing.

It was the custom of the inhabitants of Baishan never to go from Tyre to Zidon on the day preceding Sabbath. Their descendants came to R. Johanan and said: "Our fathers could afford to dispense with that journey, because traffic was better in their days; but we cannot. What shall we do?" and he answered: "From the fact that your ancestors already took it upon themselves not to do this, ye cannot act differently, as it is written [Proverbs vi. 20]: 'Keep, O my son, the commandment of thy father, and reject not the teaching of thy mother.'"

The inhabitants of Huzai were wont to separate the legal first dough (due to priests) from rice. This was told to R. Joseph, and he said: "Let an ordinary Israelite take that separated first dough and eat it before their very eyes." Abayi objected: "We have learned: Such acts as are permissible but were regarded as prohibited by some people must not be committed in the presence of such people," and R. Joseph replied: "Was it not reported that R. Chisda said that this refers only to Samaritans?" Why must this not be done in the presence of Samaritans? Because they would take advantage of it and commit acts that are truly prohibited. Is this not also the case with the inhabitants of Huzai, who are also ignorant and might construe the action to imply that they need not separate the first dough even from grain? "Therefore," said R. Ashi, "let us see how the inhabitants of the city of Huzai do? If the majority of them eat only rice, then the first dough thereof which they have separated should not be eaten by an ordinary Israelite in their presence, lest they forget about the law of first of dough entirely; but if the majority of them eat grain, then an ordinary Israelite should eat the first dough which they have separated from the rice in order to demonstrate to them that they need not do this, and warn them that if they separate the first of the dough from

rice to serve also for grain, they will commit a transgression of the law."

When Rabba bar bar Hana came from Palestine to Babylon, he ate the fat around the stomach of an ox; this fat is, however, not eaten in Babylon. While he was eating this, R. Abhira the elder and Rabba the son of R. Huna entered the room. As soon as he perceived them, he covered up the fat. When they came out Abayi said to them: "He treated you like Samaritans."

Does not Rabba bar bar Hana hold that a man is subject to the rigor of the place whence he came and to which he went? How could he allow himself to eat that fat? Abayi replied: "This rule applies to such persons as go from one city in Babylon to another, or from one city in Palestine to another, or even from Babylon to Palestine; but not to such as go from Palestine to Babylon; for we are under their protection and should do as they do." R. Ashi, however, said: "Even were the rule to apply to one who comes from Palestine to Babylon, Rabba bar bar Hana would still have been permitted to follow the custom in Palestine, for he did not intend to remain in Babylon, but to return to Palestine; hence the customs of Babylon need not concern him."

Rabba bar bar Hana said to his son: "The fat which thou seest that I eat, thou shalt not eat, neither in my presence nor in my absence. I allow myself to eat it, because I saw R. Johanan do so, and he is worthy that I should depend upon him even in his absence; but thou must not depend upon me; hence thou shouldst not eat it in my presence nor in my absence." By this statement, however, he contradicts himself, for he said: R. Johanan bar Elazar related: "I was going with R. Simeon ben R. Jose ben Lakunia in a garden in a sabbatical year (after the crops were removed from the field), and he picked up an aftergrowth of a cabbage, ate part himself, and gave me some, saying: 'My son, in my presence thou mayest eat it, but not in my absence; for I saw R. Simeon ben Jochai do this, and he is worthy that I should depend upon him either in his presence or in his absence; but I am not worthy of being depended upon in my absence.'"

"*If a person should go from a place,*" etc. It would be correct to say, that a man who comes from a place where the custom to work on the forenoon of the day preceding the Passover prevails to a place where the custom does not prevail should

hold to the more rigorous custom of the place in which he arrived, to prevent any possible strife; but if he come from a place where the custom does not prevail to a place where it does, what is meant by saying that he should act so as to prevent strife? That he should work on the forenoon the same as the others? Then how can the rigor of the custom peculiar to the place whence he came be applied to him? Said Abayi: "The injunction to prevent disputes applies only to the first instance, *i.e.*, if he comes to a place where it is not customary to work during that time." Rabha, however, said: "Nay; it applies even to the instance, and the injunction of the Mishna to prevent disputes implies, that no disputes will arise from the fact of the man not working, as his idleness will not be considered as the carrying out of a religious duty, but will be attributed to his want of employment, there being many who have no occupation."

Said R. Saphra to R. Abba: "May we, who are well versed in the calendar, perform work on the second day of a festival (in exile)? I do not ask concerning a place where it is not customary to do so, in order to cause any dispute; but I refer to the desert, where there are no other inhabitants?" and he answered: "So said R. Ami: "In the cities it is prohibited, but in the desert it is allowed."

R. Nathan bar Assia went from his college to Pumbaditha on the second day of Pentecost. R. Joseph punished him for it. Said Abayi to R. Joseph: "Why doth not the Master put him under a ban; for did not Rabh and Samuel both say, that the violation of any of the festivals (in exile) is punishable in that manner?" R. Joseph answered: "This is the case where the offence is committed by a man of the common people, but a young scholar should be dealt with as leniently as possible. In Palestine it is the custom to cast votes for the punishment of a young scholar, but no votes were cast to put him under a ban."

"*Likewise, when a person brings fruit of the sabbatical year,*" etc. Does not R. Jehudah hold, that the man is subject to the rigor of the custom both of the place whence he came and of that where he arrived? Said R. Shesha the son of R. Idi: In this case another matter is concerned: R. Jehudah teaches as follows: If a man came from a place where the fruit was not yet removed from the field, into a place where the same condition existed; but in the meantime had been advised that in the place whence he came the fruit had been removed, he should under

ordinary circumstances be in duty bound to act likewise. Such is the opinion of the first Tana. Whereupon R. Jehudah said to this first Tana: "The man may be told to go to a place where the fruit is not yet removed and fetch his fruit, for at the time when he left his home the fruit had not yet been removed."

The rabbis taught: Fruit of the sabbatical year which has been brought from within the boundaries of Palestine to a place without may be destroyed wherever found; but R. Simeon ben Elazar said: "Nay; it must be destroyed in Palestine proper, even if it has to be brought back, for it is written, 'In thy lands.'"

R. Saphra journeyed from Palestine to a place without the boundaries and had with him a measure of wine made of fruit of the sabbatical year. R. Huna the son of R. Ikha and R. Kahana accompanied him, and he said to them: "Has one of you heard whether the Halakha prevails according to R. Simeon ben Elazar or not?" R. Kahana replied: "R. Abbahu declared that the Halakha prevails according to R. Simeon ben Elazar"; but R. Huna the son of R. Ikha rejoined: "Thus said R. Abbahu: 'The Halakha does *not* prevail according to R. Simeon ben Elazar.'"

Said R. Saphra: "Under all circumstances the decision of R. Huna must be abided by, because he was very exact in his decrees, which he learned from his master Rahabha of Pumbaditha."

R. Ilayi pruned green dates on the sabbatical year. How was it possible that he should have done this? Is it not written, that for eating purposes they may be gathered, but they must not be removed wantonly? Lest, however, it might be assumed that such is only the case with ripe, edible fruit, but not with such as are unfit—did not R. Na'hman say in the name of Rabba bar Abbahu, that the peel surrounding the dates of uncircumcised trees must also not be used, notwithstanding the fact that it only serves to preserve the dates and cannot be considered fruit itself? Thus we see that, although the peel surrounds dates only when the latter are not yet ripe, still he calls such dates fruit, and in consequence it cannot be said that R. Ilayi pruned dates which were not to be considered fruit?

R. Na'hman holds with R. Jose, who maintains that green fruit is prohibited (during the sabbatical year), because it is considered fruit; but the sages differ with him.

The rabbis taught: "On the sabbatical year grapes may be eaten until the bunches of grapes are all plucked from the vines,

and should there be vines that still contain bunches, grapes may be eaten until even the latter are plucked. Olives may be eaten until the last of them fall off the trees in the city of Thequa. R. Eliezer said: 'Until the last of them fall off the trees in the city of Gush-Halob.' This means to say, that if a poor man goes to seek olives he cannot find any, neither on the branches nor at the roots of the tree. Figs may be eaten until the last fall off the trees in Beth-Hini."

Dates may be eaten until the last fall off the trees in Tzoar. R. Simeon ben Gamaliel said: "They may be eaten when some are to be found among the unripe dates, but not if some are found among the bad dates which have fallen off the trees."

MISHNA: In places where it is customary to sell small cattle (sheep, goats, etc.) to Gentiles, it is lawful to do so, but not in places where this is not customary. Large cattle must not be sold to Gentiles at all,* nor calves nor foals of asses, either sound or broken-legged. R. Jehudah permits the sale of the latter and Ben Bathyra permits the sale of a horse.

In places where it is customary to eat roasted meat on the night of the Passover, it may be eaten, but not in places where this custom is not observed. In places where it is usual to burn a light on the night of the Day of Atonement, it may be done; but not in places where this custom does not exist. The synagogues and colleges, however, may be lighted, as may also dark alleys and (rooms) occupied by sick people.

GEMARA: R. Jehudah said in the name of Rabb: "A man must not say: 'This animal shall serve for the Passover meal,' because, by thus specifying the purpose for which he intends to use it, he virtually consecrates the animal, and consecrated things must not be eaten outside of the Temple." Said R. Papa: "This refers only to flesh, but wheat may be designated for use on the Passover; (because by being thus designated it will not become consecrated, but it will simply be preserved)."

An objection was raised: Flesh must not be designated? Have we not learned that R. Jose said: "Thodos of Rome instituted the custom among his co-religionists in Rome, that they should eat roasted goat-meat on Passover, and the sages sent him the following message: 'Wert thou not Thodos, thou wouldst have been put under a ban for thy action, since thou

* This is a precautionary measure, lest the Gentiles put the cattle to work on Sabbath; but in the Schulchan Aruch this law is revoked.

inducest Israelites to eat consecrated things outside of Jerusalem'? How can they say consecrated things? Say rather, similar to consecrated things." Hence we see, that only roasted flesh may be considered as consecrated; but how can this refer to raw flesh? When roasted flesh is eaten it appears of itself as if it were consecrated, without being designated expressly for use on the Passover, whereas raw flesh is considered so only when it is expressly specified.

The schoolmen propounded a question: "Was Thodos really a great (learned) man or was he simply a very influential citizen, and hence the sages were afraid to put him under a ban?" Come and hear: "Furthermore related Thodos, the man of Rome: 'What justified Hananiah, Mishaël, and Azariah to permit themselves to be thrown into the fiery furnace? They derived their justification from the following *a fortiori* conclusion: As the frogs [mentioned Exod. vii. 28], which were in no wise obliged to honor the name of the Lord, did not hesitate to enter the ovens which, as they still contained the dough, were hot, so much the more should a man who is in duty bound to honor the name of the Lord not hesitate to throw himself into a fiery furnace.'"

R. Jose bar Abhin said: "Thodos of Rome would give wares to the scholars in order to enable them to procure a livelihood by traffic, and R. Johanan said, that he who gives wares to scholars, so that they are enabled to gain a livelihood and study in peace, will merit the privilege of sitting in the colleges of learning in the world to come, as it is written [Ecclesiastes vii. 12]: 'For under the shadow of wisdom (a man is equally well as) under the shadow of money.'"

"*In places where it is usual to burn a light,*" etc. Said R. Jehoshua: Rabha lectured: It is written [Isaiah lx. 21]: "And thy people, they all will be righteous, forever shall they possess the land." From this may be inferred, that all the people were righteous; and those that burned a light on the night of the Day of Atonement as well as those that did not, all had the same purpose in view, namely, to prevent a man from having intercourse with his wife on that night (some believing that when there was a light this would be avoided, while others thought that the light would rather stimulate the desire).

Ula rode on an ass. R. Abba walked to the right of him and Rabba bar bar Hana to the left. Said R. Abba to Ula: "Is it true that both of you, thou and Rabba bar bar Hana,

said in the name of R. Johanan, that a benediction is not pronounced over fire except at the close of the Sabbath-day, for at that time was fire created?" Ula glared at Rabba bar bar Hana and said to R. Abba: I did not quote R. Johanan in this connection, but in the following instance: A certain Tana taught in the presence of R. Johanan: "R. Simeon ben Elazar said: 'When the Day of Atonement falls on a Sabbath, even in such places where it is not customary to burn a light on the night of the Day of Atonement, this should be done in honor of the Sabbath.'" R. Johanan, however, replied that the sages prohibit this.

Rabba bar bar Hana assented, and said: "Yea; such was the statement made by R. Johanan." Commenting upon this, R. Joseph applied to these two sages the passage [Proverbs xx. 5]: "Like deep water is counsel in the heart of man; but the man of understanding will draw it out." "Like deep water," R. Joseph compares to Ula, who, though not knowing what Rabba bar bar Hana might have said, did not reprove him, but merely glared at him; and "the man of understanding will draw it out" is applied to Rabba bar bar Hana, who immediately understood what was passing in Ula's mind and at once assented to his statement.

If, then, R. Johanan did not make the statement attributed to him by R. Abba, whence do the people adduce that a benediction must be pronounced over a light at the close of Sabbath? From the statement of R. Benjamin ben Japheth, who said in the name of R. Johanan: "A benediction must be made over a light both at the close of Sabbath and on the night of the Day of Atonement." And such is the general custom.

An objection was made: Have we not learned, that a benediction over a light should be made only at the close of Sabbath, because at that time fire was created, and as soon as fire is perceived the benediction must be pronounced? R. Jehudah, however, said, that at the time the benediction which is made over the goblet (of wine) the one over the light should also be made, and R. Johanan declared the Halakha prevails according to R. Jehudah?

This presents no difficulty: On the night of the Day of Atonement, according to R. Johanan, a benediction should be pronounced over a light that had been burning all day, but not over one that had just then been made.

We have learned in one Boraitha that over fire arising from

wood or stone a benediction should be pronounced, while in another Boraitha we are taught to the contrary, that no benediction must be pronounced. This also presents no difficulty: The former Boraitha refers to the close of the *Sabbath*, while the latter refers to the night of the Day of Atonement.

Rabbi would as a rule scatter his benedictions at the close of the Sabbath, pronouncing them as the occasion demanded; *i.e.*, if he perceived fire first, he would pronounce the benediction pertaining to fire, and then accordingly over spices, the goblet, etc. R. Hyya, however, would wait until the goblet was brought to him, when he would pronounce all the necessary benedictions together. Said R. Itz'hak bar Abdimi: "Although Rabbi would scatter his benedictions, he nevertheless repeated that over the goblet, for the purpose of fulfilling the duty of the family."

Is it a fact that fire was created at the close of the Sabbath? Have we not learned in Abhoth, where it is stated that ten things were created at twilight on the day preceding the Sabbath, that R. Nehemiah added fire and the mule to the ten things? This presents no difficulty. The fire which we use was created at the close of Sabbath, while the fire of Gehenna was created at twilight on the eve of Sabbath.

Was the fire of Gehenna then created on the eve of Sabbath? Have we not learned in Tract Nedarim that seven things were created even before the world was created, and among the seven was also the Gehenna? The atmosphere of the Gehenna was created before the world, but the fire of Gehenna was created at twilight on the eve of Sabbath.

Still, was the fire of Gehenna really created on the eve of Sabbath? Did not R. Banaha the son of R. Ula say, that the reason it is not written, in the passages referring to the things created on the second day, that "the Lord saw that it was good," is because on that day the fire of Gehenna was created? Therefore we say, that the atmosphere of Gehenna was created before the world, the fire of Gehenna was created on the second day of the week, and the fire which we use was to be created on the eve of Sabbath, but the creation was postponed; as we have learned in a Boraitha, R. Jose said: "Two things were postponed to be created on the eve of Sabbath, but they were not created until the close of Sabbath: they are fire and the mule"; and at the close of the Sabbath the Lord put into Adam's mind to produce fire by striking two stones against one another

and to pair two different animals (the ass and the horse) and thus produce the mule.

The rabbis taught: Seven things are concealed from man: The time of his death, the time of his contentment, the depth of judgment (according to another version, the depth of divine judgment), the thoughts of others, the source of profit, the time of the reëstablishment of the kingdom of David, and the time of the downfall of the kingdom of Rome.

The rabbis taught: Three things were intended to be instituted, and if they were not intended to be instituted, it would be well if such were still the case. They are: that a corpse should putrefy, that the dead should be forgotten after a certain period, and that grain should rot (by exposure). Others add a fourth thing, namely, that coins should be minted, for without them traffic would be impossible.

MISHNA: In such places as it is customary to work on the 9th of Abh, work may be performed; but not where such is not the custom. The scholars, however, must in every place avoid working on that day. Rabbon Simeon ben Gamaliel said: "Every man should in this respect consider himself a scholar (Talmud-chacham)." The sages, however, said: It was customary in Judæa to work until noon on the day preceding Passover; but in Galilee no work was performed on that day. As for the night preceding that day, the school of Shammai prohibit work to be done thereon, while the school of Hillel permit it until sunrise (of the day following). Said R. Meir: Every occupation which had been commenced prior to the 14th (of Nisan) may be finished on that day; but no new work may be commenced, even if it can be finished on that same day. The sages, however, are of the opinion, that the three following crafts may pursue their usual calling until noon on that day, namely: tailors, barbers, and clothes-washers. R. Jose ben Jehudah says that shoemakers may also do so.

GEMARA: Samuel said: "There is no fast-day, imposed by the community upon its members in Babylon, except the ninth day of Abh."* Shall we say that Samuel by this statement means to assert, that eating at twilight on the eve of that day is also prohibited? Have we not heard that Samuel held to the contrary? Shall we assume, that at twilight on the eve of

* In Palestine in times of drouth especially, fast-days were imposed by the community upon its members in order to pray for rain, while in Babylon there hardly ever arose the necessity for such occasions.

any fast-day imposed by the community eating is permitted? Have we not learned in Tract Taanith, that on the day preceding congregational fast-days eating is permitted only while it is yet day; and thence we may adduce that as soon as dusk sets in it is prohibited? Nay; the statement that eating is only permitted while it is yet day signifies, that when night sets in eating is prohibited, but as for dusk (twilight), the prohibition does not apply.

We have learned in a Boraitha: "There is no difference between the ninth of Abh and the Day of Atonement as fast-days, except that in the doubtful time of the latter eating is prohibited, while in that of the former eating is permitted." Shall we assume, that by doubtful time the Boraitha refers to the twilight, when it is not known whether it is yet day or not, and thus would be a support to the opinion of Samuel, who permits eating at twilight on the eve of the ninth of Abh? Nay; by "doubtful time" the Boraitha refers, as R. Shesha the son of R. Idi said elsewhere, to the doubt existing whether the day was really the proper day according to the calendar.

Rabha preached: "Pregnant and nursing women must fast on the entire day of the ninth of Abh in the same manner as if it were the Day of Atonement; also, that at twilight on the eve of that day eating is prohibited." This decree was also attributed to R. Johanan. How could R. Johanan have said this? Did he not say elsewhere, that the ninth of Abh is not equal to a congregational fast-day? Must it not be assumed that he holds eating on the eve of the ninth of Abh to be permitted? Nay; R. Johanan means to state, that the ninth of Abh differs from a congregational fast-day only as concerns the number of benedictions to be recited. On a congregational fast-day the number is twenty-four, while on that day it is not so.

An objection was raised: The difference between a congregational fast-day and the fast of the ninth of Abh is merely that on the former no manner of work may be performed, while on the latter, in those places where it is customary to work on that day, this may be done. Hence are they not alike in all other respects? Said R. Papa: "All the Boraithoth quoted only cite the more lenient observance of the ninth of Abh as compared with congregational fast-days and the Day of Atonement, but do not mention the more rigorous observance."

"Every man should in this respect consider himself a scholar."

Here we see that R. Simeon ben Gamaliel has no objection to a man vainly assuming that he is a scholar, whereas (in Tract Berachoth) concerning the reading of the Shema (prayer) he says, that not every man who so chooses may assume to be (or act like) a scholar. Said R. Johanan: "Transpose the names in the Mishna, so that the statement attributed to the sages should be that of R. Simeon ben Gamaliel and the dictum of R. Simeon ben Gamaliel should be that of the sages." R. Shesha the son of R. Idi, however, said: This is not necessary. There is no difficulty either as to the sages or as regards R. Simeon ben Gamaliel. According to the sages, a man who would not work, when all others do, would leave the false impression that he is a scholar, although he is not, while in the instance quoted, concerning the reading of the Shema, a man who is a bridegroom may (on his wedding-day) read the Shema, because all others do likewise, and he cannot be accused of being presumptuous. According to R. Simeon ben Gamaliel, however, premeditation being necessary for a man who is to read the Shema, and it being a known fact that a bridegroom on his wedding-day cannot have the necessary premeditation—if he nevertheless persists in reading that prayer, he does so merely to gratify his vanity and to demonstrate that he is a scholar; hence it should not be permitted. In the case treated of in the Mishna, however, it is different. The fact of his not working will not give others the impression that he wishes to pose as a scholar; for are there not a number of men who lack employment and are idling in the markets?

"*The school of Shammai prohibit work to be done,*" etc. So far the Mishna has been dealing with the customary usages, and suddenly prohibitions are cited? Said R. Johanan: This presents no difficulty. The decisions pertaining to customary usage are all rendered upon the authority of R. Meir, but R. Jehudah actually prohibits work to be performed in those places where it is not usually done, as we have learned in the following Boraitha: R. Jehudah said: "In Judæa work was done on the day preceding the Passover until noon, while in Galilee no work at all was performed on that day." Said R. Meir to him: "To what purpose dost thou cite the customs of Judæa and Galilee? Is it not a rule that, wherever it is customary to perform work on that day, it may be done, and wherever it is not customary it should not?" Thus, if R. Meir's reply to R. Jehudah dealt with customary usage, it is obvious that R. Jehu-

dah must have directly prohibited work in places where it was not usually done.

The schoolmen propounded a question: Does that part of the Mishna, which states that every occupation which was commenced prior to the 14th of Nissan may be finished on that day refer only to such occupation as was necessary for the due observance of the festival, but if it is not necessary for that purpose, it must not even be completed on that day, or does it refer to such occupation as was not necessary for the festival; but if it was, it is even allowed to commence *and* finish it on that day? Or, on the other hand, does it refer to occupation which is even necessary for the festival and still it may only be finished but not commenced on the day preceding the festival?

Come and hear: R. Meir said: "Every occupation necessary for the due observance of the festival may be *completed* on the day preceding the festival, but if it was not necessary for that purpose it must *not* be finished. Wherever it is customary, work may be done on the day preceding the festival until noon." Thus we see, that only wherever it is customary work may be done until noon of the day preceding the festival but otherwise it must not, and only when the work is needed for the festival may it be completed on that day but otherwise it must not.

"*The sages, however, are of the opinion, that the three following crafts,*" etc. We have learned in a Boraitha: Tailors may pursue their occupation, because any man may, if necessary, mend his garments on the days intervening between the first and last days of the festival. Barbers and clothes-washers may pursue their calling, because those that arrive from a sea-voyage or those that are released from imprisonment may trim their hair and wash their clothes on the days intervening between the first and last days of the festival.

R. Jose ben Jehudah says, that shoemakers may pursue their calling, because the pilgrims who journey to Jerusalem for the festivals mend their shoes on the intervening days. Upon what point do R. Jose and the former Tanaim differ? The former Tanaim hold, that permission to commence a certain act of labor cannot be derived from the fact that it may be completed; *i.e.*, while shoes may be mended, it does not follow that it is permitted to make new shoes, while R. Jose maintains that it makes no difference, and as shoes may be mended, new ones may be made also.

MISHNA: Fowls may on the day preceding the Passover be

placed in hatching-coops; a brooding hen which had run away (from her eggs) may be replaced on them, and if the hen had died another may be put on the eggs in her place. It is permitted to remove the stable-dung on the 14th (of Nissan) from between the feet of cattle; but it may only be removed to one side during the middle days (the days intervening between the first and last days of the festival). It is also permitted to carry, to and from the houses of mechanics, vessels and other articles, even though they be not needed for use during the festival.

GEMARA: If a fowl may be placed in a hatching-coop on the day preceding the festival, why should it be necessary to state that she may be replaced on the eggs which she had abandoned? (Is this not obvious?) Said Abayi: "The clause permitting the replacing of the hen does not refer to the 14th (of Nissan) but to the middle days." R. Huna said: "When is it allowed to replace a hen on the eggs which she had abandoned? If she had already been hatching the eggs for three days prior to her escape and three days had not elapsed since she had escaped; *i.e.*, if the eggs had already become spoiled and at the same time retained warmth, so that when the hen is replaced she can still complete the hatching with success. If, however, the hen had not yet been hatching the eggs for three days and they had not become spoiled, or if three days had elapsed after she had abandoned them, so that it would be impossible to hatch them with success, the hen must not be replaced." R. Ami, however, said: "Even if the hen had not been hatching the eggs for three days and they had not yet become spoiled, she may nevertheless be replaced."

In which point do R. Huna and R. Ami differ? The former holds, that on account of serious damage only may work be done on the middle days, while the latter maintains that even on account of slight damage this may be done.

"*It is permitted to remove stable-dung,*" etc. The rabbis taught: The dung contained in the yard must be removed to one side, and that contained in the stable and in the yard may be entirely removed. How can this latter part be understood? What is meant by dung contained in the stable *and* in the yard? Said Rabha: "This signifies, that if the yard became like a stable, filled with dung, the dung may be entirely removed."

"*It is also permitted, etc., to carry vessels,*" etc. R. Papa said: Rabha wished to examine us and said: "In our Mishna it is stated, that on the 14th (of Nissan) vessels may be carried to

and from the houses of mechanics, etc., even though they be not needed for the festival, and this is contradicted by a Boraitha, which decrees that vessels must not be carried from the house of the mechanic; and if there is danger of their being stolen, they may be deposited in another court ?” We replied: This presents no difficulty, as the Boraitha refers to the middle days, while our Mishna has reference to the 14th (of Nissan). We can also give another reason, namely: Both the Boraitha and the Mishna may refer to the middle days, and it merely depends upon whether the mechanic has sufficient confidence in his master to leave his tools with him; for if he has not, he may remove them.

MISHNA: The inhabitants of Jericho were wont to do six things; three of these were done contrary to the wishes (of the sages) and three were done with the sanction (of the sages). The following were done with the sanction of the sages: They would graft palm-trees the whole day of the 14th (of Nissan), they would read the Shema (prayer) with an additional verse (or without interruption), and they would heap up new corn (into sheaves) before acquitting the “omer” (first-offering) thereof. All these things were done with the sanction of the sages; but the following were contrary to their wishes, namely: They would make use of plants (buds) growing on or near consecrated trees; they would eat fruit on Sabbath which had dropped off the trees on that day, and they allowed herbs to remain in the field as Peah.* All these things were contrary to the wishes of the sages.

Six things were done by King Hezekiah,† three of which met with approval and three with disapproval: He caused the bones of his father to be transported on a litter of ropes,‡ and this was approved of; he caused the brazen serpent to be broken to pieces, and this was approved of; he secreted the book of medicine, and it was also approved. The following, however, are the three things done by him which were *not* approved of: He cut off (the gold) from the gates of the Temple, and sent it to the King of Assyria; he stopped up the upper mouth of the

* See Levit. xxiii. 22, and Deut. xxiv. 19.

† “Six things of Hezekiah.” This is, in the original, not a continuation of the Mishna, but it begins with, “The rabbis taught,” which signifies a Boraitha. In the edition of the Mishna, however, this is the continuation of the Mishna, and so it should be. See Tospath Yomtav Sanhedrin, Chap. 7.

‡ As a mark of disrespect.

waters of Gihon, and made the month of Nissan intercalary—all of which were not approved of.

GEMARA: "*They would graft palm-trees,*" etc. How would they do this? Said R. Jehudah: "They would take a damp myrtle-branch, bayberries of which they made an extract, and barley meal, and would boil them in a vessel which had not been made more than forty days before. This brew they would pour into the core of the tree. Any tree which stood within four ells of a tree which was thus treated would, unless receiving the same treatment, wither and die immediately." R. A'ha the son of Rabha, however, said: "They would graft a twig of a male tree on a female tree."

"*They would read the Shema,*" etc. How did they do this? Said R. Jehudah: "They would recite the passage: 'Hear, O Israel,' etc., and without any interruption would continue: 'And thou shalt love,' " etc.; but Rabha said: "They would transpose the stress in the following passage thus: Instead of saying: 'And these words, which I command thee this day, shall be in thy heart,' they would say: 'And these words which I command thee—*this day* shall they be in thy heart,' so that one who heard them might have thought that the intent of the passage was to signify: '*This* day shall they (the words which I command thee) be in thy heart, but not *to-morrow*.' "

The rabbis taught: How would they read the Shema? They would recite the passage: "Hear, O Israel, the Lord is our God; the Eternal is One," and then would continue without interruption to say: "And thou shalt love the Lord thy God," etc. (*i.e.*, they would not stop to lay stress on the words, "The Eternal is One," sufficiently long to meditate on the power of God in the heavens and on earth in all directions). Such is the dictum of R. Meir; but R. Jehudah said: They would make that interruption, but what they did not say was the verse: "Blessed be the name of the honor of His kingdom for ever and ever," which should be inserted between the end of the first verse: "Hear, O Israel," etc., and the one commencing: "And thou shalt love," etc.

Why do we recite this additional verse? It is not written in the Scriptures? In accordance with what was related by R. Simeon ben Lakish: It is written [Gen. xlix. 1]: "And Jacob called unto his sons and said, 'Gather yourselves together, that I may tell you that which shall befall you in the last days,' " which signifies that he wished to disclose to them when the end

of the days should occur. As he was about to accomplish this, the Shekhina left him, and he commenced to fear lest there were among his children an unworthy person like Ishmael the son of Abraham and Esau the son of Isaac. So his children spoke to him and said: "Hear, O Israel, the Lord is our God; the Eternal is One." They said to him: "Father, as in thy heart there is but one God, so is there in our hearts but one God." As soon as Jacob our father heard this, he opened his mouth and said: "Blessed be the name of the honor of His kingdom for ever and ever."

The sages then began to deliberate whether to say this also or not. To say it would not be in accordance with the words of Moses, who did not use the verse; not to say it would be to disregard Jacob. So they finally concluded to say it in a still manner (not audibly).

Said R. Itz'hak: "The disciples of R. Ami compared this to the following parable: A king's daughter, smelling the odor of savory spices, which were being cooked in the kitchen, craved for some. To order her servants to bring a dish of those spices would be to expose herself to ridicule; not to do so would be to suffer: so her servants brought her what she desired surreptitiously, in order that nobody should perceive it."

Said R. Abbahu: "In Usha, where there was a sect of Minim,* it was ordained that the additional verse should be proclaimed in a loud voice, in order that the adherents of that sect should not say that the verse which was said in a still manner was one praising their own Deity; but in Neherdai,† where there were no Minim, even unto this day the verse is said in a still manner."

The rabbis taught: The inhabitants of Jericho were wont to do six things; three of these were done contrary to the wishes of the sages and three were done with the sanction of the sages. The following were done with the sanction of the sages: They would graft palm-trees the whole day of the 14th (of Nisan), they would read the Shema without interruption, and they would

* "In Usha" is in accordance with the explanation of Rabbenu Hananel; for the Gemara does not mention any particular place. By "Minim" is meant the Jewish adherents of several different sects, who in addition to their own creed accepted the doctrines of another religion. In this instance the Nazarenes, *i.e.*, the Jews who accepted the teachings of Jesus of Nazareth, are more particularly referred to.

† Neherdai was the kingdom of Persia, and the Minim Jewish Christians did not exist then at all. (Not, as some one claimed, that they were driven out. See our History of the Talmud.)

cut off new corn before acquitting the "omer" (first-offering) thereof. The following, however, were done contrary to the wishes of the sages, namely: They would heap up the new corn before acquitting the "omer" (first-offering) thereof; they would make breaches in the fences of their gardens and vineyards during times of famine, in order that the poor might enter and eat the fruit which had dropped off the trees on Sabbath and on festivals; and they would make use of the plants (buds) growing on or near consecrated trees, carob-trees, and sycamore. Such is the dictum of R. Meir. Said R. Jehudah to him: "If thou sayest, that the first three things were done with the sanction of the sages, then it will be assumed that all men may do so and that the sages allow them; say rather, that the sages did not prevent their doing the first three things, but not that they sanctioned them. Shouldst thou, however, retort, that cutting off the new corn before acquitting the 'omer' thereof is certainly permitted (because it thus taught in a Mishna), then, say I, substitute for 'cutting off,' 'heaping up into sheaves,' and in the last three things substitute for 'they would heap up the new corn before acquitting the "omer" thereof,' 'they allowed herbs to remain in the field as Peah.'"

Why did the inhabitants of Jericho make use of plants growing on or near consecrated trees? They said: "Our ancestors only consecrated the wood of the trees, and if other plants subsequently grew on those trees, why should we prevent the poor people from making use of them? It does not constitute a trespass to partake of plants which subsequently grew on consecrated trees!" The sages, however, said: "A trespass-offering need not be brought if this was done, but it is a trespass nevertheless."

R. Simeon ben Lakish was quoted by Ula to have said: The inhabitants of Jericho and the sages differed only concerning such plants as grew on the tops of trees, and the sages prohibited their use on the Sabbath or on a festival, lest they be torn off by the poor on those days, while the inhabitants of Jericho did not hold this precautionary measure to be necessary. As for unripe fruit at the foot of the trees, all agree that it may be gathered.

When Rabbin, however, came from Palestine, he said in the name of R. Simeon ben Lakish to the contrary: That they differ only concerning the unripe fruit, the sages holding that what is prepared for the fowls of the air (crows) cannot be called

prepared for men, while the inhabitants of Jericho maintained that it may be considered prepared for man also. As for the shoots on the tops of the trees, however, even the latter admit that they must not be used, for they hold to the precautionary measure instituted by the sages above.

"And they allowed herbs to remain in the field as Peah."

The rabbis taught: "Formerly Peah was left from turnips and cabbage, and R. Jose said: "Also from leek." In another Boraitha we have learned: "Formerly Peah was left from turnips and leek," and R. Simeon said: "Also from cabbage."

The rabbis taught: "Ben Buhain allowed herbs to remain in the field as Peah. When his father arrived he saw some poor men already standing with the bundles of herbs at the entrance of the garden, and he said to them: 'Children, throw down your bundles of herbs and I will restore twice their value to you after I shall have acquitted the tithes thereof; and I do not say this because I would grudge you the herbs, but because the sages did not permit the herbs to be left as Peah.'"

The rabbis taught: "Formerly the hides of the sacrificed animals were left in the chamber of Parvah.* At night the priests ministering during that week would divide those hides among themselves. The more powerful among the priests, however, would appropriate more than their share. So it was ordered that the division should be made every eve of Sabbath in the presence of all the men comprising the twenty-four watches (shifts) of the Temple. Still the more powerful priests would appropriate more than was due them. In consequence, the persons bringing the sacrifices decided to consecrate the hides for the use of the Temple. It was said that it did not take very long before it was possible to cover the entire Temple with disks of gold one ell square and of the thickness of a golden Dinar. At the time of the festivals these disks were placed on the mount of the Temple, in order that the pilgrims to Jerusalem might see them; for they were beautifully worked and were not counterfeited."

We have learned in a Boraitha: Abba Saul said: "There were sycamore-trees in Jericho which the priests forcibly appropriated for their own use, in consequence of which the owners consecrated them for the use of the Temple." Concerning such

* One of the chambers enumerated in Tract Midath in connection with the Temple.

outrages and such priests, Abba Saul ben Batnith in the name of Abba Joseph ben Hanin said: "Woe is me on account of the house of Baithos, woe is me on account of their rods! Woe is me through the house of Hanin and through their calumnies! Woe is me through the house of Kathros and through their pens! Woe is me on account of the house of Ishmael ben Piakhi and of their fists! for they were all high-priests, their sons were the treasurers, their sons-in-law were the chamberlains, and their servants would beat us with rods.*

The rabbis taught: Four shouts were sent up by (the people in) the court of the Temple. The first shout was: "Go away from the Temple, ye children of Eli, who have defiled God's house" (I Samuel ii.). The second shout was: "Leave the Temple, Issachar, man of the village of Barkai," who by his arrogance desecrated the sanctity of Heaven. He would envelop his hands in silk while performing his services as a priest. The third shout was: "Raise your heads, O ye gates, and let Ishmael ben Piakhi the disciple of Pinhas enter and assume the office of the High Priest." The fourth shout was: "Raise your heads, O ye gates, and let Johanan ben Narbayi enter and fill his bowels with the holy sacrifices." Of Johanan ben Narbayi it was said that he (and his family, which was very large) would consume 300 calves, 300 jugs of wine, and 40 saah of young doves as dessert after his meals. It was also said that during his administration as high-priest there never was any remainder left over of the sacrifices from one day to the next.

What was the end of Issachar, the man of the village of Barkai? It was said that at one time the king and the queen were disputing as to the relative merits of a kid or lamb as food. The question then arose who was to decide the dispute. So it was suggested that the decision be left to the high-priest, who at that time was Issachar, the man of the village of Barkai, who certainly ought to know which was the better, as he used to bring sacrifices daily. He was called, and coming into the presence of the king, jokingly waved his hand and said: "If a kid were the better it would be used for the daily sacrifice, and we know that a lamb only must be used." Said the king: "Because he showed no respect to the throne and waved his hand, let his right hand be cut off." Issachar, however, bribed the executioner, and his left hand was cut off instead. When the

* See "Priester und Cultus," of Buechler.

king heard of this, he ordered that the right hand should also be cut off. Said R. Joseph: "Blessed be the Merciful One, who punished Issachar in this world, and thus enabled him to enjoy the world to come." Said R. Ashi: "Issachar never learnt the Mishna, for had he done so he would have learned the following: R. Simeon said: For sacrifices lambs are always preferable to kids; but shall we assume that this is because they are really more toothsome? Therefore it is written [Lev. iv. 32]: 'And if he bring a sheep for a sin-offering,' and as it is previously written that he should bring a goat, it may be inferred therefrom that both are equal."

Rabhina, however, said: "Issachar did not even read the Scriptures, for it is written [Lev. iii. 7 and 12]: 'If he offer a sheep for his offering,' etc., and 'If a goat be his offering,' etc., thus showing that both are equal."

CHAPTER V.

REGULATIONS CONCERNING THE SACRIFICE OF THE PASCHAL LAMB.

MISHNA: The continual (daily) offering* was slaughtered half an hour† after the eighth hour, and sacrificed half an hour after the ninth hour; but on the day before Passover, whether that day happened to be a week-day or a Sabbath, it was slaughtered half an hour after the seventh hour, and sacrificed half an hour after the eighth hour. When the day before the Passover happened to be a Friday, it was slaughtered half an hour after the sixth hour, sacrificed half an hour after the seventh hour, and the Passover sacrifice celebrated (immediately) afterwards.

GEMARA: Whence do we know all this? Said Rabha: Because it is written [Numbers xxviii. 4], "toward evening," we know that this religious duty must be discharged when the sun commences to move towards the west (evening). Then again, on all ordinary days, in respect to vow and voluntary offerings, as it is written [Lev. vi. 5]: "And he shall burn thereon the fat of the peace-offering." And the master said that this signifies that all the other offerings must be sacrificed before the daily offering. Hence this latter was slaughtered half an hour after the eighth hour (two and one half hours after noon); but on the day before Passover, when the paschal lamb had to be slaughtered after the daily offering, the latter was slaughtered an hour sooner. If the eve of Passover, however, fell on Friday, when the paschal lamb must be roasted before the Sabbath set in, the literal text of the passage in the Scriptures is abided by, and the daily offering is slaughtered as soon as the sun commences setting towards the west, *i.e.*, half an hour after noon.

The rabbis taught: "In the same manner as the daily offering was proceeded with on a week-day, it was also treated on

* See Numbers xxviii. 3.

† All hours mentioned in Mishnaoth and Gemara are counted according to Palestinian time. The first hour in the morning is counted from our time, six o'clock.

Sabbath." Such is the decision of R. Ishmael. R. Aqiba, however, said: "In the same manner as it is proceeded with on the eve of Passover, so should it be treated on Sabbath."

What does R. Aqiba mean by this statement? Said Rabba bar Ula: The Mishna teaches us as follows: The usual manner of treating the daily offering on week-days is carried out also on Sabbath, notwithstanding the fact that no vow or voluntary offerings are sacrificed on the Sabbath. Such is the decree of R. Ishmael; but R. Aqiba said: "Nay, on Sabbath the daily offering should be treated the same as on the day before Passover; *i.e.*, it should be sacrificed an hour sooner, and for the very reason that there are no vow or voluntary offerings to be sacrificed on that day." The statement in the Mishna, that "on the day before Passover, whether that day happened to be a week-day or a Sabbath, it was slaughtered half an hour after the seventh hour," refers to the paschal lamb, and this is in accordance with the opinions of both R. Ishmael and R. Aqiba. Wherein do they differ? R. Ishmael holds that the time should not be changed on the Sabbath, lest this be done also on the week-days, and thus sufficient time will not be allowed for the vow and voluntary offerings, while R. Aqiba maintains that this precautionary measure is not necessary. If the precautionary measure is not necessary, why should the sacrifice be brought on Sabbath half an hour after the seventh hour? why not a half hour after the sixth hour? R. Aqiba holds, that first the additional Sabbath-sacrifice must be brought in the sixth hour, then the frankincense is burned at the seventh hour, and finally the daily sacrifice half an hour after the seventh hour.

The rabbis taught: Whence do we know that nothing must be offered prior to the daily morning sacrifice? Because it is written [Lev. vi. 5]: "And the priest shall burn wood on it every morning, and he shall lay in order upon it the burnt-offering," which signifies that the (daily) burnt-offering shall be the first to be sacrificed. Is this then conclusive evidence? Said Rabha: "Yea, because it says explicitly *the* burnt-offering, and that means that the daily morning sacrifice should be the first."

Whence do we know that nothing must be sacrificed after the daily evening sacrifice? Because it is written [*ibid.*]: "And he shall burn thereon the fat of the peace-offerings." How does this signify that nothing shall be sacrificed after the evening sacrifice? Said Rabha: "Because it says *the* peace-

offerings,* and that means that the peace-offerings shall be the last."

The rabbis taught: "The daily (evening) offering precedes the Pássover-sacrifice, and the Passover-sacrifice precedes the burning of the incense, and the incense precedes the lighting of the candles." Why should the Passover-sacrifice follow the daily offering? Because an act concerning which it is written [Deut. xvi. 6]: "There shalt thou slay the Passover (lamb) at evening, at the going down of the sun," and [Exod. xii. 6]: "They shall kill it toward evening," must be accomplished later than an act concerning which it is only written [Numb. xxviii. 4]: "Thou shalt prepare it toward evening."

The rabbis taught: "There is nothing which may be offered up before the daily (morning) sacrifice except incense, which is burnt before the daily sacrifice." (Why is that so?) Because it is written concerning incense [Exod. xxx. 7]: "*Every* morning when he dresseth the lamps shall he burn it," while concerning the daily sacrifice it is only written plainly "in the morning." After the daily evening sacrifice nothing may be offered up except the paschal lamb, and the incense and the lighting of the candles may be accomplished. Also if there happen to be a man who had not yet had the atonement made for him by the priest before taking the legal bath, the offering necessary for the atonement may be sacrificed even after the daily (evening) sacrifice; then the man may go and bathe himself and partake of the paschal lamb.

R. Saphra propounded a contradictory question to Rabha: "It is written [Exod. xxxiv. 25]: 'Neither shall be left unto the morning the sacrifice of the feast of the Passover'; hence the supposition is that, while it must not be left unto the morning, it may be left over the entire night and should be burned at the approach of morning, which is already the festival day, although the sacrifice was offered before the festival; but we find it written further [Numb. xxviii. 10]: 'This is the burnt-offering of Sabbath on every Sabbath,' and does this not signify that only the burnt-offering of the Sabbath may be burned on that day?" Rabha answered: "This question was already propounded to R. Abbahu by R. Abba bar Hyya, and R. Abbahu replied: "The passage quoted [Numb. xxviii. 10] refers

* The Hebrew term for peace-offerings is "Hashlomim," and "Hashlom" also signifies "to complete," whence Rabha adduces that the peace-offerings complete the sacrifices for the day and nothing further must be sacrificed.

to an eve of Passover which fell on a Sabbath, and a sacrifice which was offered up on the Sabbath may be burned on a festival." Rejoined R. Saphra: "Because a Sabbath-sacrifice may be burnt on a festival, does that carry with it, that the passage must be construed to refer to a Sabbath which happened to be an eve of Passover?" Rabha replied: "Let the passage be. It is difficult enough to understand at all events, and it will eventually prove to be in accordance with the explanation rendered."

MISHNA: If the Passover-sacrifice had not been slaughtered for the purpose of sacrificing it as a Passover-sacrifice,* or its blood had not been received for that purpose, or the blood had not been brought to the altar and sprinkled for that purpose, or if one act had been accomplished with it in order to make it a Passover-sacrifice and another not for that purpose, or if the reverse had taken place—it is not valid. How is it to be understood that "one act had been accomplished with it as a Passover-sacrifice and another not for that purpose"? This signifies, that one act had been accomplished with it in order to make it a Passover-sacrifice, and subsequently another act had been accomplished with it in order to make it a peace-offering; and by "if the reverse had taken place" is meant, if at first an act had been accomplished with it in order to make it a peace-offering and another act had subsequently been accomplished with it for the purpose of making it a Passover-offering.

GEMARA: R. Papa propounded a question: "Does the Mishna mean to state that the sacrifice is not valid if the dual intention was carried out even in one act only (*i.e.*, if *f.i.* when slaughtering the lamb the original intention was to have it serve as a paschal sacrifice and subsequently the intention was changed and it was slaughtered for a peace-offering), and thus it is in accordance with the opinion of R. Jose, who maintains that a later intention annuls a previous one; or, does the Mishna mean to state that it is not valid only if the dual intention was divided between two acts (*i.e.*, if *f.i.* the lamb was slaughtered with the intention of making it a paschal sacrifice and its blood was sprinkled for the purpose of making it a peace-offering), and thus it can be even in accordance with R. Meir, who holds that the original intention holds good and cannot be made void by a subsequent intention? Now the question is, does R. Meir hold

* The manner of procedure necessary to make a Passover-offering efficacious will be more fully explained in Tract Zeba'him (Sacrifices).

that an original intention holds good only for one act where the intention had subsequently been changed, and maintains that, even if two acts were accomplished with two different intentions, the one accomplished with the original intention supersedes the one committed with the subsequent intention; or does he admit that where two acts are accomplished with different intentions the later annuls the former?"

Now let us see! There can be no question that the Mishna does not consider the case of where an act had been accomplished originally with the intention of having it serve for a peace-offering and then the intention was changed so as to bring the Passover-sacrifice; for in that event, according to both R. Jose and R. Meir, the sacrifice could not be valid as a Passover-sacrifice (it must be borne in mind that R. Jose does not state that a later intention supersedes a former, but that it merely annuls it, and R. Meir holds that the former intention supersedes the later). Thus the question again presents itself whether, if the act had been accomplished first so as to serve as a Passover-offering and was subsequently intended to serve as a peace-offering, does the Mishna refer to a single act embodying both intentions, or is a case referred to where two acts were committed each with a separate intention?

Come and hear: If the blood of the paschal lamb had been sprinkled with the intention to have the lamb serve for those that were to partake thereof and also for those that were not to partake thereof, the sacrifice is valid. Let us see! How was the case? Was the dual intention embodied in two acts, *i.e.*, while the lamb was slaughtered for those who were to partake thereof, the intention was to sprinkle the blood even for those who were not to partake thereof, and sprinkling only is mentioned because that act alone, even if accomplished for another purpose, would not invalidate the sacrifice; if, however, the dual intention was embodied in one act only, say that of slaughtering, *i.e.*, the lamb was slaughtered both for those who were to partake thereof and for others who were not, would that render the sacrifice invalid? This is not so? We know that such a proceeding would not render it invalid? Hence we must say that, as the later (succeeding) Mishna treats only of one act embodying a dual intention, such is also the case with our Mishna above.

This is not conclusive evidence! One (Mishna) may treat of one case and the other of another case. The succeeding

Mishna may deal with one act, while our Mishna may deal either with one or with two acts!

The schoolmen propounded a question: "What is the law concerning a sacrifice which had been offered up at any time during the year (not on the eve of Passover) with the dual intention of having it serve both as the paschal sacrifice and as a peace-offering? Shall we assume, that the latter intention supersedes the former and the sacrifice is valid or not?" When R. Dimi came from Palestine he said: I desired to decide this question before R. Jeremiah in the following manner: "Let us see! As a paschal lamb which was offered up for its proper purpose is thereby made valid for its proper season, and if not offered up for its proper purpose it is made valid when not in its proper season, then, if offered up for its proper purpose, although offered for its proper season, the intention to have it serve not for its proper purpose supersedes the original intention, and the sacrifice is not valid, and consequently the intention to offer it up not for its proper purpose, although it is valid not for its proper season, does not supersede the original intention to have it serve for its proper purpose, and the paschal lamb is not valid." R. Jeremiah, however, answered: "Nay; how canst thou compare the paschal lamb to other sacrifices? (Is it not a fact that, if any ordinary sacrifice is offered up not for its originally intended purpose, the sacrifice itself is nevertheless valid, and the man who brings it must only offer up another to carry out his original purpose, while a paschal lamb, if brought for any other but its actual purpose, becomes absolutely useless and cannot be sacrificed at all.) If the paschal lamb was brought for its proper purpose in its proper time (as is the case in the first instance), a subsequent intention to have it serve another purpose would have rendered it absolutely useless; in the next instance, however, when a sacrifice for a certain purpose was brought at any time of the year, a subsequent intention would not render it useless: then if the sacrifice had been brought with the original intention of having it serve as a peace-offering and subsequently the intention was added to have it serve also as a paschal offering, the sacrifice would nevertheless not become useless; and even if the original intention was to have the sacrifice serve as a paschal offering, from the fact that it was not the proper season it cannot render the sacrifice invalid. Thus the subsequent intention entirely supersedes the original."

Which is, however, the final law? Said Rabha: "A sacri-

fice which had been offered up at any other time of the year (not on the eve of Passover) with the dual intention of having it serve both as a paschal sacrifice and as a peace-offering is valid. Why so? For, let us see how it would be if the paschal lamb were brought at any time other than on the eve of Passover? It would certainly be invalid. If, however, the intention to bring as a Passover-sacrifice were changed to that of bringing it as a peace-offering, it would be valid; thus we must assume that the subsequent intention superseded the original. Therefore if the original intention was to offer it up as a paschal sacrifice, and the intention was added to have it serve as a peace-offering, we must say that in this case the subsequent intention supersedes the original intention, and the sacrifice is valid."

Rejoined R. Ada bar Ahabha: "Perhaps the difference exists, whether the man who brought the sacrifice stated explicitly the purpose for which he brought it, or whether he was silent; for let us see! If he offered up the sacrifice both to serve for those who should partake thereof as well as for those who should not, it is valid; but if he offered it up expressly for those who should not, it is not valid. Why should this be so? Had he offered it up without stating any intention it would certainly be valid, because it would be considered as serving for those who should partake thereof, and consequently we see that there a difference is caused by silence, or the expression of an intention."

Rabha replied: "What comparison is there between the two? If a man brought the paschal lamb without comment, it is until the time of its slaughter considered the Passover-sacrifice. If the man slaughtered it in silence, its condition remains unchanged; but can it be said that those who were to partake thereof were the same at the time of the slaughter as they were previously; for is it not the law that, until the time of slaughtering the lamb, those that were to partake thereof might change their mind and others take their place?"

The schoolmen propounded a question: "What is the law concerning a paschal lamb which had been offered up for its actual purpose at any time during the year but on the eve of Passover, but with a change in the name of the person for whom it was originally intended? Shall we assume that this would be equal to a change in the purpose of the sacrifice only and it would remain valid; or that, having been brought as a paschal offering not in its proper time, it is useless?" Said Rabha:

"A sacrifice which had changed owners must be considered as being ownerless during the time when it should be offered up and is thus rendered invalid."

MISHNA: If the paschal lamb were slaughtered for those who will not partake thereof, or for any that do not belong to the persons numbered to eat it, or for the uncircumcised, or for the unclean, it will not be valid; but if it were slaughtered for those who may partake thereof and (at the same time) for those that will not, or for those that are numbered to eat it and also for those that are not, or for the circumcised and also for the uncircumcised, or for the unclean and the clean, it will be valid. If the paschal lamb be slaughtered before noon, it is not valid, because it is written [Exod. xii. 6]: "Toward the evening." If it were slaughtered before the continual (evening) offering is brought, it is valid, provided someone had been stirring the blood until that of the continual daily offering was sprinkled; but if the blood (of the paschal lamb) had already been sprinkled (before that of the daily offering) it is nevertheless valid.

GEMARA: The rabbis taught: "What is meant by 'those who will not partake thereof'? A sick or an aged person. What is meant by 'those that were numbered to eat it and those that were not'? A family for whom the lamb had been slaughtered and another for whom it had not."

Whence do we adduce this? From the following teaching of the rabbis: It is written [Exod. xii. 4]: "According to the number of the souls," whence we infer that the paschal lamb must not be slaughtered except for those who were numbered to eat it. Shall we assume, that one who slaughtered the lamb for those who were not numbered to eat it only fulfilled a religious duty negligently, but the sacrifice is nevertheless valid? To that end the passage reiterates [ibid., ibid.]: "Shall ye make a count," which signifies, that otherwise it would be invalid. Rabbi said: Instead of "make a count" read "slaughter it," because the term "make a count" is expressed with "Thachoso" and the Syriac term for "slaughter" is "chos," and thus the passage appears as if one said to the other: "Slaughter it for me." Thus we have found the sources whence arises the prohibition to slaughter the lamb for those not numbered to eat it; but whence do we adduce that the lamb must not be slaughtered for those who will not partake thereof? In the same passage it is written: "Every man according to what he eateth,

shall ye make a count for the lamb"; hence those that partake thereof are accounted the same as those who are numbered to eat it.

If a man slaughtered the lamb for the circumcised only, but intended that the atonement which is made through sprinkling the blood should serve also for the uncircumcised, R. Hisda holds that the sacrifice is not valid, because an intention to serve the uncircumcised invalidates the sprinkling, while Rabba holds that such is not the case.

Said R. Ashi: R. Hisda and Rabba differ concerning the following passage [Lev. i. 4]: "And it shall be accepted for him to make atonement for him." Wherever it is written "for him," it refers to that person only and not also to his companion, and Rabba holds that such is the case only if his companion be in all respects his equal and among those for whom atonement is made; but the uncircumcised, not being in that class, cannot prove an impediment, for he was never thought of. R. Hisda, however, said: "The uncircumcised can be included in that class for whom atonement is made, because should he submit to circumcision he becomes in every respect the man's equal, and the passage which says 'for him' would necessarily exclude him. Thus the supposition that he can be circumcised renders him equal to being so."

Does then R. Hisda hold that the supposition that a thing can be accomplished renders it equal to having been accomplished? Have we not learned (page 74) that he does not admit of that theory? Let us say, then, that he does not hold to the theory of that supposition only in the case of a lenient ordinance, but in the case of one that is rigorous he assents to the same.

R. Huna the son of R. Jehoshua objected: "We have learned: If the paschal lamb, which was over the age of one year and was slaughtered at the proper time and for its proper purpose, and also if a man had slaughtered other animals for the purpose of serving as the paschal offering, at the proper time, R. Eliezer said, the sacrifices are absolutely useless, but R. Jehoshua declares, that the sacrifices are nevertheless valid sacrifices. Now, then, R. Eliezer holds the sacrifices to be useless if they were brought as paschal offerings at the proper time, but if they had not been brought at the proper time he would also admit that they were valid; why does he not hold to the (theory of) *supposition* that the sacrifice had been brought at the

proper time, and consequently hold it to be useless at all times?" Said R. Papa: "In the case of the Passover-sacrifice it is different; for it is written [Exod. xii. 27]: '*It is* the sacrifice of the Passover unto the Lord,' and this signifies, that it should ever remain thus, *i.e.*, it cannot be sacrificed for other purposes, nor can other things be sacrificed in its stead."

Thus, as the Passover-sacrifice if brought in its proper time for other purposes is rendered utterly useless, so other sacrifices if brought in its stead at the proper time are also rendered useless; but, as the Passover-sacrifice if brought for other purposes *not* in its proper time remains a sacrifice nevertheless, so should other sacrifices if brought in its stead *not* at the proper time also be permitted to remain valid.

R. Simlai came to R. Johanan and said to him: "Let Master teach me the contents of the book of ancestry," and R. Johanan asked him: "Whence art thou?" He replied: "From Lydda." "And where dost thou reside?" asked R. Johanan. "In Neherdai," was the reply. R. Johanan then remarked: "The contents of the book of ancestry must not be taught to inhabitants of Lydda or Neherdai, and so much the more thou, who art born in Lydda and residest in Neherdai, shouldst certainly not be taught." R. Simlai, however, was persistent, and persuaded R. Johanan to grant his request, whereupon R. Simlai remarked: "Thou canst teach me the contents of that book in three months." So R. Johanan picked up a clod of soil and threw it at R. Simlai, saying: "If Brurah, the wife of R. Meir, who was also the daughter of R. Hanina ben Tharadion, and who could learn three hundred Halakhas from three hundred great men in one day, could still not master the contents of the book of ancestry in three years, wouldst thou then learn it in three months?"

As R. Johanan was about to leave, R. Simlai said to him: "Rabbi, tell me the meaning of the clause in the Mishna stating, 'if a man slaughtered the Passover-sacrifice for its actual purpose or not for its actual purpose, for those who will partake of it or for those who will not partake of it.' What is the difference, and why is the one sacrifice valid and the other not?" and R. Johanan replied: "Taking into consideration that thou art a young scholar, I will answer thee: If the Passover-sacrifice was offered for its actual purpose or for another purpose the validity of the sacrifice itself is questioned, whereas if it were slaughtered for those who will partake thereof or those that

will not, it does not concern the sacrifice itself. In the first case no distinction can be made as to which part is intended for the one purpose and which for the other, while in the latter instance one may divide the sacrifice and say, 'This part shall serve for those who will partake thereof while the other shall serve for the sick and aged, or the other part will not be given to the sick and aged,' and thus the subsequent intention will be ignored, while in the first instance such would be impossible. The first instance can apply either to an individual or to a congregation, while the latter instance can only apply to a family but not to an individual. Again, the first instance can apply to all the four acts necessary to make it a sacrifice, namely, to the slaughtering, receiving its blood, bringing it to the altar, and sprinkling the blood; but the latter instance cannot apply to all four acts, because we have already learned that in the sprinkling of the blood the partakers of the sacrifice are not considered." (Commenting upon the answer of R. Johanan) R. Ashi said: 'The first two reasons cited by R. Johanan are virtually one and the same thing; for why is 'the validity of the sacrifice itself questioned,' because 'no distinction can be made'?'"

Rami bar Judah in the name of Rabh said: "Ever since the book of ancestry was concealed, the power of our sages was on the wane and their eyes were stricken with blindness."

Said Mar Zutra: "The section of Chronicles between the passage concerning Azel and his six sons in the eighth chapter and the same passage in the ninth chapter (see Chronicles viii. 38 and *ibid.* ix. 44) required so much space in the book of ancestry that the material whereon it was written had to be transported by four hundred camels." *

We have learned in a Boraitha: Anonymous teachers say: "If, when slaughtering the Passover-sacrifice, the intention originally was that it serve for the uncircumcised and subsequently for the circumcised, it is valid. If the reverse was the case, it is not valid."

MISHNA: If a man offer the Passover-sacrifice while still having leaven in his possession, he thereby transgresses a negative commandment. R. Jehudah says: "The same rule applies to the continual daily offering (of that evening)." R. Simeon says: "If the paschal sacrifice was slaughtered for its proper

* According to the Aruch the passage commencing with Azel and ending with Azel in the one chapter required so much space, while the version rendered above is according to Rashi.

purpose on the eve of Passover with leaven, the mentioned transgression was committed; but if offered for any other purpose no guilt was incurred. As for other sacrifices, whether they were brought for their proper purposes or not (under their proper denominations or not), no guilt is incurred. If offered as a Passover-sacrifice on that festival, no guilt is incurred; but if offered under any other denomination (not for its proper use) guilt is incurred. As for other sacrifices (offered under the same circumstances during the Passover), a transgression is committed whether they were offered under their proper denominations or not, excepting in the case of the sin-offering, slaughtered not for its actual purpose (because concerning the sin-offering it is expressly written, 'a sin-offering *is it*'; hence if not brought for its actual purpose it cannot be considered a sacrifice at all)."

GEMARA: Said R. Simeon ben Lakish: "No guilt is incurred unless the man slaughtering the lamb, or the one sprinkling the blood, or the one of those who are to partake thereof, have leaven in his possession, and that only if he have it with him in the Temple." R. Johanan, however, said: "Even if he did not have it *with him* in the Temple." Their point of variance is based upon the word "with" (Hebrew *אִתּוֹ* "al"). R. Simeon ben Lakish holds that "with" signifies "near by," while R. Johanan maintains that "with" may also mean, if the man have it in his possession wherever it may be. (The "with" under discussion is that to be found in the passage [Exod. xxxiv. 25]: "Thou shalt not offer the blood of my sacrifice *with* leaven.")

They have already disputed concerning the word "with" elsewhere? Why should their discussion be repeated? For this reason: If they disputed only concerning leaven on the Passover, R. Johanan might say, that leaven being a prohibited thing on that festival, it matters not where it is found, but concerning the cakes of the thanksgiving-offerings, which only become sanctified upon being brought into the Temple, R. Johanan might admit that the thanksgiving-offering would become invalid unless the cakes were brought with it into the Temple; hence it was necessary that R. Johanan should express his opinion to the effect that even in that case "with" signified, if they were in possession of the man bringing the thanksgiving-offering.

If the instance of the cakes only were mentioned, it might be assumed that Resh Lakish only holds that the cakes must

be brought *with* the thanksgiving-offering into the Temple, because they only become sanctified *in* the Temple, while in the case of the leaven, which is a prohibited article on the Passover, he might also admit that, no matter where it was situated, if it was only in possession of the man it would render the sacrifice invalid; hence *his* opinion in this case had to be cited.

R. Oshiya propounded a question to R. Ami: "If the man slaughtering the lamb had not leaven in his possession, but one of the congregation which was to partake thereof had, what is the law?" Said R. Ami: "What question is this? Does the passage then read, 'Thou shalt not sacrifice it with *thy* leaven'; it states explicitly, 'with leaven'?" Rejoined R. Oshiya: "According to thy opinion, then, even if any person had leaven in his possession, even if he were not connected with the sacrifice, is the man sacrificing culpable?" and R. Ami replied: "The passage reads: 'Thou shalt not offer the blood of my sacrifice with leaven; neither shall be left unto the morning the sacrifice of the feast of Passover,' and it signifies that one who can be culpable for leaving that sacrifice until morning is culpable for slaughtering with leaven." Said R. Papa: "Thus if the priest who burns the fat of that sacrifice have leaven in his possession, he is culpable, because the priest is subject to the negative commandment not to leave the fat until morning."

We have learned a Boraitha in support of R. Papa: "If a man slaughter the paschal lamb with leaven, he thereby transgresses a negative commandment provided he himself, or the one who sprinkles the blood, or one of the congregation which is to partake of the lamb have leaven in possession. If any other person, however, have leaven in his possession, it matters not. Thus only the slaughterer, the sprinkler, and the one who burns the fat of the sacrifice are guilty if having leaven in their possession, but not one who on the 14th day (of Nissan) pinches off the head of the fowl, brought as a sacrifice, by the back of its neck." *

"R. Jehudah says: *This rule applies to the continual daily offering,*" etc. What is the reason for R. Jehudah's statement? Because it is written [Exod. xxiii. 18]: "Thou shalt not offer the blood of *my* sacrifice with leavened bread," and "*my*" signifies the sacrifice designated especially for the Lord; and which is that? The continual offering (of the evening).

* See Levit. v. 8.

"*R. Simeon says,*" etc. What reason has R. Simeon for his statement? From the fact that in the same passage "my" is mentioned twice, one refers to the paschal offering and the other to the other sacrifices. Why, then, did the passage not generalize the sacrifices and use the plural? In order to convey that at the time guilt was incurred on account of the paschal offering through leaven, no guilt was incurred on account of other sacrifices through the same means; but when no guilt was incurred on account of the mentioned sacrifice, it was incurred on account of the others.

"*If offered as a Passover sacrifice on that festival,*" etc. Thus guilt was incurred if the sacrifice was offered expressly for other than the Passover purpose, but if offered in silence no guilt was incurred? Why should this be so? Do we not know that if that sacrifice were brought at any other time of the year in silence it would be considered a peace-offering, and a peace-offering brought on the Passover with leaven would certainly make one culpable? Thus, we infer from R. Simeon's teaching to the effect that he is not culpable; that if a paschal lamb is brought without comment, it remains just what it is, and if it is intended for a peace-offering, it must be distinctly stated.

Said R. Hyya bar Garuda: "It was decided by the entire assembly that the Mishna should be explained thus: The case treated of is where the congregation were all rendered unclean through a corpse, in which case the Passover was postponed for one month and was called the Second Passover; then if the paschal offering was brought in silence, it was certainly brought as a Passover-sacrifice."

MISHNA: The Passover-sacrifice was slaughtered for three successive divisions of men, because it is written [Exod. xii. 6]: "The whole *assembly* of the *congregation* of *Israel* shall slaughter it"; (thus three divisions were necessary, according to the expressions) "*assembly,*" "*congregation,*" and "*Israel.*" The first division entered until the court of the Temple was filled, when the doors of the court were closed, and the cornet (horn) sounded Tekiah (one blast), Teruah (a succession of quick blasts), and Tekiah (another blast). The priests then placed themselves in double rows (file), each priest holding either a bowl of silver or a bowl of gold in his hand, but one row of priests had to hold all silver bowls and the other all gold—they were not allowed to be mixed. These bowls had no stands

underneath, so that the priests might not put them down and allow the blood to become coagulated.

The Israelite slaughtered and the priest received the blood and gave it to another priest, who in turn passed it to another, and each receiving a full bowl, at the same time returning an empty one; the priest nearest the altar squirted out the blood in one (continuous) stream at the base of the altar. (This done) the first division went out and the second entered; when that went out, the third entered; in the same manner as the first, so did also the second and third divisions proceed.

The Hallel (prayer of praise) was read (by each division): if they had finished (before completing their duties), they commenced it over again, and might even say it for the third time, although it never happened that there was occasion to say it thrice. R. Jehudah says: "It never happened that the third division read as far as the chapter commencing, 'It is lovely to me, that the Lord heareth my voice' (Psalms cxvi.),* because they were few in number."

The same things that were done on week-days were also done on the Sabbath, excepting that the priests would on that day wash the court, contrary to the wishes of the sages. R. Jehudah says: "A cup was filled with the mixed blood (of all the sacrifices) and was squirted out in one (continuous) stream on the altar"; but the sages would not admit that such was the case.

In what manner was the paschal sacrifice suspended and its skin removed? Iron hooks were affixed to the walls and pillars, on which the sacrifice was suspended and its skin removed.

Those who could not find a place to do it in that manner used thin, smooth sticks of wood provided there for that purpose, on which they suspended the paschal sacrifice (and resting the sticks) between the shoulders of two persons, to remove the skin. R. Eliezer says: "If the 14th (of Nissan) occurred on a Sabbath, one person would place his left hand on the right shoulder of another, the latter would place his right hand on the left shoulder of the former, and thus suspending the sacrifice on the arms would remove the skin with their right hands."

When the sacrifice had been opened, the pieces which were to be sacrificed on the altar were removed, placed on a large dish, and offered up with incense on the altar. When the first

* The Hallel prayer consists of the recital of six chapters of Psalms, from cxlii. to cxviii. incl.

division had gone out (on the Sabbath), they would remain on the mount of the Temple; the second would remain in the open space between the ramparts of the Temple, and the third division remained in its place. As soon as it became dark, they all went out to roast their sacrifices.

GEMARA: R. Itz'hak said: "The paschal sacrifice was not slaughtered unless there were three divisions of thirty men each; why so? Because it is written: 'The whole *assembly* of the *congregation* of *Israel*—thus '*assembly*' means ten men, '*congregation*' ten men, and '*Israel*' also ten men.'" It was doubtful, however, whether the thirty men had to be together, or whether only ten men at a time had to be present. So it was ordered that thirty men should enter, and as soon as ten were ready they went out, and ten others took their place; the next ten then left, and another ten entered; finally, the last thirty men went out together—thus each division numbered fifty men, or all three divisions one hundred and fifty men.

"*The first division entered,*" etc. It was taught: Abayi said, "that as soon as the first division entered the doors closed of themselves," while Rabha states, "that the doors were closed (by men), according to the teaching of the Mishna." What is the difference? According to Abayi, who states that the Mishna teaches that the doors closed of themselves, a miracle could be depended upon to gauge the number who were permitted to enter, while Rabha maintains that no miracle was depended upon, but that men appointed for that purpose would see when the court was filled and would then close the doors.

The rabbis taught: It never happened that a man was crushed to death by the vast throng except once during the time of Hillel, when an old man was killed in the crowd. On that account that Passover was called the "crushed Passover."

The rabbis taught: "Agrippa the king once wanted to know how many male Israelites there were. So he told the high-priest to keep account of the paschal lambs. The high-priest then ordered, that one kidney of each paschal lamb be preserved, and it was found that six hundred thousand pairs of kidneys were preserved; and this was twice the number of the Israelites who went out of Egypt. Naturally, this was exclusive of all Israelites who were unclean and could not offer the sacrifice, and all those who lived at a great distance from Jerusalem and were not in duty bound to be present. There was not a single paschal lamb that did not represent at least more than ten persons.

That Passover was ever afterwards known as the 'large Passover.' "

How could the kidneys be preserved? Was it not imperative that they should be offered up on the altar? The kidneys were merely deposited by one priest until another came along and substituted something else in their place.

" *The priests then placed themselves in double rows,*" etc. Why was this done? Shall we assume that, if this were not done, a priest might empty the blood contained in a golden bowl into a silver bowl, and thus degrade the sanctity of the blood of the sacrifice; then might not a priest also empty the contents of a bowl worth two hundred (dinars) into one worth only a hundred, and thus bring about the same condition? Hence we must say, that it was not on that account, but merely for the sake of better appearance.

" *These bowls had no stands underneath,*" etc. The rabbis taught: There were no bowls on the Temple that had any stands except those used to contain the incense which was placed near the showbreads, for had those bowls no stands it was feared that they might fall over on the sides of the showbreads and crush them.

" *The Israelite slaughtered.*" This is related by the Mishna in order to demonstrate that an ordinary Israelite may slaughter.

" *The priest removed the blood,*" etc. This is related in order to inform us that all subsequent acts necessary for the sacrifice were performed by the priests.

" *Gave it to another priest,*" etc. The Mishna teaches us thereby that [Proverbs xiv. 28]: "In the multitude of people is the King's glory."

" *Receiving a full bowl, at the same time returning an empty one.*" This bears out the statement of R. Simeon ben Lakish to the effect that a religious duty must not be passed by; *i.e.*, it must first be accomplished and then transferred to another; but not the reverse.

" *The priest nearest the altar,*" etc. Who is the Tana who holds that the blood of the Passover-sacrifice must be squirted at the base of the altar? Said R. Hisda: "That is R. Jose the Galilean, as we have learned in the following Boraitha: R. Jose the Galilean said: It is written [Numbers xviii. 17]: 'Their blood shalt thou sprinkle upon the altar, and their fat shalt thou burn as a fire-offering,' and as it does not say 'its blood' or 'its fat,' but in the plural, 'their blood' and 'their fat,' it signifies

that the blood of the firstlings and of the first tithes and of the Passover-sacrifice must be sprinkled, and the pieces which must be offered should be offered up on the altar."

Whence do we know, however, that the blood must be squirted at the *base* of the altar? Said R. Elazar: "By means of a comparison by analogy with the case of a burnt-offering, concerning which it is written [Levit. i. 11]: "And the sons of Aaron, the priests, shall sprinkle its blood upon the altar round about." Thus as in the passage quoted above [Numb. xviii. 7] "sprinkling" is also mentioned, the inference is that in both cases the sprinkling must be done at the base of the altar. Whence do we know that the blood of a burnt-offering must be sprinkled at the *base* of the altar? From the passage [ibid. iv. 18]: "And all the blood shall he pour out at the *base* of the altar of burnt-offering."

"*The first division went out,*" etc. We have learned in a Boraitha that the third division was called the "tardy division." Why should this be so? One division had to be the last? Everyone had to strive to be first, as we have learned in a Boraitha: "R. Jose said: The world cannot exist without an apothecary and without a tanner, yet well is to him who follows the profession of an apothecary and woe is to him who follows the calling of a tanner. The world cannot exist without males and females; yet well is to him who hath sons and woe is to him who hath daughters."

"*The priests, etc., would wash the courts, contrary to the wishes of the sages.*" Who were the sages who were opposed to this? Said R. Hisda: "That was only R. Eliezer, for the other sages all held that a rabbinical prohibition was never effective in the Temple." (See Tract Sabbath, page 187.)

"*R. Jehudah says, 'A cup was filled,'*" etc. We have learned in a Boraitha: R. Jehudah said: "A cup was filled with the mixed blood lest the blood of one of the bowls held by the priests be spilled in transit, and thus the sacrifice whence the blood came became invalid." R. Jehudah was asked, however: "Supposing the mixed blood was taken from that which was spilled on the ground and not from that which had been received in the bowls, would this not be unlawful?" and he replied: "I refer only to such as had been received in the bowls."

How could this distinction be made in the midst of such a vast multitude? The priests were very dexterous. If so, why was there fear that the blood of one of the bowls might be

spilled? Just because they were so dexterous, there is all the more reason to assume that in the handling of the bowls some of the blood might be spilt.

Was it not certain, however, that in that mixed blood there was the last (life) blood of the sacrifice (which must not be offered up on the altar)? R. Jehudah holds to his individual theory, that one kind of blood does not interfere with another, and if the proper blood was sprinkled it was sufficient.

"The pieces, etc., were placed on a large dish and offered up."

Did the same person offer it up on the altar? Read in the Mishna: He would place it on a large dish until a priest would come and offer it up.

We have learned in a Boraitha: As soon as a man had finished preparing his sacrifice, he would wrap up in the skin and carry it off. Said R. Elish: This is after the manner of the Ishmaelitish meat-dealers.

CHAPTER VI.

REGULATIONS CONCERNING ACTS WHICH SUPERSEDE THE DUE OBSERVANCE OF THE SABBATH—THE SACRIFICE OF THE PASCHAL OFFERING—WHAT IS TO BE DONE IF ONE SACRIFICE IS CONFOUNDED WITH ANOTHER.

MISHNA: The following acts necessary for the sacrifice of the paschal offering supersede the due observance of the Sabbath, namely: The slaughtering thereof, the sprinkling of its blood, the removal of its entrails, and the burning of the fat with incense; but the roasting of the sacrifice, as well as the washing of its entrails, does not supersede the due observance of the Sabbath. To carry and bring it beyond the sabbatical legal limits, or to remove a wen (or spreading sore) thereon, is an act which does not supersede the due observance of the Sabbath. R. Eliezer, however, says they do supersede it. "For," said R. Eliezer, "this is surely a logical sequence; if slaughtering an animal, which is prohibited on the Sabbath as being a principal act of labor, is allowed in this instance (of the Passover) and even supersedes the Sabbath, does it not follow that these two acts, which are only prohibited by rabbinical law, should also in this instance supersede the Sabbath?" R. Jehoshua answered and said: "The laws concerning the festival will prove the contrary; for many things prohibited on the Sabbath as being principal acts of labor are nevertheless permitted on the festival,* while other things which are prohibited by rabbinical law are yet prohibited on the festival."† R. Eliezer replied: "What is the matter with thee, Jehoshua? How canst thou adduce proof from purely voluntary acts (such as cooking) to such as are distinctly prohibited by biblical law?" R. Aqiba then answered: "The act of sprinkling (a person who had become unclean) will prove it; for that is a distinct biblical commandment and is only prohibited on the Sabbath by rab-

* Such as cooking, lighting a fire, splitting wood, etc.

† Such as moving things from one legal limit into another without the combination of an Erub. (*Vide* Tract Betza.)

binical law, still it does not supersede the due observance of the Sabbath; * do not therefore wonder that these acts, which are also religious duties, and are only prohibited on the Sabbath by rabbinical law, should still not be allowed to supersede the Sabbath." R. Eliezer replied, however: "I also adduce my inference from the act of sprinkling, and maintain that if slaughtering, which is prohibited to be done on the Sabbath as a principal act of labor, is in this instance allowed to supersede the due observance of the Sabbath, does it not follow that the sprinkling of a person who had become unclean, and which is only prohibited to be done on Sabbath by rabbinical law, should in so much greater a degree supersede the Sabbath?" But R. Aqiba said: "Rather conclude the reverse: for if the sprinkling, which is only prohibited by rabbinical law, nevertheless does not supersede the Sabbath, does it not follow that slaughtering, which is prohibited as a principal act of labor, should *a fortiori* not supersede the Sabbath?" R. Eliezer then said to him: "Aqiba! wouldst thou then annul what is written in the Scriptures [Numb. ix. 3]: 'Toward evening shall ye prepare it, *at its appointed season*,' (and which signifies) whether it be a week or a Sabbath day?" Rejoined R. Aqiba: "Rabbi, pray adduce a text that prescribes a particular (and appointed) time for the performance of these acts (mentioned in the first part of this Mishna), even as there is one concerning the slaughtering of the paschal sacrifice." The following rule therefore did R. Aqiba lay down: Every act necessary for the paschal sacrifice, which can be accomplished previous to the advent of the Sabbath, does not supersede the due observance of the Sabbath; but as the slaughtering of the paschal lamb cannot be done before the Sabbath, it supersedes the Sabbath.

GEMARA: The rabbis taught: The Halakha in the Mishna was not known to the children of Bathyra; for it once happened that the 14th (of Nissan) occurred on a Sabbath, and they did not know whether the Passover sacrifices superseded the due observance of the Sabbath or not. They therefore commenced to look around for a man who knew the Halakha, and they were told that there was a man who had recently come from Babylon, called Hillel of Babylon, and who had learned under the two greatest men of that generation, namely, Shemaiah

* Even if that day be the last day on which an unclean person may be sprinkled, and occur on the 14th (of Nissan), when should he not be sprinkled, he would not be allowed to partake of the paschal lamb.

and Abtalion; he would probably be able to aid them in their dilemma. They sent for him and asked him: "Dost thou know whether the Passover-sacrifice supersedes the Sabbath?" and he answered: "Have we only one Passover-sacrifice that supersedes the Sabbath? are there not over two hundred sacrifices that supersede the Sabbath?" (*i.e.*, the continual daily offerings which are offered twice on the Sabbath and the additional two sacrifices which are brought especially on the Sabbath). But they insisted upon his basing his assertion upon some actual text, and he said: "As it is written concerning the continual daily sacrifice [Numb. xxviii. 2]: 'My offering, etc., shall ye observe to offer unto me in its due season,' and the same term, 'at its appointed season,' is mentioned in connection with the Passover-sacrifice [Numb. ix. 2], therefore both may supersede the Sabbath. Aside from this analogous deduction, there is also an *a fortiori* conclusion; for if on account of the continual daily sacrifice, for the neglect of which the penalty of Kareth is *not* incurred, the Sabbath may be violated, so much the more is this allowed on account of the Passover-sacrifice, for the omission of which the penalty of Kareth *is* incurred." When they heard this, they immediately placed him at their head and made him a prince. Thereupon he sat all day and preached upon the Halakhoth of the Passover.

Subsequently Hillel began to reproach them, and said: "What induced you to set me up as a prince among you? Only your own idleness in not taking advantage of the learning of the two great men of your generation, Shemaiah and Abtalion."

The following question was propounded to Hillel: "What is the law if a man had forgotten to bring the slaughtering knife on the day preceding the Sabbath?" He answered: "I have heard the Halakha but have forgotten it. Leave this, however, to the Israelites themselves, for though they are not prophets they are descendants of prophets, and they will know what to do." On the morrow he noticed that those who brought sheep as a sacrifice had the knife thrust in the wool of the sheep and those that brought goats as a sacrifice had the knife stuck between the horns, whereupon he remembered the Halakha covering the case and exclaimed: "Thus is the tradition which I have received from my masters Shemaiah and Abtalion."

The Master said: It is written, "in its due season," etc. Whence is it adduced, however, that the continual daily sacrifice

supersedes the due observance of the Sabbath? From the passage "in its due season"? Is not the same passage to be found in connection with the paschal offering? Why, then, was the question put concerning the latter, while concerning the former it seemed to be an established fact that the Sabbath might be violated on its account? Certainly such is the case! For it is explicitly stated [Numb. xxviii. 10]: "This is the burnt-offering of the Sabbath on every Sabbath, *besides* the continual burnt-offering and its drink-offerings."

The Master said: "On the morrow those who brought a sheep as their sacrifice had the knife thrust in the wool." Would this not constitute the performance of work with a consecrated thing (which is prohibited)? This is in accordance with the custom of Hillel, concerning whom it is said, that in his time not a single transgression was committed with the consecrated animals, because he instituted the custom that they be brought to the court of the Temple in a non-consecrated state, and consecrated in the court of the Temple.

How can the Passover-sacrifice, however, be brought as an ordinary animal in the Temple on the Sabbath? It is not allowed to consecrate things on the Sabbath? This applies only to ordinary articles which were to be consecrated, but not to such as it was a duty to consecrate; for R. Johanan said, that Passover sacrifices may be consecrated on a Sabbath and a festival sacrifice on a festival.

When bringing the sheep with the knife in its wool, did not that constitute an indirect performance of work on the Sabbath, which, although it was not prohibited by biblical law, was nevertheless prohibited by rabbinical law? This was the question propounded to Hillel, whether an act prohibited only by rabbinical law but not by biblical might be performed on the Sabbath in order to discharge a religious duty, and in answer to which he said that he had forgotten the Halakha, but which he afterwards remembered and decided in the affirmative.

Said R. Jehudah in the name of Rabh: "He who is arrogant, if he be one of the sages his wisdom leaveth him, and if he be a prophet his power of prophecy forsaketh him. If he be a sage his wisdom leaveth him, is aptly illustrated by the case of Hillel, who, as soon as he reproached the people and vaunted his own greatness, when asked concerning a certain Halakha admitted that he had forgotten it; and if he be a prophet his power of prophecy forsaketh him, may be inferred from the case

of Deborah the prophetess, as it is written [Judges v. 7]: 'Desolate were the open towns in Israel, they were desolate until that I arose, Deborah, that I arose a mother in Israel,' while further on it is written [ibid. 12]: 'Awake, awake, Deborah,' whence the conclusion that her power left her, for otherwise the admonition to awake would be unnecessary."

Resh Lakish said: A man who becomes angry, if he be a sage his wisdom leaveth him, and if he be a prophet his power of prophecy forsaketh him. The first instance is illustrated by the case of Moses, as it is written [Numb. xxxi. 14]: "And Moses was wroth with the officers of the host," and further it says [ibid. 21]: "And Elazar the priest said unto the men of the army who had gone to the battle, This is the ordinance of the law which the Lord hath commanded Moses," whence the inference that Elazar said this because Moses must have forgotten it. The second instance is illustrated by the case of Elisha the prophet, as it is written [II Kings iii. 14]: "And Elisha said, As the Lord of hosts liveth, before whom I have stood, surely, were it not that I regard the presence of Jehoshaphat the king of Judah, I would not look toward thee, nor see thee," while in the following passage it is said: "But now bring me a musician. And it came to pass, when the musician played, that the inspiration of the Lord came upon him," whence the conclusion that his power forsook him and could be restored only by the aid of a musician. R. Mani bar Patish said: If a man becomes angry, even if greatness had been predestined for him, it is not granted him, and whence do I adduce this? From the case of Eliab, as it is written [I Samuel xvii. 28]: "And Eliab's anger was kindled against David, and he said, Why didst thou come down hither? and with whom hast thou left those few sheep in the wilderness? I know thy presumption, and the wickedness of thy heart; for in order to see the battle art thou come down," and it is also written, that when Samuel went to anoint one of the sons of Jesse as a king, and the other sons of Jesse were brought before him, he said: "This one also hath the Lord not chosen" [ibid. xvi. 8, 9], while concerning Eliab it is written [ibid. 7]: "But the Lord said unto Samuel, Regard not his appearance, nor the height of his stature; because I have rejected him," whence the conclusion that the Lord had previously intended to have him anointed, but on account of Eliab's anger He had subsequently rejected him.

From what we have learned so far, we know that the contin-

ual daily offering and the Passover-sacrifice supersede the Sabbath, but whence do we know that they also supersede the law of uncleanness? I will tell you! In the same manner as we have deduced (by analogy) from the continual daily offering the law of the Passover-sacrifice, so we deduce from the Passover-sacrifice, which supersedes uncleanness, that the continual daily sacrifice also supersedes uncleanness. Whence do we know that the Passover-sacrifice itself supersedes the law of uncleanness? Said R. Johanan: "Because it is written [Numbers ix. 10]: 'If any man whatever should be unclean by reason of a dead body,' etc., we infer from the term, 'any man whatever,' that only individuals must defer the Passover-sacrifice until the second Passover; but if there is a congregation they should prepare the paschal lamb, notwithstanding the fact that they are unclean."

"*The washing of its entrails.*" What is meant by washing the entrails? Said R. Huna: "The entrails are pricked with a knife and then washed," and R. Hyya bar Rabh says: "They are merely pressed with a knife, and in that manner the filth is removed."

It is written [Isaiah v. 17]: "Then shall the sheep feed according to their wont, and the ruins of the fat ones shall sojourners eat." Said Menasseh bar Jeremiah in the name of Rabh: The term "according to their wont" being expressed by (the Hebrew word) *Kedabram*, and "*Debur*" meaning "speaking," the expression *Kedabram* should be explained to mean, "as they were spoken of." The word "sheep" refers to the Israelites, and thus the passage signifies: "Then shall the Israelites feed as they were spoken of." What was spoken of concerning them? Said Abayi: "By the latter part of that verse and by the 'sojourners' are meant the righteous who at that time were strangers, but in the future they would be the inhabitants and feed on the ruins of the fat ones." Said Rabha to him: This interpretation would be correct if there were not the word "and" between the two passages, but that word gives the latter passage a distinct significance; therefore, said he, the passage will have the meaning given it by R. Hananel in the name of Rabh, who said that in the future the righteous would have the power to arouse the dead; because in this passage quoted it is said: "Then shall the sheep feed according to their wont," and in another passage [Micah vii. 14]: "Let them feed in Bashan and Gilead, as in the days of old." By Bashan is meant Elisha,

the man of Bashan, as it is written [I Chronicles v. 12]: "Yanai and Shaphat in Bashan," and [II Kings iii. 11]: "Elisha the son of Shaphat" (hence Elisha, being the son of Shaphat, was from Bashan). By Gilead is meant Elijah, as it is written [I Kings xvii. 1]: "Elijah the Tishbite, who was of the inhabitants of Gilead" (and both of these prophets Elijah and Elisha roused the dead). Thus the original passage quoted [Isaiah v. 17] should be interpreted as follows: As in the days of old Elijah and Elisha aroused the dead, so will in the future other righteous men also have that power.*

R. Samuel ben Na'hmeni in the name of R. Jonathan deduces the above conclusion from the passage [Zechariah viii. 4]: "Thus hath said the Lord of Hosts, Again shall there sit old men and women in the streets of Jerusalem, and every one with *staff* in hand because of their multitude of years"; and as it is written [II Kings iv. 29]: "Lay my *staff* upon the face of the lad," the inference that the righteous will have the power to arouse the dead is deduced from the analogy of the two passages, the latter of which deals with the arousing of the dead.

"*The burning of the fat with incense.*" We have learned in a Boraitha: R. Simeon said: "Come and observe how pleasing the fulfilment of a religious duty at its proper time was to them! We well know that the burning of the fat and of certain pieces could be accomplished at any time during the night; still they did not postpone it, but accomplished it immediately."

"*To carry and bring it beyond the sabbatical legal limits.*" (This passage of the Mishna is explained in Tract Erubin, pages 245-246.)

"*For, said R. Eliezer, if slaughtering an animal,*" etc. (What could R. Jehoshua reply to this?) R. Jehoshua holds to his individual theory, that the enjoyment of a festival by feasting and drinking is also a religious duty (as explained in a Boraitha on Tract Betza).†

"*R. Aqiba then answered: The act of sprinkling,*" etc. We have learned in a Boraitha: R. Eliezer said to him: "Aqiba, thou hast refuted my assertion with (the instance of) slaughtering; by slaughter shalt thou suffer death!" Said R. Aqiba: "Rabbi, the time when thou judgest me, do not deny what

* This lecture is inserted because in the previous paragraphs sheep were dealt with in connection with the Passover-sacrifice.

† The entire argument concerning the enjoyment of a festival will be brought up at its proper place in Tract Betza (Yom Tob).

thou thyself taughtest me! The tradition I quote comes from thee, that sprinkling (an unclean person) is a rabbinical law and does not supersede the due observance of the Sabbath."

If R. Eliezer actually taught R. Aqiba to this effect, why was he angry with him? R. Eliezer had forgotten that teaching, and R. Aqiba reminded him through his answer. Why did R. Aqiba not say at the time that he had learned it from R. Eliezer? Because it is not seemly that a teacher be told that he had forgotten.

Why should sprinkling not supersede the due observance of the Sabbath; it is only a matter of holding a little water, and if necessary to enable a man to partake of the paschal lamb, why should it not be permitted on the Sabbath? Said Rabha: "The prohibition is merely a precautionary measure, lest a man carry the water four ells in public ground."

According to R. Eliezer, however, who maintains (in Tract Sabbath) that the preparation for the accomplishment of a religious duty supersedes the Sabbath, what matters it if the water was carried four ells in public ground? I will tell you! R. Eliezer in that instance refers to a religious duty which the man is already obliged to discharge, but in this case the man, being still unclean, is not subject to the performance of that duty, but by being sprinkled is merely rendered so, and in such a case R. Eliezer does not apply his decision.

Rabha said: "According to the opinion of R. Eliezer just quoted, it is permitted to heat water on Sabbath for a child who is *healthy*, in order to strengthen it, and then circumcise it, because the child is already subject to the performance of that duty; but if the child is not well, heating water is not permitted, because in such a condition the child is *not* subject to that duty." Replied Rabha: "If the child is healthy, what need is there of heating water for it? Therefore," said he, "with respect to circumcision, all children are considered as being unwell until they are bathed, and are not subject to the duty of circumcision prior to being bathed. Hence no water should be heated for a child who is healthy, according to R. Eliezer, on the Sabbath, but on the preceding day."

"*The following rule therefore did R. Aqiba lay down,*" etc. Said R. Jehudah in the name of Rabh: "The Halakha prevails according to R. Aqiba." Concerning circumcision R. Aqiba laid down the same rule, and R. Jehudah also said in the name of Rabh, that the Halakha prevails according to R. Aqiba. (At

the proper place in Tract Sabbath the reason why R. Aqiba made the rule in both instances is explained, page 295.)

MISHNA: Under what circumstances is it allowed to bring a festal offering in addition to the paschal sacrifice? When the paschal sacrifice is sacrificed on a week-day, when those offering it are legally (ritually) clean, and if it is insufficient for the number appointed to partake thereof. But if it is sacrificed on a Sabbath, if it is sufficient for those appointed to eat it, or when those are legally unclean, no festal offering may be brought in addition to the paschal sacrifice. The festal offering may be brought of the flock, of cattle, lambs or goats, and may be either male or female (animals); the time during which it is a duty to consume it is two days and a night.

GEMARA: The Tana who holds that a festal offering must not be brought on the Sabbath is also the same who maintains that bringing or carrying the paschal sacrifice from beyond the sabbatical legal limits does not supersede the due observance of the Sabbath. Thus the statement in our Mishna is merely supplementary to that of the previous Mishna, and signifies that a festal offering may be brought only on a week-day, but it does not supersede the Sabbath.

For what purpose is a festal offering brought generally in addition to the paschal sacrifice? As we have learned in the following Boraitha: "The festal offering which is brought in addition to the paschal offering should be eaten prior to the latter, in order that the paschal offering may be the last to satiate the appetite of those who partake thereof."

"*Two days and a night*," etc. Our Mishna is not in accordance with the opinion of Ben Thamah. We have learned in a Boraitha: Ben Thamah said: "The festal offering brought in addition to the paschal sacrifice is in all respects equal to the paschal sacrifice itself, and should be eaten only in the course of one day and night. The festal offering, however, brought on the 15th (the festival proper) should be consumed during the course of *two* days and one night. The festal offering brought on the 14th with the paschal sacrifice only fulfils the duty of enjoying the festival, but the injunction not to come empty-handed into the Temple is not satisfied thereby. The festal offering brought in addition to the paschal sacrifice must be brought of sheep only, but not of oxen; it must be male and not a female, and not over one year old. It should be consumed in the course of one day and night, and must not be eaten

except it be roasted, and not by any except those appointed to eat the paschal sacrifice."

What is Ben Thamah's reason for this statement? He bases it upon the teaching of Rabh to Hyya the son of Rabh, as follows: It is written [Exod. xxxiv. 25]: "Neither shall be left unto morning the sacrifice of the feast of the Passover." From the fact that the passage states "the feast of the Passover," while it could have merely said "the Passover," it must be assumed that the festal offering brought in addition to the paschal sacrifice is meant, and the verse distinctly states that it must not be left until morning.

We have learned in a Boraitha: Jehudah ben Durthai and his son Durthai severed themselves from the company of the other sages and settled in the South (on account of the decree of the sages to the effect that the festal offering does not supersede the Sabbath). He said to them: "When Elijah will come and ask you why ye did not offer a festal offering on the Sabbath, what will ye answer?" and, moreover, he said: "I am astonished at the two great men of this generation, Shemaiah and Abtalion, who were so wise and such excellent preachers, that they did not teach in Israel that the festal offering supersedes the due observance of the Sabbath."

Said Rabh: What was the basis of Ben Durthai's statement? It is written [Deut. xvi. 2]: "And thou shalt sacrifice the Passover-offering unto the Lord thy God, of sheep and oxen," and this surely cannot refer to the paschal sacrifice alone, which must be brought only of sheep and goats. Hence by "sheep" is meant the paschal sacrifice and by "oxen" the festal offering, and as it says "thou shalt sacrifice," it certainly refers to the Sabbath also. Said R. Ashi: Shall we rack our brains to find justifications for men who had severed themselves from the company of our sages? Therefore say, rather, that the passage just quoted refers to the statement of R. Na'hman, who said in the name of Rabba bar Abbahu: Whence do we know that such sheep as had been left over from those which had been separated as paschal sacrifices may be brought as peace-offerings? Because it is written: "Thou shalt sacrifice the Passover-offering unto the Lord thy God, of sheep and oxen," and this surely cannot refer to the paschal sacrifice alone, which must be brought only of sheep or goats. Hence we must say that whatever remains over from the paschal sacrifice may be used for such sacrifices as can be brought either from sheep or oxen.

Why does the festal offering in reality not supersede the Sabbath, according to the decree of the sages? Is it not a congregational sacrifice, and as such privileged to supersede the observance of the Sabbath? Said R. Ilayi in the name of R. Jehudah ben Saphra: It is written [Levit. xxiii. 41]: "And ye shall keep it as a feast unto the Lord seven days in the year." The Feast of Tabernacles (to which this passage refers) is, however, to be observed eight days? Hence we must assume that the festal offering does not supersede the observance of the Sabbath, and (leaving out the Sabbath in consequence) there are only seven days left.

When Rabhin came from Palestine he said: "I once said in the presence of my masters that the Feast of Tabernacles may sometimes last only six days. If, *f.i.*, the first day occurs on Sabbath, the last day would also be Sabbath, and as it is not allowed to bring festive offerings on those days, the festival lasts only six days."*

Said Abayi: "This statement could not have been made by Rabhin (R. Abhin), but rather by Abhin Thekla (Thekla means one who is childless or has lost his children), because it cannot stand; for eight feast days can never occur in succession, as one must be a Sabbath; seven feast days are the rule, whereas it seldom happens that there should be only six."†

Ula said in the name of R. Elazar: A peace-offering brought on the eve of Passover cannot serve for the fulfilment of the duty of rejoicing on the festival nor for the festal offering to be brought with the paschal sacrifice. The first duty is not discharged, because it is written [Deut. xxvii. 7]: "And thou shalt slay peace-offerings, and eat them there, and thou shalt rejoice before the Lord thy God." Hence the peace-offering must be slain when the time for rejoicing had already arrived, *i.e.*, on the festival; but on the *eve* of Passover it had not yet arrived. The second duty is not acquitted, because a festive offering must be brought of ordinary animals and not of consecrated,

* This statement of Rabhin is virtually a refutation of R. Ilayi's inference that the Feast of Tabernacles lasts only seven days, because the Sabbath, on which no festive offering is brought, is not counted—by stating that at times the Feast could last only six days.

† The original text only reads: "Could Abhin Thekla have said this?" In the commentary of Solomon Lurie, entitled "Yam shel Shlomo," it is stated, and rightly so, that Abayi would not have spoken so disrespectfully of Rabhin, who lived generations before him and was a great man, and hence the explanation rendered by us is given.

and an animal brought as a peace-offering is already consecrated.

When Rabhin came from Palestine, he said, however, in the name of R. Elazar: "A peace-offering brought on the eve of Passover fulfils the duty of rejoicing on the festival, as it need not be brought at the time when rejoicing is already a duty but may be brought previously; but it does *not* fulfil the duty of bringing the festal offering, because it is consecrated, and the festal offering must be brought of non-consecrated (ordinary) animals."

An objection was made: It is written [Deut. xvi. 15]: "And thou shalt only rejoice," and this is an additional behest to rejoice also on the night of the last day of the festival. Perhaps this additional behest refers to the first night? The word "only" in the passage makes the distinction, and confirms the view that it means the last night. Hence we must assume that on the first night rejoicing is not possible, because there was nothing to rejoice with; *i.e.*, the peace-offering was not yet permitted to be slaughtered and the flesh (with which it is necessary to celebrate the festival) could not yet be had. (Is this not contradictory to Rabhin's decree?)

Nay; the reason the first night is not included in the additional behest is as is taught in the following Boraitha: Why is the last night of the festival included in the additional behest and the first night excluded? The last night was preceded by rejoicing and is for that reason included, while the first night was preceded by ordinary days and is for that reason excluded.

R. Kahana said: "Whence do we know that the pieces of the festal offering which was sacrificed on the 15th day (*i.e.*, the festival proper) are invalid if allowed to remain until morning? Because it is written [Exod. xxiii. 18]: 'Neither shall the fat of my festive sacrifice remain until morning,' and immediately following this it is written: 'The first,' etc., whence we adduce that the morning must be the first and not the second morning."

R. Joseph opposed this: "So it is only because the subsequent verse commences with 'the first' that the pieces of the festal offering may remain only until the first morning, but if the verse did not commence with 'the first' it would be allowed to leave them even until the second morning? Can it be that the pieces of a sacrifice the flesh of which becomes useless in the

night of the day it was offered may remain even until the second morning?" Rejoined Abayi: "Why not? Do we not find in the case of the paschal offering, according to the opinion of R. Elazar ben Azariah, that while the flesh thereof becomes invalid in the middle of the night, the pieces to be offered up become invalid only in the morning?"

Rabha answered: "R. Joseph means to ask, 'Where do we find an instance of where the Tana dispenses with a passage referring to the flesh, whereas R. Kahana brings a passage regarding the pieces of the sacrifice.'"

MISHNA: If a person brought a paschal sacrifice on the Sabbath, not for its proper purpose, he is obliged to bring a sin-offering in expiation. If he slaughtered other sacrifices to serve as a paschal offering, if they were such that they could not be suitable for the paschal sacrifice, he is guilty; but if they were suitable for that purpose, R. Eliezer declares him culpable, but R. Jehoshua declares him free. For thus argues R. Eliezer: If a person is held to be culpable for changing the name (denomination) of the paschal sacrifice, which he is allowed to slaughter on Sabbath, does it not follow that if he brought sacrifices which were in themselves prohibited to be brought on the Sabbath, under another denomination, that he must in so much greater a degree be considered culpable? To this R. Jehoshua replied: "Nay; we cannot apply the decree concerning a sacrifice which was changed to what was prohibited to offer on the Sabbath, to other sacrifices which had been changed to that which was permitted to be brought on the Sabbath." R. Eliezer replied: "The offerings brought for the whole congregation of Israel shall prove my assertion, for it is lawful to offer them on the Sabbath for their proper purpose; yet whoever brings other sacrifices under their denomination is held to be guilty." Then R. Jehoshua rejoined: "Nay; we cannot apply the decree concerning the offerings of the whole congregation, which have a determinate number, to the paschal sacrifices, which have no determinate number." R. Meir said: One who also offers on the Sabbath other offerings under the denomination of those of the congregation is absolved.

If a person slaughtered the paschal sacrifice for those who will not partake thereof, or for persons who are not appointed to partake thereof, and for uncircumcised and unclean persons, he is culpable; but if he had slaughtered it for those who will and also for those who will not partake thereof, for those appointed

to eat it and for those who are not, for circumcised as well as for uncircumcised, or for clean and also for unclean persons, he is absolved.

If one slaughtered (the paschal lamb) and a blemish was found thereon, he is culpable; but if, after being slaughtered, it was found to be Trepah (prohibited to be eaten) on account of inward blemishes, he is not culpable. If after slaughtering (the lamb) the man was advised that the participants had withdrawn themselves from it, or had died, or become defiled, he is absolved, because when he slaughtered it, it was under lawful circumstances.

GEMARA: How is the case to be considered concerning the man who brought a paschal sacrifice not for its proper purpose? Shall we assume that he made a mistake (and thought that he was slaughtering another sacrifice), and still he is held culpable? Whence the inference that the denomination of a thing may also be annulled through error; but this is not so. Therefore it must be assumed that there was no error, but that the man intentionally sacrificed the paschal offering for another purpose (*f.i.*, for a peace-offering); if so, how will the latter clause, to the effect that if he slaughtered other sacrifices to serve for a paschal offering and they were suitable for a paschal offering, R. Jehoshua declares him free, be consistent; for if he did so intentionally, what difference does it make whether the sacrifices were suitable or not, the fact that he sacrificed them on the Sabbath remains—how then could R. Jehoshua declare him free? Hence it must be assumed that this latter clause refers to one who did so through error, and in such an event the first clause of the Mishna will treat of an intentional case while the next clause will refer to an act committed through error? Said R. Abin: "Such is indeed the case."

R. Itz'hak bar Joseph found R. Abbahu standing amongst a crowd of men in a room and asked him how this Mishna should be understood, and he answered: "The first clause deals with an intentional case and the next clause with an erroneous commission of an act." R. Itz'hak learned this from R. Abbahu forty times, and he then retained it forever.

An objection was made, based upon the Mishna where R. Eliezer said to R. Jehoshua: "If a person is held to be culpable for changing the denomination of the paschal sacrifice," etc. If, however, the first clause treats of an intentional case and the next clause of a case of error, would not R. Eliezer's argument

be sufficiently answered by R. Jehoshua simply claiming that the man is free because he committed the deed through error? R. Jehoshua meant to state: According to my opinion, thy argument does not hold good, from the very fact that I hold a man to be free if he committed the deed by mistake; but even according to thy opinion, that a man is also culpable when committing an act through error, thy argument is not effective, for in the first instance the sacrifice was changed to an offering which is prohibited to be brought on Sabbath, while in the second instance the sacrifice was changed to one which might be brought on Sabbath.

R. Eliezer replied: "The offerings brought for the whole congregation of Israel shall prove my assertion, for it is lawful to offer them on the Sabbath for their proper purpose; yet whoever brings other sacrifices under their denomination is held to be guilty." Then R. Jehoshua rejoined: "We cannot apply the decree concerning the offerings of the whole congregation, which have a determinate number, to the paschal sacrifices, which have no determinate number." Shall we then assume, that where there is a determinate number R. Jehoshua holds a man to be culpable; have we not learned in the case of where two children were to be circumcised, one on the eve of Sabbath and the other on the Sabbath, and by mistake the father had the one to be circumcised on the eve of Sabbath circumcised on the Sabbath, R. Jehoshua declared him free, although there was just *one* (*i.e.*, a determinate number) to be circumcised on Sabbath? Said R. Ami: "The case of the two children to be circumcised was as follows: One of them was to be circumcised on the Sabbath and the other on the eve of Sabbath. When the Sabbath had arrived neither one was yet circumcised, and the father by mistake had the one who was to have been circumcised on the preceding day circumcised on the Sabbath. In doing this he was confused in the performance of a religious duty, however, and for that reason R. Jehoshua declares him free, while in the case of the offerings for the congregation the actual offerings to be brought had already been sacrificed and the man who brought other offerings under their denomination did so when the religious duty had already been fulfilled, and for that reason he is held to be culpable."

What about R. Meir? Does he declare a man free who had offered other sacrifices under the denomination of those of the congregation, even if the actual congregational offerings had

already been sacrificed? From R. Meir's explanation* (Sabbath, page 306), according to the teaching of R. Hyya of the city of Abel Arab, however, of the dispute between R. Eliezer and R. Jehoshua, do we not see that such is not the case? Said the disciples of R. Janai: In the case of the circumcision R. Meir means to state that the child to be circumcised on the Sabbath had already been circumcised on the eve of Sabbath, and thus no child was left to make it obligatory to violate the Sabbath on its account, hence R. Jehoshua declares the man culpable; but in this case, where the Sabbath would be violated for a congregational sacrifice, R. Meir holds that any other sacrifices brought under that denomination are brought with the intention of fulfilling a religious duty, and for that reason they do not make a man culpable.

Said R. Ashi to R. Kahana: "Why should this latter case differ from the former; if a Sabbath may be violated for other congregational sacrifices, it may surely be violated also for other children who are to be circumcised on that day?" R. Kahana replied: "In that particular instance the Sabbath could not be violated by the father of the children, because he had no child for whom this would have been necessary, while the instance of the congregational sacrifice embodies a multitude of men and applies to all alike."

"*If a person slaughtered the paschal lamb for those who will not partake thereof,*" etc. Is this not self-evident? We well know that if a man slaughtered on an ordinary Passover-day a sacrifice for those who will not partake thereof the sacrifice is invalid; surely, then, if he did so on a Sabbath which was also Passover, he is culpable! Because the latter clause, concerning one who slaughters a sacrifice for those who will and those who will not partake thereof, teaches that the man is *not* culpable, it also cites the instance of where he *is* culpable. Is this latter case not self-evident? If the sacrifice was offered on an ordinary Passover-day under the same circumstances, we know that it is valid; surely, then, a man is not culpable if he offers it on Sabbath! Hence we must assume that because the Mishna commences with an instance of where the sacrifice was brought not for its proper purpose, it also mentions the case of where it was brought for those who will not partake of it.

* In the Boraitha of R. Meir's explanation, Sabbath, 30, last paragraph before the Mishna, the words "taught R. Hyya" are missing. Here, however, it says, "R. Hyya of Abel Arab," which in the original of Sabbath is not mentioned at all.

For what purpose was the original clause in the Mishna cited? In order to quote the dispute between R. Eliezer and R. Jehoshua.

"If after slaughtering the man was advised that the participants had withdrawn," etc. R. Huna said in the name of Rabh: "A trespass-offering which became ownerless (when it must be allowed to feed until it receive a blemish) and was slaughtered without its being stated for what purpose, is valid as a burnt-offering." Thus we see that it is not absolutely necessary to annul its original denomination in order to make it valid for another, but it may be offered up without comment.—Why, then, should it be necessary to allow it to feed until it receives a blemish, would it not be valid if, for instance, the owner had offered up something in its place and immediately offered *it* up without comment? This is merely a precautionary measure, to prevent a man from offering up a trespass-offering which was not yet substituted by another offering.

R. Hisda objected to R. Huna, and based his objection upon our Mishna, which says: If after slaughtering (the lamb) the man was advised that the participants had withdrawn themselves from it, he is absolved, because when he slaughtered it, it was under lawful circumstances; and a Boraitha teaches, that if a case like this happen on an ordinary Passover-day and not on a Sabbath, the sacrifice must be immediately burned. This would be perfectly proper if the original denomination of the sacrifice had to be plainly annulled, because, as long as its denomination is not annulled, a paschal offering remains what it is, and if it have no owner it must be immediately burned, because it becomes of itself invalid; but if the denomination need not be plainly annulled and if sacrificed without comment it is of itself changed into a peace-offering, then it becomes invalid, not because the invalidity is contained in itself, but because it was offered after the continual daily offering (of the evening), and we well know that in such an event the offering must not immediately be burned, but must be left until morning and then burned. Why, then, does the Boraitha decree that it must be immediately burned?

R. Joseph the son of R. Sala the Pious explained before R. Papa that the Boraitha is in accord with the opinion of Joseph ben Hunai, as we have learned in a Mishna: Joseph ben Hunai said: All sacrifices offered under the denomination of a paschal offering or a sin-offering are invalid. Whence we see that the

invalidity is contained in itself and does not arise on account of other circumstances. For that reason the Boraitha decrees that it must be immediately burned. So far as the commission of an act through error is concerned, Joseph ben Hunai holds with R. Jehoshua, and absolves the culprit.

CHAPTER VII.

REGULATIONS CONCERNING THE ROASTING OF THE PASCHAL LAMB—
THE MANNER OF PROCEDURE IF THE PASCHAL LAMB BECOME
DEFILED—WHICH PARTS OF THE LAMB ARE EATEN.

MISHNA: How should the paschal lamb be roasted? A spit made of the wood of the pomegranate-tree should be taken, put in at the mouth (of the lamb or kid), and brought out again at the vent thereof. Its legs and entrails should be placed inside, according to R. Jose the Galilean; but R. Aqiba said: This would be a kind of boiling, and for that reason they ought to be suspended on the outside (of the lamb). The paschal sacrifice must not be roasted on an iron roasting spit, nor on a gridiron. Zadok related that Rabbon Gamaliel once said to his bondsman Tabbi: "Go and roast for us the paschal sacrifice on a gridiron."

GEMARA: Why should the spit be made of wood? Let it be an iron spit. Nay; when part of an iron spit is heated the entire spit becomes hot, and in consequence the flesh nearest the spit will be cooked by the heat thereof; but the Scriptures distinctly ordain that the lamb must be roasted over a fire, and not otherwise.

Why not use the wood of a date-tree? On account of the bark, which contains water, and when heated the water thereof will be the means of cooking part of the lamb, and this must not take place. Our Mishna is not in conformity with the opinion of R. Jehudah, who said that, as a wooden spit is not burnt while the lamb is being roasted, so also an iron spit will not become sufficiently heated to cook the flesh adjoining it. He was told, however, that while a wooden spit only becomes heated locally, an iron spit when partially heated becomes so throughout.

"*The legs and entrails are placed inside,*" etc. We have learned in a Boraitha that R. Ishmael calls a lamb roasted in that wise a sizzling roast and R. Tarphon calls it a whole roast. The rabbis taught: What is called a roasted goat which must

not be eaten nowadays on the first night of Passover (outside of the Temple)? One that has been roasted whole; but if one of the members was detached or boiled and the remaining part roasted, it may be eaten, because then it is not considered a roasted goat. R. Shesheth said: "Even if a member was cooked (boiled) while still attached to the body of the goat and the remainder was roasted, it may also be eaten, and is not called a roasted goat."

Said Rabba: "If the lamb was stuffed with flour it may be eaten, even if it was not salted prior to being roasted." Rejoined Abayi: "Will not the filling absorb the blood in that event?" And Rabba replied: "Yea; but as soon as the roasting commences the blood recedes from the flour and is consumed by the fire."

Rabhin the Elder stuffed a dove with flour for Rabh, and the latter said: "If it is toothsome, give me a piece and I shall eat it."

We know, however, that, when Rabha was served with a stuffed duck at the house of Exilarch, he said: "If I did not see that the filling is as white as white glass I should not eat it." Now if it is a fact, as Rabba maintained, that during the roasting the blood recedes from the filling, why should Rabha have made that assertion—what difference does it make whether the filling was white or not? In this case the filling was made of coarser meal, which after absorbing the blood is not so easily purged thereof; hence it was necessary for Rabha to see whether the filling was white or not.

The Halakha in this case prevails as follows: "Where fine meal is used it makes no difference whether it had remained white or become red. If coarse meal was used it may be eaten only if it remained as white as white glass, while if any other kind of meal was used it may be eaten if it remains white, but not if it become red (or discolored). Even if a lamb (or goat) was roasted upside down (so that the blood could not escape through its mouth), it may also be eaten; but concerning half-roasted meat, the testicles of a ram, and the muscles of the neck of a lamb there is a difference of opinion between R. A'ha and Rabhina. [In all cases of law, where R. A'ha and Rabhina dispute, R. A'ha upholds the more rigorous decrees and Rabhina the more lenient, and the Halakha prevails according to Rabhina; but in the above three instances R. A'ha inclines towards the more lenient ordinance and Rabhina to the more rigorous, and

the Halakha prevails according to R. A'ha.] If half-roasted meat, which was dripping with blood, was subsequently salted it may even be boiled. If it was roasted on a spit it is also fit, but if it was roasted on live coals there is again a difference of opinion between R. A'ha and Rabhina. One maintains that it must not be used, because the blood remains in the meat, while the other holds that the blood escapes, and the meat is therefore fit to eat. The Halakha prevails according to the latter opinion.

The same case applies to the testicles of a ram. If they were cut up and salted, they may be cooked in a pot; and if they were roasted on a spit without being cut up and salted, they are still fit to eat, because the blood has been consumed by the fire; but if they were cooked over live coals, then is again the same difference of opinion between R. A'ha and Rabhina, and the Halakha prevails that they may be eaten.

Said Mar the son of Ameimar to R. Ashi: "My father would drink the juice of such meat." According to another version, R. Ashi himself would do this, and Mar the son of Ameimar said to him: "My father used to say that vinegar in which meat had been steeped once, must not be used for the same purpose again, because it is diluted." What about diluted vinegar itself, why may that be used? Vinegar, even if it be weak, still retains its original acidity, and stops the flow of blood in the meat, but vinegar which has been diluted by steeping meat therein has lost its acidity and cannot therefore be used.

"*The paschal sacrifice must not be roasted, etc., on a gridiron,*" etc. Does R. Zadok relate this instance (in the Mishna) of Rabbon Gamaliel as a contradiction to the Mishna? The Mishna is not complete, and should read: "If the gridiron, however, is perforated, it may be used for that purpose, as R. Zadok related that Rabbon Gamaliel," etc. (*vide* Mishna).

The rabbis taught: If the paschal lamb was cut up and placed over coals. Said Rabbi: "I say, that this is equal to roasting it over a fire." Rabha contradicted this saying: How can it be said that Rabbi calls coals "fire"? have we not learned that the passage [Lev. xvi. 12]: "And he shall take a censer full of burning coals of fire," means, that coals which have already become dim must not be used, because it says "coals of fire," and that a flame of fire should not be used, because of the term "coals of fire"? And R. Shesheth explained: Thus we see that live coals are meant, and that a distinction is made between fire and live coals." How then can Rabbi hold that

even live coals are equal to fire? Said Rabha: Therefore, the statement of the rabbis must be explained thus: It is written "coals," and lest we assume that dim coals be meant, it is written "coals of fire." We might, however, assume that half coals and the other half fire should be brought, and by the time they are brought they will become coals entirely, hence it is said [ibid.] "coals of fire from off the altar," which signifies that when taken from the altar they should be coals already.

MISHNA: If any part of the roasted lamb had touched the earthenware oven on which it was roasted, that part must be pared off. If the fat dripping from the lamb had fallen on the oven and then had again fallen on the lamb, the part of the lamb touched must be cut out. If the dripping, however, fell on fine flour, a handful of that flour must be taken (and burned). If the paschal sacrifice had been anointed (basted) with consecrated oil of heave-offering and the company appointed to partake thereof consist of priests, they are allowed to eat it; but if the company consist of Israelites, they must wash it off the lamb if yet raw. Should the lamb have been already roasted, they must pare off the outward skin. If it had been anointed with oil of second tithe, its value must not be charged to the company in money, because it is not lawful to redeem and sell it in Jerusalem.*

GEMARA: It was taught: All agree, that if warm (meat) fall into warm (milk) both are rendered prohibited (for use). Cold (meat) in cold (milk), all agree, is *not* rendered prohibited; but if warm (meat) fell into cold (milk) or cold (milk) fell on warm (meat), Rabh said that the thing falling on top supersedes that on the bottom, and hence both may be used or are prohibited as the case may be; but Samuel said, on the contrary, that the thing on the bottom virtually absorbs that on top. An objection was made, based upon the Mishna: "If the fat dripping from the lamb had fallen on the oven, etc., the part of the lamb touched must be cut out." At the first glance, it might be assumed that the oven in question was cold. This would be correct according to Rabh, who holds that the thing falling on top supersedes that originally at the bottom; and thus the oven, becoming in turn hot, causes the fat to boil. When the fat again falls on the lamb, the latter becomes roasted by the heat of the oven; and as the passage states that it should be roasted

* Where alone the paschal sacrifice may be brought and eaten.

by fire only, the part of the lamb touched must therefore be cut out. But according to Samuel, who holds that a thing originally on bottom absorbs that falling on top, when the fat touches the oven, the fat becomes cold; consequently, when it again falls on the lamb, the lamb is not affected. Therefore, why should the part touched be cut out? Nay; the Mishna refers to a hot oven. (The same objection was made also to the latter part of the Mishna, which refers to the fat dripping on the flour, and the answer is similar.)

We have learned in a Boraitha in support of Samuel's contention, viz.: Warm falling on warm renders both prohibited. Cold falling on warm does likewise. Warm (meat) falling into cold (milk), it is only necessary to pare off the outer skin of the meat and it may be used. If cold (meat) had fallen into cold (milk), it need only be rinsed.

We have learned in another Boraitha: (Smoking) hot meat falling into (boiling) hot milk renders both prohibited. Cold (meat) in hot milk does likewise. If hot (meat) fall into cold milk, its outer skin must be pared off. Cold (meat) falling into cold (milk) need only be rinsed.

Rabh said: "(Ritually) slaughtered fat meat, if roasted together with lean meat of carrion, must not be eaten, because one draws the juice of the other." Levi, however, said: "Even slaughtered lean meat roasted together with fat meat of carrion may be eaten, because it only draws the odor of the fat meat, and that does not interfere with it."

Levi acted in accordance with his decision in the house of the Exilarch, where a goat and a sucking pig were roasted together.

An objection was made: We have learned that two paschal offerings must not be roasted together, lest they become mixed. Must we not assume that the reason is, that the taste of one will be affected by the other, and thus contradict Levi's opinion? Nay; the reason is, that there is fear of the offerings themselves becoming mixed so that their respective owners will not be able to distinguish them. This view seems to be the correct one, because it is taught further that even a lamb and a goat must not be roasted together (if they were paschal offerings), and if the reason therefor is that there is fear lest the offerings become mixed, the teaching is correct and is merely a precaution against roasting two lambs or two goats together. If, however, the reason were to prevent the taste of either being affected by the other, what difference would it make whether

a lamb and a goat, or two of either species, be roasted together?

Shall we say, that this is also a contradiction to Rabb's opinion? Said R. Jeremiah: "The case concerning the two paschal offerings which were roasted together refers to an instance of where they were roasted apparently in separate vessels, *i.e.*, over two fires which were separated by a heap of coals, and we should learn thus: Two paschal offerings must not be roasted together on account of one affecting the taste of the other; nor should they be roasted together even when separated as mentioned, for fear of mixing them so that their owners will not be able to distinguish them, even if the two offerings consisted of a lamb and a goat."

R. Kahana the son of R. Hinana the Elder taught: "If bread was baked and meat was roasted in one oven, the bread must not be eaten with Kutach."

It happened that fish was broiled together with meat, and Rabha of the city of Parziquaia prohibited it to be eaten with Kutach. Mar the son of R. Ashi, however, said: "It should not even be eaten with salt, because it produces a bad odor and is the cause of sores."

MISHNA: Five kinds of sacrifices may be brought, even if those who offer them should be in a state of ritual uncleanness; but they should not be eaten by those who offer them while in that condition. They are: The "Omer" (sheaf-offering), the two loaves (of Pentecost), the showbreads (of the Sabbath), the peace-offerings of the congregation, and the he-goats offered on the Feast of the New Moon; the paschal offerings, however, which were sacrificed by men in a state of ritual uncleanness, might also be eaten by them, though they (the men) still be in that condition, because the main object of the commandment concerning the paschal offering was that it should be eaten.

GEMARA: The Mishna mentions five sacrifices; which does it intend to exclude? It means to exclude the festal offering brought on the festival itself (15th of Nisan); for it might be assumed that this offering being a congregational sacrifice and also being one which was appointed for a certain time, it should also be eaten even by a man in a (ritually) unclean state; hence we are taught that, as the festival may be extended over seven days, and in consequence does not supersede the due observance of the Sabbath, it does not also supersede the law of uncleanness.

Why does the Mishna not enumerate also the he-goat brought as a sin-offering on every festival? It *does* enumerate it, by including it in the peace-offerings of the congregation. Why, then, is the he-goat offered on the Feast of the New Moon enumerated separately? Let that also be included in the congregational offerings! Special mention must be made of the latter, because it might be assumed that the Feast of the New Moon is not a festival, and as a consequence the offering of that day does not supersede the law of uncleanness. Hence we are taught, that the Feast of the New Moon is also a festival and the he-goat sacrifice does supersede the laws of uncleanness.

Whence do we adduce the several teachings of the Mishna? From the following: The rabbis taught: It is written [Levit. xxiii. 44]: "And Moses declared the feasts of the Lord unto the children of Israel." For what purpose is this written? Because the entire chapter [ibid. xxiii.] deals with the paschal offering and the continual daily offerings, concerning which it states "at their appointed seasons," signifying, that they supersede both the observance of the Sabbath and the laws of uncleanness; but whence do we know that the same rule applies to other congregational sacrifices? To that end, it is written [Numb. xxix. 39]: "These shall ye prepare unto the Lord on your appointed festivals." Whence do we adduce, however, that the Omer (sheaf-offering) and the showbreads, together with their adjuncts, are also included in the rule? The above passage: "Moses declared the feast of the Lord," etc., implies, that Moses appointed a fixed time for all festivals and made them all equal.

From the above adductions the schoolmen reasoned, that all agree upon the fact that the law of uncleanness had only been temporarily set aside for congregational purposes, but not that it had been abrogated entirely, and also that the plate worn by the high-priest (through which he atoned for the sins of the community)* was brought in requisition to atone for the transgression of the law regarding uncleanness; for there cannot be found one Tana who holds that the said law was abrogated entirely, with the exception of R. Jehudah. They also assumed, that the plate of the high-priest atoned for the sacrifice of an unclean thing, but not for the transgression committed by eating an unclean thing; for there cannot be found one Tana who

* *Vide* Levit. xxviii. 38.

holds that the plate can atone for sins committed through eating, excepting R. Eliezer.

Shall we assume, therefore, that our Mishna is not in accordance with R. Jehoshua, as we have learned in a Boraitha: It is written [Deut. xii. 27]: "And thou shalt offer thy burnt offerings, the flesh and the blood," etc. Said R. Jehoshua: "If there is no flesh there is no blood, and if there is no blood there is no flesh" (meaning, if one or the other had become unclean or was lost, the remaining thing is useless). Thus, if it be true that the plate of the high-priest does not atone for sins committed through eating, will it not be evident that even the paschal sacrifice must *not* be brought in a state of uncleanness, because it must not be eaten? The Mishna may be even in accordance with R. Jehoshua, who maintains further on that, though there be only sacrificial fat of the size of an olive left on the altar, the blood of that sacrifice may be sprinkled, and also that the plate of the high-priest atones for the offerings, parts of which are brought on the altar and which were offered in an unclean state. This would only apply, however, to those offerings of which certain parts were brought on the altar; how will it be in the case of the Omer and the showbreads, no parts of which are ever brought on the altar? Therefore we must assume the following: The Mishna *is* in accordance with R. Jehoshua, but his prohibitory decision applies only to the performance of acts to commence with. If, however, the deed was accomplished, R. Jehoshua also admits that the act is valid. Whence do we adduce that R. Jehoshua holds to the distinction between the performance of an act to commence with and one already accomplished? From the following Boraitha: "If flesh had become unclean or it became unfit for use by virtue of its having come in contact with a man who had bathed, but upon whom the sun had not yet set, or it had become unfit for use by protruding from its proper receptacle, R. Eliezer holds that the blood thereof may be sprinkled, but R. Jehoshua maintains that it must not. The latter admits, however, that if the sprinkling had already been accomplished it is atoned for."

Our Mishna, however, deals with the performance of acts to commence with, because it distinctly states: "Five kinds of sacrifices may be brought"? Therefore we must render another explanation; namely, R. Jehoshua applies his decision only to the cases of individuals, but where congregational purposes are concerned, he interposes no impediment.

Shall we assume that the Mishna is not in accordance with the opinion of R. Jose of the following Boraitha? "R. Eliezer maintains that the plate of the high-priest atones also for sins committed through eating, but R. Jose holds that it does not." If R. Jose does not admit of this supposition, at a casual glance we might think that he is in accord with R. Jehoshua, who declares, that both the flesh and blood are required, and if R. Jose positively asserts that the sins committed through eating are not atoned for, we must presume that the Mishna is not in conformity with his opinion! Nay; in this respect R. Jose agrees with R. Eliezer, that blood may be sprinkled even if the flesh be not there.

R. Mari opposed this: If we admit that R. Jose agrees with R. Eliezer, it would be perfectly proper in the case of the sacrifices, for the blood thereof is offered up on the altar in the case of the Omer because a handful is taken therefrom in the case of the showbreads because the incense brought with it is offered up; but what about the two loaves (of Pentecost), of which nothing at all is taken off? If you say that the two loaves themselves are not meant, but the sacrifices brought with them, then there will be only four kinds, and the Mishna states that there are five? Hence the most reasonable supposition is, that the Mishna is not in accordance with R. Jose.

MISHNA: If the flesh of the paschal sacrifice has become (ritually) defiled and the fat thereof remains undefiled, its blood must not be sprinkled on the altar; but if the fat has become defiled and the flesh remains undefiled, the blood may be sprinkled; but such is not the case with respect to other consecrated sacrifices (under similar circumstances); for even if the flesh of such has become defiled but the fat has remained undefiled, their blood may be sprinkled.

GEMARA: R. Giddel said in the name of Rabh: What is the case if the blood *has* been sprinkled? In that event the duty has nevertheless been fulfilled. Is it not obligatory, however, to eat the paschal sacrifice, and in this case it must not be eaten? Rabh holds with R. Nathan, who states that the fact of its not having been eaten proves no impediment to the lawful accomplishment of the duty *to sacrifice* the paschal offering, as we have learned in a Boraitha, viz.: If one company had been appointed to eat the paschal sacrifice and subsequently another company had been added thereto, if there was sufficient for the first company, so that each member thereof ate as his share the

size of an olive, this company has fulfilled the duty and need not celebrate a second Passover. If there was not sufficient remaining, so that the members of the second company could each eat a piece the size of an olive, they must celebrate a second Passover. R. Nathan, however, said: "Even the second company need not make a second Passover, because the blood of the sacrifice had already been sprinkled." Perhaps the reason for R. Nathan's dictum is, that had the first company withdrawn there would have been sufficient for the second each to eat a piece the size of an olive; hence the supposition that such *was* the case renders the sacrifice valid for both, but not because the fact of its not being eaten proves no impediment? If the former reason were the acceptable one, the Boraitha should have stated the supposition, but the fact that it says, "because the blood of the sacrifice had already been sprinkled," is conclusive proof that the sprinkling of the blood is the main object of the commandment.

What impels Rabh to construct the Mishna according to R. Nathan, and expound it in the sense that the blood must not be sprinkled to commence with, but that, if this was done, the act does not invalidate the sacrifice? Let him explain it according to the sages, who hold that the blood must not be sprinkled, and that if this was done it invalidates the sacrifice!

Rabh could not understand the Mishna, and he argued: Why should the Mishna state that the blood must not be sprinkled? because while this should not be done to commence with, if it was done it is a valid act; for otherwise the Mishna could have plainly said, "the sacrifice is not valid."

According to which Tana is the following teaching of the rabbis: "If a man who was appointed to eat of the paschal offering was ill at the time the sacrifice was about to be slaughtered and had recovered when the blood was about to be sprinkled, or was well when it was about to be slaughtered and became ill when the blood was about to be sprinkled, the sacrifice must not be slaughtered nor the blood sprinkled unless that man was well from the time of slaughter until the sprinkling of the blood"? Shall we say, that this is in accordance with the sages and not with R. Nathan? Nay; it may be even in accordance with R. Nathan; for while maintaining that not eating the sacrifice proves no impediment, he nevertheless admits that at the time when the sacrifice is slaughtered and the blood sprinkled the man must be in a condition to partake thereof.

According to which Tana is the following teaching of the rabbis: "If at the time the sacrifice was slaughtered the participants thereof were still undefiled and subsequently became defiled, the blood may be sprinkled as if for undefiled participants but the sacrifice must not be eaten." Said R. Elazar: "This teaching is in accordance with the disputants and appears to be according to R. Nathan." R. Johanan, however, said: The teaching may be in accord with the sages, but in that event it treats of the whole community and not of an individual, and we have learned that a community may sacrifice the paschal offering even if all the members thereof were defiled. Then why is the sacrifice not allowed to be eaten? As a precautionary measure, lest at the next Passover they become unclean after the sprinkling and nevertheless claim that they are allowed to partake of the sacrifice because they were also unclean on the last Passover, forgetting, however, that they were already defiled before the sprinkling but did not become so afterwards.

If you wish, I can tell you that Rabh holds with R. Jehoshua, as we have learned in the following Boraitha: R. Jehoshua said: "All the sacrifices mentioned in the Scriptures, whether the flesh had become defiled and the fat remained clean, or the reverse was the case, the blood thereof must nevertheless be sprinkled. But of Nazarite offerings or the paschal sacrifice, if the fat became defiled and the flesh remained clean, the blood may be sprinkled; but if the reverse was the case, the blood may not be sprinkled. If this was done, however, the duty is accomplished. If the owners of the sacrifice, however, have become polluted through a corpse, even if the blood had already been sprinkled, the sacrifice is not valid."

"*Such is not the case with respect to other consecrated sacrifices,*" etc. This clause of the Mishna will be in accordance with the opinion of R. Jehoshua, as taught in the following Boraitha: R. Jehoshua said: Of all sacrifices mentioned in the Scriptures, if a piece the size of an olive had remained, the blood may be sprinkled; but if a piece the size of half an olive had been left over, the blood may not be sprinkled, except in the case of a burnt- (whole) offering, where, should even a piece the size of half an olive be left over, the blood may also be sprinkled, because the whole sacrifice is offered up on the altar. In the case of a meat-offering which was still intact, if it had become defiled the blood must not be sprinkled. What has a meat-offering to do with the sprinkling of the blood? Said R.

Papa: By this is meant the meat-offering brought with every sacrifice, and lest we assume that even if but a piece thereof the size of an olive remain, the blood of the sacrifice may be sprinkled, we are taught that even if it had remained intact it does not legalize the sprinkling of the blood.

MISHNA: If the whole or the greater part of the congregation had become defiled, or the priests were in a state of defilement but the congregation was undefiled, the sacrifice may be brought in this state of defilement; but if the minority only of the congregation had become defiled, the majority that are clean shall sacrifice the paschal offering at its proper time and the unclean (minority) shall sacrifice a second paschal offering on the 14th of the following month.

GEMARA: The rabbis taught: If the congregation was defiled but the priests and the utensils necessary for the service were clean, or the reverse was the case; or, moreover, if the congregation *and* the priests were clean and the utensils alone were unclean, the sacrifice must nevertheless be brought in that state of defilement. Why so? Because a congregational sacrifice must not be divided; *i.e.*, even if there were some men among the congregation who happened to be undefiled, they must also participate in the sacrifice.

It was taught: If the congregation was equally divided—one half being unclean and the other half clean—Rabh said that a half is equal to a majority, and one half should bring the sacrifice in its state of defilement, while the other half should bring it in its proper condition. R. Kahana, however, said that a half does not constitute a majority, and hence the half which is clean should bring the sacrifice at the customary time, while the other half should bring it at the second Passover (one month later). According to another version, R. Kahana is supposed to have said: "The half does not constitute a majority, therefore the undefiled half should bring the sacrifice at its usual time; but the unclean half should not bring it at all; because, in the first place they were defiled, and on the second occasion they, not being a majority, cannot observe a second Passover."

We have learned one Boraitha in support of Rabh's opinion: "If the congregation was equally divided, one half being unclean and the other clean, each half should bring a separate paschal offering." We have also learned a Boraitha supporting the first version of R. Kahana's dictum, as follows: "If a congregation was equally divided between unclean and clean members, the

latter should bring their sacrifice at its usual time and the former at the second Passover"; and also a Boraitha supporting the second version of R. Kahana's opinion: "If a congregation was equally divided between clean and unclean members, the former bring their sacrifice at the usual time and the latter need not bring it at all."

The text of the Boraitha states: "If the congregation was equally divided, one half being clean and the other unclean, each half should bring a separate paschal offering," and continues: "if there was one majority in the unclean half, the sacrifice must be brought in the state of pollution, because a congregational sacrifice cannot be divided." R. Elazar ben Mathia, however, says, that a single person cannot determine the uncleanness of an entire community, because it is written [Deut. xvi. 5]: "Thou mayest not slay the Passover within any of thy gates" (which signifies, that a single person cannot influence a congregation). R. Simeon, however, said: "Even if one tribe was unclean and the remaining eleven tribes (of Israel) were clean, the one unclean tribe must bring a separate sacrifice." The reason why R. Simeon maintains this, is because he considers each tribe a separate congregation; but R. Jehudah said: "Even if only one tribe was unclean, all the remaining tribes must bring their sacrifices in a state of defilement." Why so? Because he also holds that each tribe constitutes a congregation, and so the entire community is thus equally divided between unclean and clean; and as a communal sacrifice must not be divided, they must all join in bringing it in a state of defilement.

It was taught: "If the congregation was equally divided, one half being clean and the other unclean, Rabh says that one member of the clean half should be defiled by contact with a dead reptile, and thus the entire congregation can bring the sacrifice in a state of defilement." Why should this be done? Did not Rabh state previously that they should each bring separate sacrifices? In this case there was already a majority of one in the unclean half. If that is so, then there was already a majority; why make another man unclean? Rabh holds with R. Elazar ben Mathia, that one person cannot determine the uncleanness of a congregation. If Rabh holds with R. Elazar, then the same question arises, why should not each half bring a separate sacrifice? Rabh means to say as follows: If there is a Tana who holds with the first Tana of the Boraitha, to the effect that each half must bring a separate sacrifice, and at the same

time holds with R. Jehudah, namely, that a communal sacrifice must not be divided and in consequence is in doubt how to proceed, he should make another man unclean and thus constitute an unquestionable majority.

Ula, however, said: "A member of the clean half should first be sent on a long journey, and then be defiled by contact with a dead reptile," because he holds that a man who had become unclean through a reptile may nevertheless have the sacrifice brought for him; but if he was away on a journey and there becomes unclean, the sacrifice cannot be brought for him.* Why not defile the man by means of a corpse? If this is done, he will be robbed of his right to bring even his festival offering. And, on the other hand, is he not deprived of his right to bring the paschal offering? Yea; but he has the privilege of bringing the Passover sacrifice on the second Passover. Then, if defiled by a corpse, he will be enabled to bring his festal offering on the seventh day of Passover, which will be the eighth since his becoming defiled! Ula holds that the extension of the festal offering throughout the seven days applies only to one who was capable of bringing it on the first day, but not if he was legally incapacitated to do so on the first day.

Said R. Na'hman: "Go to Ula and say to him: Is it reasonable that a man should be asked to strike his tent and leave everything behind him in disorder in order to undertake a long journey on the eve of Passover? Therefore, I say that Rabh's proposition to defile him with a dead reptile is sufficient."

MISHNA: If, after the blood of the paschal sacrifice had been sprinkled on the altar, it became known that it (the blood or the flesh thereof) was unclean, the plate of gold (of the high-priest) atones for the sin; but if the body (of the owner) of the sacrifice had been defiled, the plate of the high-priest does not atone for the sin; for it is a rule that the plate atones for (the sin of sacrificing) the paschal offering and that of the Nazarite, if the blood of these had become defiled; but not if the body (of the owner) of such sacrifice had become unclean. It does, on the other hand, atone for the defilement caused by an abyss or by the ground.†

GEMARA: From the Mishna we learn, that the plate atones for the sin if it had become known that the blood or

* *Vide* Numbers ix. 10.

† By this term is meant defilement caused by passing over an abyss or ground where it is supposed that a corpse was situated, without being aware of the fact.

flesh was unclean, *after* the sprinkling; hence we must assume that if this was known *before* the sprinkling and the blood had been sprinkled nevertheless, the plate does not atone for the sin, and would this not be contradictory to the following Boraitha: "For what things does the plate atone? For blood, flesh, and fat which was rendered unclean either intentionally or inadvertently, whether this was brought about by accident or voluntarily, whether the sacrifice be that of an individual or of a congregation?"

Said Rabbina: "If the sacrifice was rendered unclean either intentionally or inadvertently, the plate atones for the sin (of sacrificing in such a state); but as for sprinkling, it atones only for unintentional sprinkling (*i.e.*, if the man had forgotten that the sacrifice was unclean) but not for intentional sprinkling." R. Shila, however, said: "(On the contrary!) As for sprinkling, whether done intentionally or unintentionally, the plate atones for the sin; but if the sacrifice became unclean, if it was rendered so inadvertently the plate atones for the sin, but if rendered so intentionally it does not, and thus should the Boraitha also be explained; but as regards the statement in the Mishna that, if the fact of the sacrifice being unclean had become known, *after* the sprinkling of the blood, the plate atones for it, thus showing that if the sprinkling was done knowingly the plate does not atone for it, it is not correct, for the plate atones for the sprinkling even if done knowingly, and the reason the statement is made is because in the latter clause of the Mishna it must be taught that even if the blood had been sprinkled without the knowledge of the fact that the owners of the sacrifice were unclean, still the plate does not atone for the sin; therefore an analogous teaching is made also in the first clause."

"*It does on the other hand atone for the defilement caused by an abyss,*" etc. Rama bar Hama propounded a question: "Does the plate atone also for a priest who had contracted (doubtful) uncleanness through an abyss, or does this only apply to the owner of the sacrifice? Shall we assume, that the tradition to the effect that the plate atones for such doubtful uncleanness applies *only* to the owners of the sacrifice, or that it applies to the sacrifice itself and hence also to either owner or priest?"

Said Rabba: "Come and hear! R. Hyya taught: 'The law regarding doubtful uncleanness caused by an abyss treats *only* of uncleanness by means of a corpse.' What does he mean to exclude by using the word "only"? Doubtless a reptile. Now

let us see who can be affected by contact with a reptile: If we should say the owner of the sacrifice, which owner does he refer to? Shall we assume that the owner was a Nazarite? then uncleanness through contact with a reptile does not change the legal status of a Nazarite, as it is written [Numb. vi. 9]: "And if *some one die* very suddenly" (but not a reptile). Then we must assume that the owner of a paschal offering is referred to. This would be correct, according to the Tana who maintains that for an owner defiled through a reptile a paschal offering may neither be slaughtered nor the blood thereof sprinkled; but according to the other Tana, who holds that such a condition of the owner does not interfere with the slaughtering of the paschal offering or the sprinkling of its blood, what would R. Hyya come to teach us?—If the slaughtering and sprinkling are permitted for an owner unquestionably defiled through contact with a reptile, it is certainly permitted for one whose defilement through an abyss was not of a doubtful nature. Hence we must assume that even a priest is referred to, and thus the plate of the high-priest atones also for a priest who was supposed to have become unclean by passing over an abyss probably harboring a corpse.

R. Joseph propounded a question: "If there was doubt concerning the undefiled state of a priest who had passed over an abyss probably harboring a corpse, and was engaged in bringing the continual daily offering, does the plate atone for him also, or not? If you should even say that he was atoned for when bringing other sacrifices, *f.i.*, as just mentioned in the case of a priest who sacrificed the paschal offering, the question concerning one engaged on the continual daily offering still remains; for while we have a tradition to the effect that the plate of the high-priest atones for a priest in the mentioned condition who had sacrificed a paschal offering, we have none affecting the case of a priest bringing the continual daily offering while in a state of doubtful defilement; or, on the other hand, from the fact that we have no tradition to that effect, should we draw the inference from the instance of the paschal offering?"

Said Rabba: "(This is not only an inference); it is an *a fortiori* conclusion! If in the case of other sacrifices, as the Nazarite offerings, the paschal offerings, etc., where positive uncleanness would interfere with the validity of the sacrifice, a doubtful case was *not* held to prove an impediment, then certainly in the case of the continual daily offering, which must be brought even if all concerned are in a positive state of defilement,

it should so much the more be valid in a case of doubtful defilement." Is it possible, then, to draw an *a fortiori* conclusion from a tradition? Did we not learn in a Boraitha: "Said to him R. Eliezer: Aqiba! That a bone of a corpse of the size of a barley-corn, when brought in contact with a man, defiles him, is a tradition, and thou wouldst draw therefrom the *a fortiori* conclusion that a quarter of a lug of blood would so much the more be a means of defilement. An *a fortiori* conclusion must not be derived from a tradition!"

"Therefore," said Rabh, "the case of the continual daily offering is not derived from the paschal offering by means of an *a fortiori* conclusion, but by means of a comparison by analogy, namely: As concerning both sacrifices it is written, 'at their appointed seasons,' the same rules apply to both."

Where do we find it written in general concerning the doubtful state of defilement caused by passing over an abyss probably harboring a corpse? It has already been stated that this is merely a tradition, and is not particularly specified at any place.

It was taught: Mar bar R. Ashi said: Do not learn in the Mishna, "only if it became known after the sprinkling that the blood was defiled the plate of the high-priest atones for the sin committed, if previously known, however, it does not"; but "even if it was also known previously, the plate atones for it."

MISHNA: If the whole or the greater part of the paschal offering had become defiled, it should be burned before the sanctuary with wood used for the altar; if the lesser part thereof had become unclean, or if some part thereof had remained over until the next morning (on the 15th), the owners may burn it in their own courts, or on their roofs, with their own wood. Avaricious persons, however, would burn it before the sanctuary, in order to get the benefit of the wood used for the altar.

GEMARA: Why was the burning done in so public a manner? Said R. Jose bar R. Hanina: In order to put to shame the owners of the sacrifice for their negligence in permitting the paschal offering to become defiled.

"If the lesser part thereof," etc. Is this not contradictory to what we have learned in a previous Mishna, namely: "If a person on leaving Jerusalem remembers having consecrated flesh with him (even if it be only the size of an olive) he must return and burn it before the sanctuary with wood of the altar"? Said R. Hama bar Uqba: "This presents no difficulty: The Mishna mentioned treats of a visitor to Jerusalem, who had no

wood of his own, while our Mishna treats of a permanent resident of Jerusalem."

The rabbis taught: "If the people came to burn (the unclean offering or the remainder) before the sanctuary with their own wood or desired to burn it in their own homes with wood of the altar, they must be prevented from accomplishing such an act." It is perfectly proper to prevent their burning it in their own homes with wood of the altar, lest some of the wood be left over and they use it for profane purposes; but why should they not be permitted to burn it before the sanctuary with their own wood? Said R. Joseph: "In order not to disgrace those who have no wood of their own," and Rabha said: "In order not to cast suspicion upon them; for if they have some of their own wood left over and carry it back with them they might be suspected of appropriating the wood of the altar." Wherein do these two sages differ? In a case where the wood brought was not like that used for the altar; for instance, the bark of date-trees or small sticks. (According to R. Joseph, not even such wood may be brought, while according to Rabha this would be permissible.)

MISHNA: If a slaughtered Passover-sacrifice had been carried beyond the walls of Jerusalem or had become defiled, it must be immediately burned (on the eve of Passover). If the owners thereof had become defiled or had died, it must be left until its condition is changed (*i.e.*, it must be left over until the next morning), and should be burned on the 16th of Nissan*). R. Johanan ben Broka said: (In the latter event) it should also be immediately burned, because there are none to eat it.

GEMARA: If the Passover-sacrifice had become defiled it is perfectly proper to burn it, because it is expressly written [Levit. vii. 19]: "And the flesh that toucheth any unclean thing shall not be eaten, with fire shall it be burnt"; but whence do we know that if it had been carried beyond the walls of Jerusalem it must also be burned? Because it is written [ibid. x. 18]: "Behold, its blood was not brought within the holy place"; and thence we infer that, as it was not brought within the holy place, it must be burnt. Still, concerning a defiled paschal offering, it would be right to burn it, because the passage states that *ordinary* holy sacrifices which had become unclean must be burnt, but concerning the offering carried beyond the walls of Jerusalem

* Because it is not allowed to burn a consecrated thing on the festival day proper, and the 16th is already one of the intermediate days of Passover.

the passage quoted [ibid. x. 18] refers only to *most* holy sacrifices, and whence do we know that it applies also to *ordinary* holy offerings? Aside from this, we have learned in a Boraitha: "If the blood of the sacrifice had become spilled, or the flesh had remained within, but the blood had escaped beyond the walls of Jerusalem, the sacrifice must be burnt." Whence do we learn this? The law concerning everything which becomes subject to burning with fire, whether it be ordinarily holy or most holy, is derived from a tradition, and as for the passage mentioning the sin-offering of Aaron, it is merely quoted because such happened to be the case. Now then, if the entire law ordaining that, whether the sacrifices be ordinarily holy or most holy, they must in the event of their becoming unclean be burnt with fire, is derived merely from a tradition, for what purpose is it written [Levit. vi. 23]: "It shall be burnt with fire"? That passage is necessary, in order to impart to us the information that it must be burnt in the holy place; for from the tradition alone we might presume that this could be done elsewhere, and hence the necessity for the passage. In that event, to what end is it written [ibid. vii. 19]: "And the flesh that toucheth any unclean thing shall not be eaten, with fire shall it be burnt"? That passage is needed for its own particular purpose; for we might presume that the tradition making it obligatory to burn the invalid sacrifices applies only to those in respect to which, were they ordinary (non-consecrated) articles, the exigency could not possibly arise. For instance, if the blood had remained over night, or the blood had been spilled, or had escaped beyond the walls (of Jerusalem), or if the sacrifice had been slaughtered at night (which is not permissible); but if the sacrifice had become unclean, which state can also prevail in the case of ordinary articles, it might be assumed that it is not necessary to burn it, but that it may even be buried; therefore we find it written as above [Levit. vii. 19].

"If the owners thereof had become defiled or had died," etc. Said R. Joseph: Wherein do they (the sages and R. Johanan ben Broka) differ? Only if the owners had become defiled prior to the sprinkling of the blood; because, as the flesh was not yet (legally) suitable for the duty of eating thereof at the time, the uncleanness is considered to be in the sacrifice itself; but if the owners had become defiled after the sprinkling, in which event the flesh was already suitable for eating, all agree that the invalidity was not occasioned by the sacrifice itself but by some out-

side means, and for that reason it should be left until its condition is changed (*i.e.*, it should be left over night). R. Johanan, however, said, that even after the sprinkling the same is the case, and this he states in accordance with his individual theory; for both R. Johanan ben Broka and R. Nehemiah said one and the same thing (namely, that when the owners became defiled, the sacrifice should be immediately burned). Rabba added to this, that R. Jose the Galilean made the same statement.*

MISHNA: The bones, sinews, and other remaining parts must be burned on the 16th; and should that day fall on a Sabbath, they must be burned on the 17th, because the burning of these does not supersede the laws of the Sabbath or those of the festival.

GEMARA: R. Mari bar Abbahu in the name of R. Itz'hak said: The bones, still retaining marrow, of consecrated sacrifices, if left over as remainder, defile the hands touching them. Why so? Because they are a basis to a prohibited article (*i.e.*, the marrow which was left over and should be burned).

An objection was raised: (We have learned :) The bones left over from consecrated sacrifices are not subject to being burned, excepting only the bones of the paschal offering; (because they must not be broken but left in their original condition and) it might happen that some of the flesh should cling to them. Now, let us see what kind of bones are meant! Shall we assume such as have not retained the marrow? Who would hold that such should be burned? Hence such as still retain the marrow must be meant. In that event, if the bones are considered a basis to a prohibited article, *i.e.*, they serve the marrow as receptacles, why should they not be burnt?

Said R. Na'hman bar Itz'hak: "Bones which had been found broken and the marrow extracted are referred to; thus the bones of other sacrifices, which may be broken, may have been broken and the marrow extracted from them before they had had an opportunity of becoming a remainder of a sacrifice; hence they need not be burnt. The bones of a paschal offering, however, which must remain whole, could have been broken and had the marrow extracted from them only *after* becoming a remainder, and for that reason they must be burnt."

R. Jehudah said in the name of Rabh: "All sinews are considered of flesh except the sinews of the neck (*i.e.*, if one ate

* Rabba supports his dictum on the strength of a Boraitha, which will be brought forward in Zeba'him.

only the nerves of the flesh of the paschal offering, it is the same as if he had eaten the flesh itself)."

An objection was made based upon our Mishna, which teaches "that bones, nerves, and other remaining parts must be burned on the 16th." Now, let us see what sinews are referred to? If the sinews of the body in general are meant, why not eat them; and if it is claimed that they were left over, why mention them separately—are they not the same as the other remaining parts? Therefore we must say, that the sinews of the neck are meant. If that be the case and, according to Rabh, they are not considered as flesh, why should they be burned? Said R. Hisda: "By the sinews which must be burned, is meant the sinew of the thigh (which is not eaten), and, according to R. Jehudah's opinion that only the sinew of one of the thighs is prohibited to be eaten, the sinew of the other is a legal remainder and should be burned." R. Ashi said: "The Boraitha means to state, that not the sinew proper, but only the fat thereof on account of which the sinew is burned with it, is referred to, as we have learned in another Boraitha, that the fat of the sinew of the thigh may be eaten but it is not customary to do so (as will be explained in Tract Cholin)," and Rabhina said: "The sinew which must be burned is the one on the outside, which, while it is permitted to eat it, is not generally eaten by Israelites (as will also be explained in Tract Cholin)."

"*If that day (the 16th) should fall on a Sabbath,*" etc. Why should this be so? Why should not the positive commandment (to burn the remainder) supersede the negative commandment (not to violate the Sabbath)? Said Hezekiah, and so also the disciples of Hezekiah: It is written [Exod. xii. x]: "And ye shall not let anything of it remain until morning; and that which remaineth of it until morning ye shall burn with fire." Why is "until morning" mentioned a second time? In order to afford a man a second morning on which to burn the remainder (*i.e.*, if the 16th fell on a Sabbath, to give the man until the 17th).

Abayi, however, said: (It may be inferred from another passage.) It is written [Num. xxviii. 10]: "This is the burnt-offering of the Sabbath on every 'Sabbath,'" *i.e.*, that only an offering of Sabbath may be burned on Sabbath, but not an offering of a week-day should be burnt on a Sabbath or on a festival day.

Rabha said: (It may be inferred from the following passage)

[Exod. xii. 16]: "Save what is eaten by every man, that only may be prepared by you"; *that only*, and not a circumcision, which is not in proper time, and which is learned from an *a fortiori* conclusion.

R. Ashi said: "The rest concerning a festival which is mentioned [Lev. xxiii. 24] makes it a positive commandment, which states that no labor shall be done on a festival, so a festival has two commandments, a positive and a negative one; and to burn the remainder is only one commandment, which does not supersede the above two commandments."

MISHNA: Every part usually eaten of a full-grown ox may be eaten of the paschal kid or lamb, such as the cartilage and tendons over the joints.

GEMARA: Rabba found a contradiction in this Mishna, namely: "It is stated that every part usually eaten of a full-grown ox may be eaten of the paschal kid or lamb, and then exemplifies the statement by mentioning the cartilage and tendons over the joints, and is it not a fact that these latter parts of an ox are not eaten?" Said Rabha: "The Mishna means to imply that all parts of an ox eaten boiled may be eaten of the paschal kid or lamb roasted, and what are those parts referred to? the cartilage and tendons over the joints." We have also learned the same teaching as Rabha's in a Boraitha, with the addition, "that the small sinews of the body are also included."

It was taught: "Sinews, which are at first soft and later on become hard," said R. Johanan, "may be selected by one of the men appointed to eat of the paschal sacrifice for his share, because at the time of selection they were soft and eatable"; but Resh Lakish said, "that they must not be selected, because they eventually become hard and are thus at no time edible."

Resh Lakish made an objection to the statement of R. Johanan, based upon our Mishna, which states that the cartilage and tendons only may be eaten: "Hence the small sinews are not to be included." R. Johanan replied: Learn, that the parts mentioned and also the small sinews may be eaten; from the fact that they are eaten in a boiled state of the ox, the same cause applies also to the kid or lamb.

R. Jeremiah said to R. Abin: "When thou wilt come to R. Abbahu, propound the following contradictory question to him: Can, then, R. Johanan assert, that the small sinews may be selected as a share of the paschal sacrifice? Did not Resh Lakish ask R. Johanan whether the skin of a young calf's head

is subject to defilement, and the latter answered that (on account of such a skin eventually becoming hard) it is not subject to defilement (as is the case with hide); (hence should we not assume that R. Johanan did so because he took into consideration its final condition—then why should he not also consider the future condition of the sinews, which eventually become hard and inedible)?” (R. Abbahu replied): “The man who evolved this contradictory question did not watch the meal he had ground (*i.e.*, he did not consider the correctness of his deductions); for we have learned that at the same time when Resh Lakish showed R. Johanan a Mishna which refuted the answer rendered, R. Johanan replied: ‘Anger me not! The Mishna thou citest I attribute to an individual opinion, that I myself do not uphold’ (whence we see that he retracted his assertion to the effect that the future condition need not be considered).”

MISHNA: Whosoever breaks any bones of the clean paschal lamb incurs the penalty of forty stripes; but the person who should leave a part of the paschal lamb over night, or who breaks a bone of an unclean paschal sacrifice, does not incur that penalty.

GEMARA: It is perfectly proper that a man who leaves part of the paschal lamb over night should not incur the penalty of stripes, because the negative commandment [Exod. xii. 10]: “Ye shall not let anything of it remain until morning,” does not involve the execution of an act, and the violation of a negative commandment of such a character does not carry with it the penalty of stripes; but whence do we adduce that a person who breaks a bone of an unclean paschal sacrifice should not incur that penalty? Because it is written [ibid. xii. 46]: “No bone shall ye break *in it*,” and the term “*in it*” signifies, that only in a clean paschal sacrifice it is not allowed, but not in an unclean.

The rabbis taught: It is written: “No bone shall ye break *in it*,” and this signifies that this must be done in a valid sacrifice but not in an invalid. Rabbi, however, said: “I do not derive this rule from this passage alone, but from the fact that in the same verse [Exod. xii. 46] we find: ‘In one house shall it be eaten, etc., and no bone shall ye break in it,’ and hence we must say, that only if a bone was broken in a lamb which may be eaten is the penalty of stripes incurred; but not in a lamb which must not be eaten.” Wherein do these two statements differ? Said Abayi: “The difference arises in a case where a bone was

broken in the lamb on the day preceding Passover. According to the one statement, which makes a man punishable with stripes if he break a bone in a valid paschal sacrifice, as the paschal lamb is already valid, the man incurs that penalty; but according to the other statement, the fact that the lamb could not at that time be eaten absolves the culprit from the penalty."

An objection was made: Rabbi said, that if a man select only the brains of the paschal sacrifice as his share he may be included in the number appointed to eat it; but he must not be included if he selects as his share the marrow of the thigh-bone. Why should a man be allowed to select as his share the brains of the lamb? Because, in order to extract them it is not necessary to break one of the bones (as they may be extracted through the nostrils). On the other hand, the marrow of the thigh-bone should not be selected because it would necessitate the breaking of that bone. If, however, it is allowed to break the bone during the day, why may not the bone be broken at that time, and thus the marrow, being accessible, be allowed to serve as the share of one of the number appointed to eat the paschal lamb? If the breaking of the bone be the only impediment, then Abayi may reply, there is no need of doing this during the day; for even in the evening the bone may be placed over live coals and burned until the marrow is easily extractable, and thus render it capable of serving as the share of one of the number; for we have learned in a Boraitha, that the burning of the bones or cutting of the sinews cannot be considered a violation of the law against breaking the bones.

Hence we must say, that the reason the bones must not be burned, according to Abayi, is for fear lest they split while burning, which will be considered as breaking the bones, and, according to Rabha, for fear lest the marrow, which is a consecrated thing, be burnt (and the law is that consecrated things must not be burned to commence with); therefore it may be claimed that this should not be done during the day, as a precaution against a person doing it at night.

R. Papa, however, said: Breaking the bone during the day is, according to the opinion of all, prohibited, even though the sacrifice may not yet be eaten at that time, because at night it will be suitable for that purpose and is therefore considered suitable even during the day. They differ, however, concerning a part of a member which had protruded beyond the wall and which must not on that account be eaten. According to the one who

maintains that a person who is guilty of breaking a bone in a valid sacrifice incurs the penalty of stripes, if a man had broken a bone in that member which is valid, he incurs the penalty of stripes; but according to the one who maintains that breaking a bone of such a sacrifice as may be eaten only involves punishment with stripes, he does not incur the penalty, because the member must not be eaten, as we have learned in a Boraitha; R. Ishmael the son of R. Johanan ben Broka said: "A man who had broken a bone in a member of the sacrifice which had protruded beyond the wall does not incur the penalty of stripes." R. Shesheth the son of R. Idi, however, said, that concerning such a member all agree that one who breaks a bone thereof does not incur the penalty, because it is invalid and must not be eaten. They differ, however, concerning one who had broken a bone in a paschal lamb that was yet raw. The one who claims that it is valid, maintains that the man incurs the penalty, but the other says that he does not, because the lamb cannot yet be eaten.

R. Na'hman bar Itz'hak said: "This is *not* the point of variance, because all agree, that one who breaks a bone in a paschal lamb which was still raw incurs the penalty, as the lamb may be roasted and then be eaten. They do differ, however, concerning a man who breaks the tail of the lamb, which must not be eaten, but offered up on the altar. Those who hold that the sacrifice is a valid one hold him to the penalty, while the others claim that, as the tail must not be eaten, the man is exempt."

R. Ashi, however, said: "Not even on this point can they differ; for all agree, that as the tail must not be eaten, the breaking thereof does not carry with it the penalty of stripes. Wherein they do differ is concerning a member of a paschal lamb that does not contain flesh to the size of an olive. According to one, the member being valid, breaking thereof incurs the penalty, while according to the other, the fact that there is not sufficient flesh thereon to be eaten exempts a man who broke it."

Rabhina, however, said: "Neither on this point do they differ, because as there is not sufficient flesh on that member to be eaten, all agree, that breaking it does not involve the penalty; but they do differ concerning a member which a person had broken in a place where there was not sufficient flesh to be eaten, while the same member contained in another place sufficient flesh. Accordingly, some hold that as a member which was valid

was broken, the penalty was incurred, while others maintain that, as the part which could not be eaten was broken, the penalty is not incurred thereby."

We have learned in a Boraitha a support to four of the preceding sages: Rabbi said: "It is written [Exod. xii. 46]: 'In one house shall it be eaten, etc., and no bone shall ye break in it,' which signifies that one is culpable only if he break the bone in a valid sacrifice, but not in one that was invalid. If at one time the paschal sacrifice was valid, and subsequently became invalid while being eaten, the law against breaking its bones does not apply. If the bone broken had the prescribed quantity of flesh thereon, the law against breaking its bones does apply thereto; but if it had not, the law does not apply. Such parts as are to be brought on the altar are not affected by the law. During the time when the paschal lamb is eaten, the law mentioned applies; but at any other time, when it is not eaten, the law does not apply."

R. Ami said: "One who carries out flesh of the paschal sacrifice from one company to another does not become culpable until he deposits it in a certain place, because it is written [Exod. xii. 46]: 'Thou shalt not carry forth aught of the flesh abroad out of the house,' and the same rule applies to this as to carrying on the Sabbath, namely: There must be a removal from a certain fixed place and a deposit in another fixed place."

R. Abba bar Mamal made an objection: "We have learned elsewhere, that if four persons carried it on rods and the first pair stepped outside of the wall of the Temple while the other pair remained on the inside, the clothes of the first pair become unclean but not those of the second pair. There was, however, no deposit of the sacrifice in a certain place; why should they become unclean?" The questioner himself answered this by saying: "This was a case where the sacrifice was not carried, but dragged on the ground (hence there was a deposit in a certain place)."

MISHNA: If part of a member (of the paschal sacrifice) protrude beyond (the Temple), it must be cut until the knife reaches the bone, then the flesh should be removed on the inside (of the Temple) until the joint is reached, when it may be cut off (and the bone must be cast away). With regard to other sacrifices (the bones of which it is permitted to break), the protruding part must be cut off with a slaughtering knife; if it extend from the door-wing (or lobby), it must be considered as

inward; if it protrude farther than this, it is to be considered as outward (and should be cut off). The apertures in a wall and the thickness of a wall may be considered as the inside.

GEMARA: Said R. Jehudah in the name of Rabh: "The same rule applies to an assembly for prayer" (if nine men were on the inside and one on the outside, the assembly is not complete), and he differs with R. Jehoshua ben Levi, who declares, that even an iron wall does not intervene between Israelites and their Heavenly Father.

There is a difficulty in the Mishna itself; in one clause it states, that if the part of the member extend from the door-wing it is considered on the inside, hence the door-wing is itself considered on the outside; while in the next clause we find, if it extend farther than this it is on the outside, hence the door-wing itself is considered on the inside?

This presents no difficulty; the former clause refers to the door of the Temple, while the latter clause refers to the door of the walls surrounding Jerusalem, as R. Samuel bar R. Itz'hak said: "Why were not the gates of Jerusalem sanctified (as if they were inside of Jerusalem)? because those afflicted with sores seek shelter beneath them from the sun and rain," and further, he said: "Why was not the gate of Nikmor sanctified? Because those afflicted with sores who brought their sacrifices would thrust their forefingers through the holes in the gate in order to have them smeared with the blood of their sacrifices."

"*The apertures in a wall and the thickness of a wall,*" etc. Rabh said: "The roof and the attics of the Temple were not sanctified." This is not so! Did not Rabh say in the name of R. Hyya, that the companies partaking of the paschal sacrifices were so great that when they would shout the Hallel-prayer the roof would nearly burst through the sound of their voices? Hence must it not be assumed, that the paschal sacrifices were eaten also on the roof? Nay, they ate the sacrifices below, but went up on the roof to recite that prayer.

Come and hear! Abba Saul said: The attic of the holy of holies was even more holy than the holy of holies itself, for while the latter was entered once every year, the former was entered only once in seven years; according to others twice in seven years, and according to others only once in fifty years, and then only to see whether any repairs were necessary (whence we see, that the attic was also sanctified?). Said R. Joseph: How can a comparison be drawn between the Temple and the

city of Jerusalem? Concerning the Temple it is written [I Chronicles xxviii. 11]: "Then gave David to Solomon his son, the pattern of the porch, and of its apartments, and of its treasuries, and of its upper chambers, and of its inner chambers, and of the place of the cover of the ark"; and further, it is written [ibid. 19]: "All this, said David, was put in writing from the hand of the Lord, who gave me instruction respecting all the works of the pattern."

MISHNA: When two companies eat their paschal sacrifice in the same house (room), each turning their faces in a different direction while eating thereof, and the warming pot or kettle (containing the water to be mixed with the wine) is in the centre between the two companies, the waiter or servant must close his mouth (*i.e.*, not eat), (in order not to be suspected of eating with both companies), while he waits on the other company to pour out wine for them; then he must turn his face towards the company he eats with, and he must not eat till he rejoins his own company. It is, however, permitted to a bride to avert her face from the company while eating the paschal sacrifice.

GEMARA: This Mishna is in accordance with the opinion of R. Jehudah, as we have learned in the following Boraitha: It is written [Exod. xii. 7]: "In the houses, wherein they shall eat it," whence we may infer, that two companies are allowed to eat in one house. Should we assume that one may also eat it in two places of one house, therefore it is also written [ibid. 46]: "In one house shall it be eaten," which signifies that it may be eaten only in one place. Thence the sages declared, that if the servant who roasted the lamb (or the kid) had forgotten, and eaten a piece the size of an olive while he was engaged in roasting it, he should, if he knows his advantage, eat his fill right then and there, for he will not be allowed to eat any more thereof elsewhere; and if his company wish to show him favor, they can come and sit by him, and thus enable him to eat his fill if he had not already done so. Such is the dictum of R. Jehudah.

R. Simeon, however, said, that the passage "In the houses wherein they shall eat it," signifies, that a man may eat his paschal sacrifice in two different places; but lest a man should also assume that he may eat with two companies, the other passage, "In one house shall it be eaten," is added.

If one company was sitting and suddenly a partition was created between them (by the falling of a curtain), those who say that it is permitted to eat the paschal sacrifice in two com-

panies allow them to eat, but those who say that it is not allowed to eat in two companies do not permit them to do so. If the contrary was the case, *i.e.*, if a partition which had been between them was suddenly removed, those who say that the paschal sacrifice must not be eaten in two places do not allow them to eat it, while those who say it may be eaten in two places permit them to eat it.

R. Kahana was sitting and proclaiming this as a positive rule. Said R. Ashi to him: "This is not a positive rule. The question arises whether the partition which was formed or which was removed produced two companies and two places or not, and this question is undecided."

"*It is, however, permitted to a bride to avert her face,*" etc. Why so? Said R. Hyya bar Abba in the name of R. Johanan: "Because she is bashful."

R. Huna the son of R. Nathan happened to be a guest of R. Na'hman bar Itz'hak. The latter asked him his name, and he replied: "Rabh Huna." Said R. Na'hman to him: "Let Master sit on a bed," and he did so. A goblet of wine was handed him, and he at once accepted it and drained it in two draughts; but did not avert his face. He was finally asked why, when his name was inquired for, he called himself "*Rabh Huna,*" and he answered: "Such has been my name since my youth." "Why, then, didst thou immediately take thy seat on the bed when requested to do so?" was the question put to him, and he replied: "Because such is the rule, that whatever the master of the house requests his guest to do, the guest should comply." "Why didst thou at once accept the goblet of wine?" he was asked again, and the answer was: "Because when a man superior to thyself offers thee anything, thou shouldst at once accept it, while only one that is inferior to thee should be allowed to insist upon thy acceptance." "Why didst thou drain it in two draughts?" "Because a Boraitha teaches: 'One who drains his cup at one draught is a glutton. One who drains it in two draughts shows the proper respect, while one who drains it in three is a conceited man.'" "Why didst thou not at least avert thy face?" "Because it was expressly taught, that only a bride averts her face."

- R. Ishmael bar R. Jose happened to be a guest of R. Simon ben R. Jose ben Lakunia, and was given a goblet of wine, which he at once accepted and drained at a draught. The people present said to him: "Does not the Master hold, that one who

drains his cup at one draught is a glutton ?" and he answered: " This was certainly not said of a goblet so small as this, especially if containing wine so sweet and intended for a stomach of the capacity of mine."

R. Huna said: " A company which was appointed to eat the paschal sacrifice—if three had arrived and the rest were still absent—may commence to eat it. If the entire company had been there and gone away without eating the sacrifice, but one had remained, that one may eat it himself." Said Rabha: " This only applies if the three who entered had sent the servant to look for the others and they could not be found." Rabhina said: The three who did eat the paschal sacrifice should also be made to pay for it themselves, and the one man who had remained should also pay for more than his share. The Halakha, however, does not prevail according to Rabhina.*

* All this is in accordance with the explanation of Rabbenu Hananel and not of Rashi, as it is the more reasonable.

CHAPTER VIII.

REGULATIONS CONCERNING THOSE OBLIGATED TO EAT THE PASCHAL SACRIFICE—WHERE IT MAY BE EATEN—COMPANIES APPOINTED TO EAT IT, AND THE DIFFERENCE BETWEEN THE FIRST AND SECOND PASSOVER.

• MISHNA: If a paschal sacrifice had been slaughtered for a woman living in her husband's house, by her husband, and another lamb had been slaughtered by her father (also counting her in), she must eat that of her husband. If she came to pass the first festival after her marriage at her father's house and her father and husband have each slaughtered a paschal sacrifice for her, she may eat it at whichever place she prefers. If several guardians of an orphan have slaughtered paschal sacrifices for him, the orphan may go and eat it at the house he prefers. A slave belonging to two masters must not eat of the sacrifice of both masters. One who is partly a slave and partly free must not eat of the paschal sacrifice of his master.

GEMARA: Does the teaching of this Mishna then mean to signify, that there is such a thing as premeditated choice, *i.e.*, if the woman chose to eat at the house of either her husband or her father her intention to that effect was already existing at the time of the slaughtering of the lamb? Nay; by the statement "if she prefer it," it is not meant that she prefers to do it at the time when she is about to eat, but at the time when the sacrifice is to be slaughtered.

The following presents a contradiction: We have learned in a Boraitha: The first festival after a woman's marriage, she eats at the house of her father, but from that time on and further she may eat wherever she prefers to do so. This presents no difficulty. The Mishna refers to a case where the woman is not anxious to go to her father's house, in which event she may eat at her husband's house, while the Boraitha refers to a case of where the woman would rather eat at her father's house, as it is written [Solomon's Song viii. 10]: "Then was in his eyes as one that found favor," and R. Johanan held the passage to refer to

a daughter-in-law who was anxious to go to her father's house and relate how she had found favor in the eyes of her husband's family.

It is written [Hosea ii. 18]: "And it shall happen at that day, saith the Lord, that thou shalt call me Ishi (my husband), and shalt not call me any more Ba'ali (my master)." Said R. Johanan: This signifies that (Israel will be as near to the Lord) as a woman who is in the household of her husband is to her husband, and not as one who is still in her father's house.

It is written [Solomon's Song viii. 8]: "We have a little sister, and she hath yet no breasts." Said R. Johanan: This refers to the province of Elam, which was destined to learn only and not to teach (because there lived Daniel, who had no disciples, while Babylonia had Ezra, who left disciples).

It is written [ibid. viii. 10]: "I am a wall and my breasts are like towers." Said R. Johanan: "'I am a wall' refers to the Law, and 'my breasts are like towers' refers to the scholars who study it;" but Rabha said: "'I am a wall' refers to the congregation of Israel, and 'my breasts are like towers' refers to the synagogues and colleges."

R. Zutra bar Tobiah said in the name of Rabh: It is written [Psalms cxliv. 12]: "So that our sons may be like plants, grown up in their youth; our daughters, like corner-pillars, sculptured on the model of a palace." By "our sons may be like plants" are meant the youths of Israel who had not yet tasted of the flavor of sin, and by "our daughters like corner-pillars" are meant the maidens of Israel who lock their doors to men, as it is written in the next verse [ibid. 13]: "May our garners be full, furnishing all manner of store." By the passage "sculptured in the model of a palace" is meant, that both the youths and the maidens who have not sinned are worthy to have the Temple built in their days.

It is written [Hosea i. 1]: "The word of the Lord that came unto Hosea the son of Beëri, in the days of Uzziyah, Jotham, Achaz, and Hezekiah, the kings of Judah." At the same time four prophets prophesied, and the greatest among them was Hosea, as it is written further [ibid. 2]: "The beginning of the word of the Lord by Hosea was," which was explained by R. Johanan to mean the first of the four prophets that prophesied in that day, and they are: Hosea, Isaiah, Amos, and Micah. The Holy One, blessed be He, said to Hosea thus: "Thy children have sinned," and Hosea should have answered: "They

are *Thy* children, the children of thy favorites Abraham, Isaac, and Jacob, and Thou shouldst extend towards them Thy mercy"; and not alone did he not make this reply, but even said: "Creator of the Universe! The whole world is thine. Why not exchange them for another nation?" Whereupon the Lord said: "What shall I do with this old man? I shall tell him to take unto himself a wife of prostitution and have children of prostitution [ibid. 2], and then I shall tell him to send her away; and if he will then be able to do so, I shall also cast off Israel, as it is written further [ibid. 3]: "So he went and took Gomer the daughter of Diblayim." ["Gomer" (which means conclusion), said R. Jehudah, "was so called because at that time the money of the Israelites was about to be abolished," and R. Johanan said: "It was already abolished, for the Israelites were robbed of all possessions, as it is written [II Kings xiii. 7]: 'For the king of Syria had destroyed them and had made them like the dust at threshing.'"] It is further written: "And she conceived and bore him a son" [Hosea i. 4]. "And the Lord said unto him, Call his name Yizre'el (God will scatter, etc.)." [Ibid. 6:] "And she conceived again and bore a daughter; and He said unto him, Call her name Loruchamah (not finding mercy); for I will not further have any more mercy upon the house of Israel; but I will give them their full recompense, etc." [Ibid. 8:] "Now when she had weaned Loruchamah, she conceived, and bore a son." [Ibid. 9:] "Then said He, Call his name Lo'ammi (not my people); for ye are not my people, and I will indeed not be unto you (a God)." So after Hosea had born unto him two sons and a daughter, the Lord said unto him: "Shouldst thou not have learned from the example of Moses, who, immediately after I began to speak to him, separated himself from his wife? Then as he did, so also shalt thou do." Hosea answered: "Lord of the Universe! I have children with her, and cannot cast her off nor send the children away." So the Lord replied: "If then thou, who hast a wife of prostitution and whose children thou knowest not even whether they be thine, canst not separate thyself from her, how then can I cast off my children (Israel), whose fathers, Abraham, Isaac, and Jacob I have tried—Israel, which is one of the four acquisitions which I have acquired in my world [see Aboth, Chap. VI., and Exod. xv. 16], and thou wouldst tell me to exchange them for another nation!"

As soon as Hosea realized that he had sinned, he commenced to pray for mercy for himself, and the Lord said unto him:

" Instead of praying for mercy for thyself, pray rather for mercy for Israel, for through thee I pronounced those three invectives [mentioned above] against them." So he followed the behest of the Lord, and after praying for Israel, the three invectives were retracted and annulled. Finally, when this came to pass, Hosea commenced to bless the people, as it is written [chap. ii. 1-3]: " Yet shall the number of the children of Israel (once) be like the sand of the sea, which cannot be measured nor numbered; and it shall come to pass that, instead that people say of them, Ye are not my people (Lo'ammi), shall they call them the sons of the living God. Then shall the children of Judah and the children of Israel be gathered together, and they will appoint for themselves one head, and they shall go up out of the land; for great shall be the day Yizre'el. Call ye your brothers Ammi (my people); and your sister, Ruchamah (that hath obtained mercy)."

R. Johanan said: Woe is to a dominion that overwhelms its own master, for we find that there was not one prophet who did not outlive four kings, as it is written [Isaiah i. 1]: " The vision of Isaiah the son of Amoz, which he saw concerning Judah and Jerusalem in the days of Uzziyahn, Jotham, Achaz, and Hezekiah, the kings of Judah," and this also with the other prophets.

R. Johanan said again: Why was it destined for Jeroboam, king of Israel, to be counted with the kings of the house of David? (*Vide* Hosea i. 1.) Because he did not listen to calumny brought against Amos, as it is written [Amos vii. 10]: " Then sent Amazyah the priest of Beth-el, to Jeroboam the king of Israel, saying, Amos hath conspired against thee in the midst of the house of Israel," etc.; and further, it is written [ibid. 11]: " For this hath Amos said: By the sword shall Jeroboam die," etc., and Jeroboam answered: " God forbid that the righteous man (Amos) should have said this; but if he did, what can I do concerning him? Surely the Shekhina put the words in his mouth!"

R. Elazar said: Even when the Lord is angered, he also remembers His mercy, as it is written [Hosea i. 6]: " I will not farther have any more mercy upon the house of Israel; but I will give them their full recompense," reads: " I will not (go) farther; I will have mercy upon them," * etc.

* This version of the verse R. Elazar bases upon the fact that the Hebrew term " Ara'hem " means " I will have mercy upon them," and if it were as translated in the first version of the passage the term used would be " Lera'hem."

R. Jose bar Hanina said: "The latter part of the verse can be construed to mean that 'their sins will be obliterated.'"

R. Elazar said again: "The Holy One, blessed be He, sent the children of Israel into exile among the heathens only for the purpose of acquiring more converts, as it is written [Hosea ii. 25]: 'And I will sow her for me in the land,' and as a matter of course sowing is done in order to reap a harvest."

R. Johanan infers it from the next passage [ibid. ibid.]: "I will have mercy upon 'Her that had not obtained mercy,'" refers to the heathens who were not yet converted and upon whom mercy will be had by scattering among them the Israelites as fruitful seed.

R. Johanan said in the name of R. Simeon ben Jochai: It is written [Proverbs xxx. 10]: "Do not calumniate a servant unto his master: lest he curse thee, and thou incur guilt," and further, it is written [ibid. 11]: "There is a generation that curseth its father, and doth not bless its mother," which signifies that even in a generation that curseth its father, etc., a man should not slander the slave to his master. Whence do we know this? From the instance of Hosea (who spoke in a derogatory manner of Israel and thereby incurred the wrath of the Lord).

R. Oshiya said: It is written [Judges v. 11]: "'*Tzidkath Pirzono Be-Israel*'" (the benefits towards the open towns in Israel). Read instead: "'*Tzidkath Pizrono Be-Israel*'" (the benefits conferred on Israel by scattering them among the nations). This is in accord with the statement of a Roman official to R. Hanina; viz., "We are better men than ye are; for concerning you it is written [II Kings xi. 16]: 'For six months did Joab remain there with all Israel, until he had cut off every male in Edom.' Yet we, who have dominated over you so long a time, have not destroyed you." Said R. Hanina to him: "Wouldst thou permit, that one of my disciples should argue the matter with thee?" (The official acquiesced.) R. Oshiya then came up and said to him: "The only reason why ye have not destroyed Israel, is because ye know not how to proceed. Should you desire to destroy all the Jews, it would be impossible, for there are numbers who are beyond your dominions; should you only destroy those that dwell among you, you would be called a curtailed dominion (because there would be a nation missing)." The official then answered: "I swear by the ruler of Rome that, when deliberating upon this matter, we begin and end with that argument."

R. Hyya taught: It is written [Job xxviii. 23]: "God alone understandeth her way, and he knoweth her place," which signifies, that God knew that the children of Israel could not bear the tyrannical behests of the Edomites (or Romans), and for that reason He sent them into exile to Babylon or Persia, where they were not compelled to suffer so much.

R. Elazar said: Why was Israel exiled to Babylon? because Babylon is as low as the grave, and it is written [Hosea xiii. 14]: "From the power of the grave would I ransom them, from death would I redeem them." R. Hanina said: "They were exiled to Babylon because the language there is similar to the vernacular of the Law." R. Johanan said: They were exiled there because that was their native country (for Abraham came from Babylon); and this may serve as an example of a man who becomes angry with his wife and sends her back to her mother, and this is according to R. Alexandre's opinion, who said: "Three things returned whence they originated; namely, "Israel, the money carried out of Egypt by the Israelites, and the script of the tablets of the Law": Israel, as just mentioned; the money carried out of Egypt, as it is written [I Kings xiv. 25]: "And it came to pass in the fifth year of King Rehoboam, that Shishak the King of Egypt came up against Jerusalem [ibid. 26], and he took away the treasures of the house of the Lord and the treasures of the king's house, etc."; "the tablets," as it is written [Deutr. ix. 17]: "And I broke them before your eyes," and we have learned in a Boraitha that the tablets were broken and that the letters inscribed thereon vanished.

Ula, however, said: "Israel was exiled to Babylon because the necessities of life were cheap there, and the men would thus be enabled to live cheaply and at the same time study the Law." Ula once came to Pumbaditha, and a basket of dates was brought to him; so he asked how many baskets like that could be bought for one zuz, and he was told that three could be bought for one zuz. Said he to himself: "A big basket of honey for one zuz, and still the Babylonians do not study the Law sufficiently!" He ate too many dates, and it proved injurious to him. Said he to himself this time: "A whole basket of poison for one zuz, and still the Babylonians study."

R. Elazar said again: It is written [Isaiah ii. 3]: "And many people shall go and say, Come ye and let us go up to the mountain of the Lord, to the house of the God of Jacob." Of the God of Jacob, and not Abraham and Isaac? (Not that the

God of Jacob is not also the God of Abraham and Isaac,) but the house of God is not the mount concerning which it is written [Genesis xxii. 14]: "On the mount of the Lord shall it be seen," nor yet the field of Isaac where he went out to perform his devotions [Gen. xxiv. 63], but the house of the God of Jacob, as it is written [Gen. xxviii. 19]: "And he called the name of the place Beth-el (house of God)."

R. Johanan said: The day on which all the children of Israel will be recalled from exile will be as great as the day on which the world was created, because it is written [Hosea ii. 2]: "Then shall the children of Judah and the children of Israel be gathered together, and they will appoint for themselves one head, and they shall go up out of the land; for great shall be *the day* of Yizreël"; and as it is written [Genesis i. 5]: "It was evening and it was morning, the first *day*," and hence the comparison.

"*If several guardians of an orphan have slaughtered,*" etc. Infer from this, then, that there is such a thing as premeditated choice! Said R. Zera: It is written [Exod. xii. 3]: "A lamb for every house," and that signifies, that the head of the house can slaughter a lamb for the entire family without consulting them.

The rabbis taught: "It says: 'A lamb for every house.' Whence we may infer that a man may slaughter the lamb for his minor sons and daughters, for his Canaanitish bond-men or bond-women, whether he have their consent or not; but he must not slaughter it for his adult sons and daughters, for his Israelitish bond-men or bond-women, or for his wife, without their consent."

"*A slave belonging to two masters,*" etc. R. Aina the Elder propounded a contradictory question to R. Na'hman: "We have learned in our Mishna that a slave belonging to two masters must not eat the paschal lamb at the houses of both, and in another Boraitha we have learned that if he chooses he can eat it at either one or the other," and R. Na'hman answered: "Old Aina! This is a case analogous to you and myself. (If we are on good terms we can partake of a joint meal, and) thus also the Mishna treats of masters who are not on good terms with each other, while the Boraitha treats of masters to whom it makes no difference where the slaves eat."

MISHNA: If a person order his slave to go and slaughter for him the paschal sacrifice, and the slave go and slaughter a

kid or a lamb, he may eat it; if he slaughter a kid and a lamb, he may only eat that which he slaughtered first. How is he to act when he has forgotten the exact words of the order of his master? He should kill a lamb and a kid, and say (at the time of the killing and sprinkling of the blood), "If my master said 'a kid,' then may the kid be for him and the lamb for me, but if he said 'a lamb,' then be the kid for me and the lamb for him." If the master also had forgotten the precise terms of the order he gave, both animals must be burned, and neither master nor slave is bound to bring a second paschal sacrifice.

GEMARA: It is self-evident that if the slave slaughtered a lamb, although he generally slaughtered a kid, he may partake of the lamb, and if he slaughtered a kid, contrary to his usual custom of killing a lamb, he may eat of the kid; but is not the further statement in the Mishna, to the effect that if he slaughtered both he should only eat of that which he slaughtered first, contrary to the teaching of the Boraitha "that one man should not be appointed to eat of two paschal sacrifices" (how then may he eat of the offering slaughtered first)? The Mishna treats of the case of a king and a queen, as we have learned in a Boraitha, viz.: "One man must not be appointed to eat of two paschal sacrifices"; but it happened that a king and a queen ordered their slaves to slaughter the paschal sacrifice for them, and the slaves went and slaughtered two—a kid and a lamb. Afterwards they came to the king and asked him (which of the two he would eat), and he told them to ask the queen. When they asked the queen, she ordered them ask Rabbon Gamaliel, and when they came to R. Gamaliel he said: "In the case of the king and the queen, who are not particular whether they eat a kid or a lamb, they should eat of the first one slaughtered; but if this occurred to a man in our condition of life, he would not be allowed to partake of either."

At another time it happened that a reptile was found in the slaughter-house of the king, and it was thought that the reptile was dead, thus causing the entire meal prepared for the king and queen to become unclean. The servants came to the king and asked him concerning the matter, and he referred them to the queen, who in turn ordered them to inquire of Rabbon Gamaliel. When they came to R. Gamaliel, he asked them where the reptile had been found—among hot (food) or cold. They answered that it was found among hot; so he told them to get a cup of cold water and pour it on the reptile. This was done,

and the reptile moved. Accordingly R. Gamaliel held all the meal to be undefiled (for only the *dead body* of a reptile causes defilement, but not a live one). From this we can see, that the king depended upon the queen and the queen upon R. Gamaliel, and thus the entire meal of the king depended upon the decree of Rabbon Gamaliel.

"If the master also had forgotten the precise terms of the order," etc. Said Abayi: "Such is the case only if he had forgotten *after* the blood of the sacrifice had been sprinkled, for at that time the sacrifice was already fit to eat, and therefore no second Passover-sacrifice is necessary; but if he had forgotten *prior* to the time when the blood was sprinkled, in which case the sacrifice was not yet suitable to be eaten, he must bring a second Passover-offering."

According to others, Abayi did not make the above statement with reference to the Mishna but with respect to the Boraitha which follows: "If five skins of five different sacrifices were mixed and a blemish was found on the skin of one, all five sacrifices must be burned, but still neither one of the five owners need bring a second Passover-sacrifice." Commenting on this, Abayi said: "They need not bring a second sacrifice if the skins had become mixed after the sprinkling of the blood; for when the blood was sprinkled there were four of the sacrifices fit to be eaten. But if they had become mixed prior to the sprinkling, in which case none of the five were yet fit to be eaten, the owners are in duty bound to bring second Passover-offerings."

Those who hold that Abayi refers the statement mentioned to the Mishna, hold so much the more that he makes it with respect to the Boraitha also; but those who hold that he refers it to the Boraitha, maintain that in all probability he does not make the statement with reference to the Mishna: because in the case of the Boraitha one of the sacrifices was beyond doubt invalid through the blemish on the skin, and therefore a second Passover-offering should be brought; but in the Mishna the sacrifices were at all events valid, and the owner had merely forgotten what he had ordered. Still to the Lord his intention was known, and for that reason a second Passover-offering is not necessary.

The Master said (in the Boraitha): "Neither of the five owners need bring a second Passover-sacrifice." Why not? One of them had surely not acquitted himself of his duty! Because it is impossible to remedy the case. Should each of the

five bring a second Passover-offering, the four whose sacrifices were valid will be guilty of bringing ordinary animals into the Temple for paschal sacrifices, and that is prohibited. Should all five bring but one, then it will be eaten by persons not appointed for that purpose. Hence all five are exempted.

MISHNA: If a man say to his sons: "I slaughter the paschal sacrifice for whichever one of you shall arrive first in Jerusalem; then the first of them, whose head and greater part of the body first appears (in the city gate), thereby acquires a right to his own share and acquires the same for his brothers.

GEMARA: Infer therefrom that there is such a thing as premeditated choice (for originally the man did not know which one of his sons would arrive first, and when one *did* arrive, it must be assumed that that son was the one for whom the man intended to slaughter the sacrifice at the time of slaughtering). Said R. Johanan: "The man actually intended the sacrifice for all of his sons, but he merely mentioned the one who arrived first in order to cause his sons to hasten to fulfil their duty." This can be inferred from the Mishna itself, which teaches that the one son can also acquire the right to their shares for his brothers. This would be proper if the man intended the sacrifice for all his sons to commence with; but if we should say, that he did not intend it for all of them at the time of the slaughter, how can a right be acquired for them after the slaughtering had been done? for we have learned in a Mishna: "They may be numbered for the sacrifice, and can withdraw from it only until the time of slaughtering." Such, then, is the conclusion.

We also learned in support of this in a Boraitha: It once happened that the daughters of a man made their appearance before the sons did, and the daughters were consequently held to be alert while the sons were tardy.

MISHNA: As many people may partake of a paschal sacrifice as can obtain therefrom the quantity of flesh of the size of an olive. Those that were appointed to eat it may withdraw (from the company) before the paschal sacrifice is slaughtered. R. Simeon said: "They may do so until the blood thereof is sprinkled."

GEMARA: What would (this Mishna) teach us? It would inform us that, even if one company had already been numbered to eat the sacrifice, another company may nevertheless be appointed, provided always that there will be a quantity of flesh of the size of an olive for each member of the second company.

"Those that were appointed to eat may withdraw," etc. Said Abayi: The point of difference between the sages and R. Simeon is only as regards the withdrawal. The sages hold that the passage [Exod. xii. 4]: "And if the household be too small for a lamb," refers to a lamb which is still alive, while R. Simeon holds that it refers to a lamb which is still on hand (in a slaughtered state); but as for the appointment of the company, all agree, that this can be done only until the time of slaughtering, because it is written [ibid. ibid.]: "According to the number of souls," and immediately following it says, "shall ye make a count for the lamb."

We have learned in a Boraitha in accordance with the above: Those appointed to eat of the sacrifice may withdraw until the time of the slaughter; but R. Simeon says: "The appointment may be made until the time of the slaughter; but withdrawal therefrom may be effected until the sprinkling of the blood."

MISHNA: If a person had appointed others to partake with him of his share of the paschal sacrifice, his company are at liberty to give him his share so that he may eat it apart from them with his guests, and they may eat their own share (apart from him and his guests).

GEMARA: The schoolmen propounded a question: If a member of a company have a larger capacity than the other members, may the rest of the company offer him his share to eat separately, or can he insist upon his right to partake of the sacrifice jointly with them? And can they, on the other hand, maintain that they received him as a member only in order to prevent a remainder being left over from the (consecrated) sacrifice, but that they did not calculate upon his appropriating more thereof than the other members of the company?

Come and hear! If a member of a company had a larger capacity than the other members, the rest may say to him: "Take thy share and go!" and not only this; but even if five persons had formed a partnership for the entire year and one of them appropriated more than his due, the others might say to him: "Take thy share and go!" Hence the conclusion.

What additional information would the statement, "not only this, but even if," etc., impart to us? We are told by this statement, that not only can a man be ousted from a company appointed to eat the paschal sacrifice on the ground that he was taken in only to avoid having a remainder left over, but even in an ordinary case of partnership, where such a claim cannot be

brought forward, a man may be ousted if appropriating more than his just share.

According to another version, this was not the subject at issue, but the question was merely whether a company which had gone into partnership (for any purpose whatever) might be divided or not. Come and hear: If a member of a company had a larger capacity than the other members, he might be told to "take his part and go"; whence we may infer that this may be done only if he had a larger capacity than the others, (because he was taken in only to avoid a remainder being left over,) but where such a claim cannot be put forth he cannot under any circumstances be ousted. Such is the conclusion.

R. Papa and R. Huna the son of R. Jehoshua agreed to take a meal in common. In the time it took R. Huna to eat one (date) R. Papa would consume four. Said R. Huna to him: "Give me my share (and let me go)!" and R. Papa answered: "We are in company! (Eat also as quickly as I do.)" Whereupon R. Huna propounded to him the previous questions (concerning divisions of partnership mentioned above), and was answered accordingly. He then asked him concerning the Boraitha, bringing the instance of an ordinary partnership (cited above), whereupon R. Papa gave him his share.

R. Huna then left and made common cause with Rabbina. In the time R. Huna bar R. Jehoshua would eat one (date) Rabbina would consume eight. So R. Huna said: "Rather an hundred Papas than one Rabbina."

The rabbis taught: If one man invite several others to go with him and partake of his paschal or festal offering, the money in his possession obtained from the guests he invites is non-consecrated, (notwithstanding the fact that money was given with the intention of applying it to a consecrated purpose). One who sold his burnt-offering or his peace-offering is not considered to have done anything, and the money obtained, whatever it be, should be applied to a voluntary offering. If the man is not considered to have done anything, why should the money obtained be applied to a voluntary offering? Said Rabha: This is virtually a punishment for the purchaser (in order to prevent him from buying burnt and peace offerings from another); (for not the mouse is the thief but the hole, *i.e.*, the thief is not as guilty as the receiver of stolen property who aids him). What is the meaning of "whatever it be"? This means to imply, that even if the amount paid was in excess of the value of the

sacrifice, *f.i.*, it was worth four, and five (zuz) were paid, even the one zuz in excess of the value is assessed as a punishment, and not, as might be assumed, allowed the purchaser.

MISHNA: If a person, having a running issue, had observed such issue twice on the same day, and the seventh day after (his malady had subsided) fall on the 14th day (of Nissan), (when he is no longer defiled), he may have the paschal sacrifice slaughtered for him on that day; but if he had observed the issue three times in one day, it may be slaughtered for him only if the eighth day (when he again becomes clean) should fall on the 14th (of Nissan). For a woman whose menstruation continued for a day beyond her regular period, the paschal sacrifice may be slaughtered if the second day (after her menstruation had subsided) fall on the 14th (of Nissan); if it continued two days beyond her regular period, the sacrifice may be slaughtered for her if the 14th (of Nissan) fall on the third day after the menstruation had subsided; but for a woman whose flow of menses continued three days beyond her regular period, the sacrifice may be slaughtered only if the 14th (of Nissan) fall on the eighth day after the flow had stopped.*

GEMARA: R. Jehudah said in the name of Rabh: "For a person who had a running issue the paschal sacrifice may be slaughtered on the day on which he takes his legal bath even before the sun had set on him (if that day be the 14th of Nissan). The same law applies to one who had already bathed, but had not yet received forgiveness from the altar (*i.e.*, had not yet brought the legal sacrifice); but for one who had contracted uncleanness through contact with a dead reptile the sacrifice must not be slaughtered nor the blood sprinkled, even though he may legally take his bath on that day." Ula, however, said, that for the latter also the sacrifice may be slaughtered and the blood sprinkled.

According to Rabh, why may the sacrifice be slaughtered for one who had a running issue and had taken his legal bath? because he will at night be allowed to partake thereof. Why, then, should he not accord the same permission in the case of one who had become defiled through a dead reptile? For the reason that the latter had not yet taken his legal bath. But even for the one who had bathed, is not sunset lacking? The

* The detailed laws concerning the cases under discussion in the Mishna will be brought forward in Tract Niddah.

sunset must eventually take place, while one may neglect to take a bath. What about the one who still lacks forgiveness? Surely that may be delayed? The case of a man is spoken of, who already has the necessary sacrifice in his possession. If that be the case, then the one who had not yet taken his bath can claim that the bath is ready for him? Still, there is fear that he might not take advantage of it. Can this not also be the case with the one who lacks forgiveness, even if he have the sacrifice in his possession? "In his possession" signifies, that the sacrifice had already been delivered to the tribunal of the priests, and this is in accordance with R. Shamaiah's opinion, which reads: "We are certain that the tribunal of the priests does not adjourn until all the money contained in the chests and set apart for the sacrifices of the day is properly disposed of."

Let us see! Rabh, who does not permit the sacrifice to be slaughtered for one who had become defiled through a reptile and had not yet bathed, does so, because he claims that there is fear lest the man should not take his legal bath, which is merely a rabbinical precautionary measure, while according to biblical law the precaution is dispensed with and the sacrifice may be slaughtered for him. How, then, can Rabh prescribe that if a congregation is equally divided between clean and unclean members, one of the clean should be defiled by being brought in contact with a reptile? Therefore we must say, that, according to Rabh, one who had become defiled through contact with a reptile cannot even according to biblical law have the sacrifice slaughtered for him; for it is written [Numbers ix. 10]: "If any man whatever should be unclean by reason of a dead body," and we know that even if the seventh day of such a man's uncleanness fall on the eve of Passover, still the Law prescribes that he should bring his sacrifice on the second Passover, and the seventh day is the equivalent of a day on which a man had become defiled through a dead reptile.

Whence do we know, that the seventh day fell on the eve of Passover, perhaps it is not the seventh day (but the fifth or sixth)? Because we know that Rabh holds with R. Itz'hak, who states as follows: "It is written [ibid. ix. 6]: "But there were certain men who had been defiled by the dead body of a man, and they could not prepare the Passover-lamb on *that day*." Whence we adduce, that they were defiled by a corpse for which no burying-ground had been provided, and the seventh after their defilement happened on the eve of Passover, because it is

distinctly written, "on that day," which signifies, that though they could not prepare the sacrifice "on that day" they could do so on the morrow, and still the Law prescribed that they should bring their sacrifice on the second Passover.

MISHNA: For a mourner who has lost a relative, for whom he is obliged to mourn, on the 14th (of Nissan); for a person employed in digging out of a heap of fallen ruins persons buried among them; for a prisoner who has the assurance of a release (in time to eat the paschal sacrifice); and for aged and sick persons, it is lawful to slaughter the paschal sacrifice while they are able to partake thereof a quantity at least the size of an olive. For none of these, however, may it be slaughtered on their account alone, because they may cause the paschal offering to become desecrated and useless; therefore, if any one of the persons enumerated becomes disqualified to partake of the paschal sacrifice, he need not bring a second, with the exception of a person who had dug out a dead body from beneath the ruins, since such a person is unclean to commence with.

GEMARA: Said Rabba bar Huna in the name of R. Johanan: A prisoner on whose account alone the paschal sacrifice should not be slaughtered is one who is imprisoned in the prison of the heathens; but one who is in a prison of the Israelites, if his release for that day was promised him, may have the paschal sacrifice slaughtered for him, because the promise will surely be fulfilled, as it is written [Zephaniah iii. 13]: "The remnant of Israel shall not do injustice, nor speak lies." R. Hisda said: "In treating of the prisons of the heathens, only such are meant as are outside of the walls of Beth Paagi; but if a prisoner is confined in a prison of the heathens inside of the walls of that place, he may have the paschal sacrifice slaughtered for him even if he be not released on the eve of Passover, as it may be brought to him while in confinement and he is allowed to partake thereof."

"Therefore, if any one of the persons enumerated becomes disqualified," etc. Said Rabba bar Hana in the name of R. Johanan: "Thus we have also learned in a Boraitha in the name of R. Simeon the son of R. Johanan ben Broka, viz.: If a man dig out of a heap of fallen ruins (persons buried among them), he is sometimes exempt from the duty of bringing a second Passover-offering and at other times he is obliged to do so. How so? If the heap was round and when commencing to dig he virtually formed a tent over the corpse which he was attempting

to dig out, and at the time the paschal offering was being slaughtered, he was already unclean and should therefore bring a second Passover-offering; but if the heap was oblong and the digging was commenced at the side, it is doubtful whether by the time the corpse was reached, (making the man unclean,) the sacrifice had already been slaughtered, and wherever there is a doubt a second Passover-offering need not be brought."

MISHNA: The paschal sacrifice must not be slaughtered for a single individual. Such is the dictum of R. Jehudah. R. Jose, however, permits this to be done. It must not be slaughtered even for a company of a hundred persons, if each one of them cannot eat as his share at least a piece the size of an olive. Neither may a company for the purpose of eating the paschal sacrifice be formed of women, with slaves and minors.

GEMARA: The rabbis taught: Whence do we know the paschal sacrifice must not be slaughtered for a single individual? because it is written [Deut. xvi. 5]: "Thou mayest not slay the passover within any one," etc., and this signifies, that it must not be slaughtered for one (person). Such is the dictum of R. Jehudah. R. Jose, however, said: "If one can eat the entire sacrifice it may be slaughtered for him; but if ten cannot eat it up entirely, then it must not even be slaughtered for the ten." How then will R. Jose explain the term "any one" in the passage quoted? He will apply it to the dictum of R. Simeon as follows: We have learned in a Boraitha: R. Simeon said: "Whence do we know that one who slaughtered a paschal sacrifice on an altar of his own (not in the Temple) is guilty of transgressing a negative commandment? This is demonstrated by the passage: "Thou mayest not slay the passover in any one of thy gates." Shall we assume, that even in the interim between the destruction of the first Temple and the erection of the second, when it was allowed to slaughter the paschal sacrifice outside of the Temple, one would also be culpable if he slaughtered it on his own altar? (Nay; for) to that end it is written, "in any one of thy gates," which signifies that only when there was a common gate for all the Israelites this would constitute a transgression; but when there was not, no guilt was incurred.

R. Uqba bar Hinana of the city of Prishna propounded a contradictory question to Rabha: "How can R. Jehudah say, that the paschal sacrifice must not be slaughtered for a single individual—have we not learned in a Boraitha: For a woman

the first paschal sacrifice may be slaughtered individually; but in the case of the second sacrifice she must be counted in with a company; such is the decree of R. Jehudah?

Rabha answered: "Do not read, 'may be slaughtered for her individually,' but 'for *them* separately,' which means that there were several women together." Rejoined R. Uqba: "But have we not learned in our Mishna that a company must not be formed of women, slaves, or minors, *i.e.*, of any of the three?" and Rabha replied: "Nay; it means that a company must not be formed of the three together. It must not be formed of women and slaves, in order to prevent sin; not of slaves and minors, in order not to spoil the manners of the children."

R. Jacob said in the name of R. Johanan: A company should not be formed entirely of proselytes, because they are over-scrupulous and may cause the sacrifice to become invalid.

The rabbis taught: The paschal sacrifice, the eating of unleavened bread and of bitter herbs, are only obligatory on the first day of the Passover, but after that it is optional, and a man may or may not perform either. R. Simeon, however, said: "These duties are obligatory for men during the entire festival, but for women they are obligatory only on the first day?"

To what does R. Simeon refer? Shall we say to the paschal sacrifice—that may only be brought on the eve of the first day? Hence we must assume that he refers to the eating of unleavened bread and bitter herbs? Does not R. Simeon hold with the dictum of R. Eliezer to the effect that women are in duty bound to eat unleavened bread by biblical law; because it is written [Deut. xvi. 3]: "Thou shalt not eat therewith any leavened bread; seven days shalt thou eat therewith unleavened bread," etc., from which R. Eliezer infers that, as it is prohibited to eat leavened bread, it is obligatory to eat unleavened bread, and this rule applies to women also? Therefore say, that the paschal sacrifice and eating of unleavened bread and bitter herbs are obligatory on the first day only, and optional thereafter; and R. Simeon said, that the paschal sacrifice on the first day is obligatory for men only, and women are exempt (because it is a positive commandment dependent upon its season).

MISHNA: A mourner (who is obliged to mourn for a near relative who is not yet interred) may eat of the paschal sacrifice at eve after having taken his legal bath, but must not eat of other holy sacrifices. One, however, who has only received informa-

tion of the decease of a near relative, or who has the bones of a deceased person exhumed (and removed) for him, may eat even of other holy sacrifices after having bathed. A Gentile proselyte, who was circumcised on the day before the Passover festival may, according to Beth Shammai, bathe himself, and eat in the evening of the paschal sacrifice. Beth Hillel, however, say: "One who has parted from the uncircumcised must be considered as one who has just parted from the grave." *

GEMARA: Why may a mourner eat of the paschal sacrifice? Because, while on the day of the decease of the relative the mourner is, according to biblical law, exempted from the performance of all religious duties, on the night of that day the Tana (of the Mishna) holds that he is exempt only by rabbinical law, and on account of rabbinical law they would not assume the responsibility of avoiding a commandment the non-observance of which is punishable with Kareth (being cut off). As for other holy (sacrifices) which do not involve such punishment, if not partaken of they held the rabbinical law to be effective.

"*Who has the bones of a deceased person exhumed,*" etc. Must not a man who exhumes the bones of a deceased person undergo the period of uncleanness for seven days and be sprinkled on the third and the seventh. Read in the Mishna, that a man is referred to who has the bones exhumed *for him*, and thus is only bound to mourn.

"*A Gentile proselyte, who was circumcised,*" etc. Said Rabba bar bar Hana in the name of R. Johanan: They differ only concerning a Gentile proselyte, for Beth Hillel hold that it might happen on the next year that the Gentile should be unclean, and say: "I will bathe and eat of the paschal sacrifice," thinking that having done so the preceding year he is allowed to do it also then, and not realizing that in the preceding year he had not yet been an Israelite and therefore not subject to uncleanness, while this year he is now an Israelite and is subject to the law of uncleanness. Beth Shammai, however, maintain that such a precautionary measure is not necessary. As for an Israelite, however, who had been circumcised on the day before the Passover, all agree that he may after bathing partake of the sacrifice and that the precautionary measure is in his case superfluous.

The same we have learned in a Boraitha in the name of R. Simeon ben Elazar.

* And is therefore unclean for seven days; hence he must not eat the paschal sacrifice.

CHAPTER IX.

REGULATIONS CONCERNING THE SECOND PASSOVER—THE PASSOVER AT THE EXODUS FROM EGYPT—CONCERNING CASES WHERE THE PASCHAL SACRIFICE HAD BECOME MIXED.

MISHNA: Persons who, in consequence of being (ritually) unclean or on a distant journey, did not observe the first Passover, must observe the second. Also such as have, either through error or compulsion, been prevented from observing the first, must observe the second Passover. Why, then, the verse [Numb. ix. 10]: "If any man whatever be unclean by reason of a dead body, or be on a distant journey"? In order to teach us, that in case of the neglect of the observance of the second Passover by them, they do *not* incur the penalty of Kareth (excision), but others do incur it.

GEMARA: It was taught: If a man was on a distant journey and the paschal sacrifice was slaughtered and the blood sprinkled for him also, R. Na'hman said that the offering is accepted for him, and he need not observe the second Passover; because the Merciful One had pity on him: but if he offered up a second Passover-sacrifice nevertheless, an additional blessing is bestowed upon him. R. Shesheth, however, said: "The offering is not accepted for him, even from the fact that the keeping of a second Passover has been provided for by the Law, as if he were unclean; hence the offering brought for the man is not even considered as brought at its proper time, and hence is of no account."

Said R. Na'hman: "I adduce my teaching from the Mishna itself; for it states, 'that persons who, in consequence of being unclean or on a distant journey, did not observe the first Passover,' implying thereby, that had they chosen to do so they could have observed the first Passover." Said R. Shesheth: "Then how can we account for the latter clause of the Mishna, which states, that such as have, either through error or compulsion, been prevented from observing the first; shall we assume that they could in this case also, had they chosen to do so, observe the first Passover, were they not prevented by compulsion? Therefore we

must say, that the latter case includes even one who intentionally neglected the observance of the first Passover, and he should observe the second. Thus also the first case, by stating, 'did not observe the first Passover,' includes mourners (who mourn for a dead relative that was not yet interred)."

The rabbis taught: "The following persons are obliged to observe a second Passover: Men and women afflicted with a running issue, men and women afflicted with sores, women suffering from their menstruation and such as had sexual intercourse with them during that time, women lying in, those that neglected the observance of the first Passover either through error or compulsion, those that neglected it intentionally, those that were unclean, and those who were on a distant journey. If all these are included, why does the verse mention only those that were unclean and on a distant journey? In order to exclude these from the penalty of *Kareth*."

This teaching of the rabbis coincides with the opinion of R. Na'hman to the effect that if a paschal sacrifice had been slaughtered for one who was on a distant journey it is favorably accepted.

Is a woman, then, obliged to bring a second Passover-offering? Have we not learned in a Boraitha: We might assume that the duty of offering the second Passover-sacrifice was only incumbent upon those who were unclean (through contact with a dead body) and upon those who were on a distant journey; whence do we know that men having a running issue, men afflicted with sores, and one who had sexual intercourse with a woman suffering from her menstruation are also included? To that end it is written [Numbers ix. 10]: "any man whatever." Thus we see that "man" is mentioned, but not woman? This presents no difficulty. According to R. Jose women are also bound to bring the second Passover-sacrifice, while according to R. Jehudah and R. Simeon women need not.

The rabbis taught: "*Kareth* is the penalty for the non-observance of the first Passover as well as of the second." Such is the dictum of Rabbi. R. Nathan, however, said that punishment is incurred only for the non-observance of the first, but not of the second Passover. R. Hananiah bar Aqabia said: "Even for the non-observance of the first Passover the penalty is not incurred unless the second Passover is also not observed."

The opinions of all three are in accordance with their individual theories, as we have learned in the following Boraitha:

If a proselyte had become converted (to the Judaic faith) in the interim between the two Passovers, or if a minor had attained his majority during that time, Rabbi holds that they should observe the second Passover. R. Nathan, however, says that only one who was obliged to observe the first Passover should observe the second; but not one who was not in duty bound to observe the first. Wherein do these two sages differ? Rabbi holds that the two Passovers are separate festivals, while R. Nathan maintains that the second is only supplementary to the first but not a substitute therefor; *i.e.*, the observance of the second Passover does not absolve a man from the punishment incurred for the neglect of the first; but R. Hananiah bar Aqabia states that the second Passover is merely a substitute for the first, and its observance exempts a man from the penalty incurred through non-observance of the first. All three sages adduced their teachings from the one passage, viz. [Numb. ix. 13]: "But the man that is clean, and is not on a journey." Rabbi holds that the following words, "and forbearth to prepare the Passover-lamb, even that same shall be cut off from his people," refer to the first Passover, and the sentence, "because the offering of the Lord hath he not brought at its appointed season, his sin shall that man bear," refers to the observance of the second Passover, and instead of "because" (Hebrew *Kee* *) it should read "or." R. Nathan, however, holds to the literal text of the verse, and says that it should read, "because the offering," etc. R. Hananiah bar Aqabia says that instead of "because" it should read "if," and then the sentence will read, "if he hath not brought," etc.

Thus the conclusion is as follows: If a man had intentionally neglected the first and second Passover, all agree, that he incurs the penalty of Kareth. If he had inadvertently neglected both, all agree, that he is not culpable. If he had neglected the first intentionally and the second unintentionally, he is, according to Rabbi and R. Nathan, culpable, and according to R. Hananiah absolved. If he had neglected the first unintentionally and the second intentionally, he is, according to Rabbi, culpable, but according to R. Nathan and R. Hananiah bar Aqabia he is absolved.

MISHNA: What must be considered a "distant" journey?

* The Hebrew word "*Kee*" can be translated in four different ways; namely, "because," "therefore," "perhaps," and "if."

According to R. Aqiba, it is from Moodayim and beyond, and from all places around Jerusalem, situated at the same distance. R. Eliezer said: "Any distance beyond the outside of the threshold of the Temple-court should be considered as coming in under that term." Said R. Jose to him: "It was to confirm this (Rabbi's statement) that it is (even to this day) directed that a dot must be placed over the Heh in the word Rahuqa'h (meaning 'distant'), to indicate that it is not necessary that a person should actually be on a distant road, but that he is considered distant so long as he has not passed beyond the threshold of the court of the Temple."

GEMARA: Said Ula: "From Moodayim * to Jerusalem is a distance of fifteen miles," and he is in accordance with the opinion of Rabba bar bar Hana, who said in the name of R. Johanan: "What is the distance that a man can traverse in one day? Ten Parsaoth.† From the time the morning star appears until sunrise five miles, from sunset until the stars appear five miles, and from sunrise until noon fifteen miles, and from noon until sunset fifteen miles."

Ula's reason for calling fifteen miles a distant journey is because he holds, that if a man were in Moodayim after sunrise he could not reach the court of the Temple in time to witness the slaughtering of the paschal offering.

The Master said: "From the time the morning star appears until sunrise a man can traverse five miles." Whence does he adduce this? From the passage [Gen. xix. 15]: "And as the morning dawn arose, the angels urged Lot," etc.; and further, it is written [ibid. 23]: "The sun rose over the earth, when Lot entered into Zoar"; and R. Hanina said: "I saw the distance between Sodom and Zoar, and found it to be five miles."

Thus it is said that Ula calls a journey distant if the court of the Temple cannot be reached in time for the slaughtering on the same day, and R. Jehudah says that the journey is distant if the court of the Temple cannot be reached in time for the eating of the paschal lamb on the same day. Said Rabba to Ula: "According to both thine and R. Jehudah's opinion there is a question. According to thy own opinion, for one who had become unclean through a reptile the paschal offering may be

* The place Moodayim is frequently mentioned in Josephus and the history of the Maccabees under the name of Modain.

† Parsaoth is plural for Parsah, which is the equivalent of four miles, called in Hebrew "Milin."

slaughtered and the blood sprinkled notwithstanding the fact that he will not become clean until evening and hence cannot enter the Temple, and still thou sayest that if a man cannot reach the court of the Temple in time for the slaughtering, the paschal sacrifice should not be slaughtered for him. Now, according to R. Jehudah, who states that if a man can reach the court of the Temple in time for eating, the paschal sacrifice may be slaughtered for him, why does he hold that the paschal offering must not be slaughtered for one who became unclean through a reptile? A man in such a condition becomes clean and may enter the Temple after sunset, and at that time the paschal lamb is eaten."

Replied Ula: "There is no difficulty, neither according to my opinion nor according to R. Jehudah's. According to my opinion there is no difficulty, for the law concerning a man on a distant journey applies only to a (ritually) clean man but not to one that is unclean; and according to R. Jehudah's opinion there is also no difficulty, for one that had become unclean through contact with a dead reptile was excluded by the Law itself, as it is written [Numbers ix. 10]: 'If any man whatever should become unclean by reason of a dead body,' etc., and we will know that a man in such a condition, even if his seventh day of uncleanness fall on the eve of Passover, must postpone his Passover-sacrifice until the second sacrifice; and is this not equivalent to a man who had become unclean through a reptile on the eve of Passover?"

The rabbis taught: If a man was situated on the further side of Moodayim, and while he could not reach the court of the Temple on foot could reach it by means of a mule (or conveyance), we might assume that if he did *not* come to Jerusalem to offer his sacrifice he is guilty; hence the passage says that only such as are not on a distant journey are culpable if they neglect the Passover, but the man under discussion *was* on a distant journey. How is it, however, if the man was this side of Moodayim, towards Jerusalem, and could reach it under ordinary circumstances, but was prevented by the obstruction caused by camels and conveyances? We might assume that such a man does not incur punishment; hence it is written, "But the man that is not on a distant journey," and such a man cannot truly be considered on a distant journey.

Rabha said: "The entire world measures six thousand Parasaoth (24,000 miles), and the depth of the sky is one thousand

Parsaoth." One of these assertions is based upon tradition and the other is a reasonable conclusion, and Rabba is in accord with Rabba bar bar Hana, who said in the name of R. Johanan that the average man can walk ten Parsaoth in one day; hence if the sun traverses 6,000 Parsaoth in one day and a man can traverse $1\frac{1}{4}$ Parsaoth between dawn and sunrise, which is a sixth of the distance he can traverse from sunrise to sunset, the sun takes one-sixth of the time to pierce the sky that it takes to traverse during the day, which is 1,000 Parsaoth, hence the sky must be 1,000 Parsaoth deep.

An objection was made: The disciples of Elijah taught: R. Nathan said: "The whole earth stands under one star, and proof is, that wherever a man is situated he sees the same star; and there being so many stars, the sky must necessarily be more than 1,000 Parsaoth deep." This objection was not answered.

The rabbis taught: "The sages of the Israelites assert, that the ring (wheel) in which the different constellations * are situated is fixed, and every month one of the constellations appears and then recedes, making room for another, while the Gentile sages declare that the wheel is constantly turning and every month brings forth a different constellation, which is, however, fixed in its place in the wheel." Said Rabbi (in order to contradict the Gentile sages): "We have never found the Bull in the south nor the Scorpion in the north, and were it as the Gentile sages declare, the position of the constellations would constantly change."

The sages of the Israelites said: "During the day the sun moves underneath the sky and at night recedes beyond the sky," while the Gentile sages say: "During the day the sun moves underneath the sky and at night it recedes beneath the earth."

Said Rabbi: "The assertion of the Gentile sages seems to be the more reasonable, for during the day the springs are all cold and at night they are all warm."

We have learned in a Boraitha: R. Nathan said: "In the summer time the sun moves in the zenith of the sky, hence all

* According to the sages there were twelve different constellations, one of which appeared every month, and they were: for the month of Nissan, the Ram; for the month of Iyar, the Bull; for Sivan, the Twins; for Tamuz, the Crab; for Ab, the Lion; for Elul, the Virgin; for Tishri, the Scales; for Cheshvan, the Scorpion; for Kislev, the Archer; for Tebeth, the Goat; for Shebat, the Water-bearer; for Adar, the Fishes.

the earth is warm and the springs are cool; but in the winter the sun moves in the base of the skies, hence all the earth is cold and the springs are warm."

The rabbis taught: The sun moves in four different paths. During the months of Nissan, Iyar, and Sivan it moves over the top of the mountains, in order to melt the snow. During Tamuz, Ab, and Elul it moves in the cultivated portions of the earth, in order to ripen the fruit. In Tishri, Mar-Cheshvan, and Kislev it moves over the seas, in order to dry up the lakes; and in Tebeth, Shebat, and Adar it moves in the desert, in order not to parch the seed sown.

"*R. Eliezer said: 'Any distance,'*" etc. Even if the man can enter, is he not told to do so, or given the alternative of incurring the penalty of Kareth? Have we not learned in a Boraitha, that an uncircumcised Israelite, if he does not partake of the paschal sacrifice, incurs the penalty of excision; for he is told to be circumcised, and then partake of the sacrifice? Such is the dictum of R. Eliezer. Rejoined Abayi: "A ritually clean man is exempt by law if he is on a distant journey, and outside of the Temple is considered a distant journey; but in the case of an unclean person this privilege is not granted; and he is equal to an unclean person." Rabha, however, said: Concerning this there is a diversity of opinion among different Tanaim, as we have learned in a Boraitha: R. Eliezer said: The Scriptures mention a distant journey in the case of the paschal sacrifice and in the case of second tithes, and as in the latter instance if a man is outside of the Holy Land he is considered as being on a distant journey, so in the former case if a man is outside of the place where he is allowed to eat the paschal offering, *i.e.*, beyond the walls of Jerusalem, he is considered as being on a distant journey. R. Jose the son of R. Jehudah, however, said in the name of R. Eliezer, that a man is not considered as being on a distant journey if he is outside of the place where he is allowed to *eat* the paschal sacrifice, but only if he is outside of the place where he should *prepare* it, and that is beyond the walls of the Temple.

According to whose opinion is the statement of R. Itz'hak the son of R. Joseph to the effect that the paschal sacrifice must be brought in accordance with the condition of the majority of the people inside of the Temple; *i.e.*, if the majority of the men on the inside of the Temple-court were in a state of defilement although the majority of the entire community standing outside

of the Temple were undefiled, the paschal sacrifice must nevertheless be brought in a state of defilement (because those standing on the outside are considered as being on a distant journey)? This is in accordance with the opinion of R. Jose bar Jehudah, quoting R. Eliezer.

"R. Jose said: '*It was to confirm this,*'" etc. We have learned in a Boraitha: R. Jose the Galilean said: The term "distant journey," as mentioned in the Scriptures, would lead us to presume that at least a three or four days' journey is meant; but as it is written further [Numb. ix. 13], "if he was not on a distant journey," we may conclude that as soon as a man is outside of the threshold of the court he is considered as being on a distant journey.

MISHNA: What is the difference between the first and second Passover? They differ, that during the (seven days of the) first Passover no leaven of any kind may be seen or even found in the house, while in the second both leavened and unleavened articles may be used in the house. At the eating of the paschal offering on the first Passover, the "Hallel" prayer must be recited but not at the eating on the second Passover. During the time, however, that the offering is sacrificed, either on the first or on the second Passover, the "Hallel" must be recited; the sacrifices on both Passovers must be roasted and eaten with unleavened cakes and bitter herbs, and the sacrifice of both supersedes the due observance of the Sabbath.

GEMARA: The rabbis taught: It is written [Numb. ix. 12]: "According to the whole ordinance of the Passover-lamb shall they prepare it." Thus this passage refers to the Passover-lamb itself; but whence do we know that its accessories are to be observed in the same manner? To that end it is written [ibid. 11]: "With unleavened bread and bitter herbs shall they eat it." Shall we assume, that all other ordinances that are not directly accessory to the sacrifice should also be observed? For that purpose it is also written [ibid. 12]: "No bone shall they break on it"; and as this behest concerns only the sacrifice when it has been slaughtered, so should all other commands be observed only in so far as they concern the paschal lamb itself.

Issi ben Jehudah said: "(All these explanations are unnecessary, as) the words, 'shall they prepare it,' signify that the behest concerns only that which belongs to the preparation of the sacrifice" (when it was slaughtered).

The rabbis taught: From the passage, "According to the

whole ordinance of the Passover-lamb shall they prepare it," we might infer that the laws ordaining against leaven being seen or found in the house should also be effective on the second Passover; to that end the single ordinance providing for its being eaten with unleavened cakes and bitter herbs is quoted, thus demonstrating that it is only in this respect that the second Passover should be observed in conformity with the first. Thus we see that so far the "whole ordinance" of the Passover-lamb was made up of the positive commandment, but whence do we derive a negative commandment on the "whole ordinance"? For that purpose it is written [Numb. ix. 12]: "They shall leave none of it until morning." Still, this negative commandment is virtually contained in the positive commandment, "they shall eat *it*," or "they shall burn what is left over." Whence do we derive, however, an independent negative commandment? The behest, "No bone shall they break on it," furnishes that negative commandment. From the particularization of this whole ordinance of the Passover we find that concerning the Passover-lamb both the first and second have in common a positive commandment, a negative dependent on or contained in the positive, and an independent negative, and thus the rule may be derived that only such behests are to be carried out on the second Passover as are covered by the three kinds of commandments on both Passovers.

What other positive commandment may be added which is analogous to the one ordaining that the paschal lamb should be eaten with unleavened cakes and bitter herbs? The one ordering that it should be roasted with fire. Which commandments, however, are excluded by the particularization? The removal of the leaven. Perhaps the contrary should be done, *i.e.*, the removal of leaven should be added to the positive and the roasting with fire should be excluded? Nay; a commandment pertaining to the sacrifice itself should be given preference. What other negative commandment contained in a positive should be added to the one, "They shall leave none of it until morning"? The negative commandment, "They shall not carry aught of the meat outside." Which negative commandment, dependent on a positive, is excluded? The one ordaining, "It shall not be seen nor found." Perhaps the contrary should be done? *i.e.*, "they shall leave none of it" should be excluded, and "it shall not be seen nor found" included? Nay; a commandment pertaining to the sacrifice itself should be given preference.

Which independent negative commandment should be added to the one, "No bone shall they break on it"? The negative commandment, "Ye shall not eat of it raw." And which should be excluded? The one stating, "Ye shall not offer up with leaven the blood of my sacrifice" [Exod. xxxiv. 35]. Perhaps the contrary should be done? Nay; a commandment bearing upon the sacrifice itself is given preference.

"At the eating of the first paschal offering 'Hallel' should be recited, but not at the eating of the second," etc. Whence do we adduce this? Said R. Johanan in the name of R. Simeon ben Jehu Zadok: From the passage [Isaiah xxx. 29]: "Then shall ye have a song, as in the night when a festival is ushered in." Hence on the night which ushers in a festival "Hallel should be recited," but on the night of the second Passover, when no festival follows, the recital of "Hallel" is not necessary.

"During the time the offering is sacrificed on both Passovers 'Hallel' should be recited." Why should this be done? Reason teaches us that; for will then the Israelites sacrifice the paschal lamb, hold the palm-branches in their hand, and not recite the "Hallel"?

"The sacrifice of both supersedes the Sabbath." Whence we see that they supersede the Sabbath, but not uncleanness. We must say, therefore, that the Mishna is not in accordance with the opinion of R. Jehudah of the following Boraitha: "The second Passover supersedes the Sabbath, but not uncleanness. R. Jehudah, however, maintains, that it supersedes even uncleanness." What reason has the first Tana for his statement? He maintains, that if uncleanness was the cause of the postponement of the first Passover, should uncleanness on the second Passover be entirely disregarded? What is R. Jehudah's reason for his (own) opinion? He claims, that while the law requires a man to bring the paschal offering in a state of cleanness, still, if the man did not succeed to be undefiled, he may bring it in a state of defilement.

The rabbis taught: "Both the first and second Passover supersede the Sabbath. Both the first and second Passover supersede uncleanness. Both the first and second Passover require that the man who offers up the paschal lamb should remain in Jerusalem over night."

Thus we see, that concerning uncleanness the teaching of the rabbis coincides with the opinion of R. Jehudah. Shall we say,

that concerning the obligation of remaining over night the teaching of the rabbis also coincides with the opinion of R. Jehudah? Have we not learned in the following Boraitha: "R. Jehudah said: 'Whence do we know that the man bringing the second Passover is not required to remain over night in Jerusalem? From the passage [Deutr. xvi. 7]: "And thou shalt turn in the morning and go unto thy tents," while in the next verse it is written [ibid. 8]: "Six days shalt thou eat unleavened bread." Thus where unleavened bread is eaten for six days it is required that a man should remain over night, but where such is not the case it is not necessary.'" This constitutes a diversity of opinion between two Tanaim. One says that R. Jehudah requires the man to stay over night in Jerusalem when bringing the second paschal offering, while the other maintains that R. Jehudah does not.

MISHNA: When the paschal sacrifice was brought in a state of defilement, it must not be eaten by men or women having a running issue, by women in their ordinary period of menstruation, nor by lying-in women; if they have eaten thereof, however, they do not thereby incur the penalty of Kareth (excision). R. Eliezer considers these as also not subject to such punishment, if they have entered the sanctuary while in that condition.

GEMARA: The rabbis taught: Shall we assume, that if men or women having a running issue, or women in their ordinary menstrual period, or lying-in women partake of a paschal sacrifice brought in a state of defilement, they thereby incur the penalty of Kareth? To that end it is written [Levit. vii. 19]: "And as for the flesh, every one that is clean may eat thereof," and further, it is written [ibid. 20]: "But the person that eateth of the flesh of the sacrifice of peace-offering, that pertaineth to the Lord, having his uncleanness upon him, even that person shall be cut off from his people"; whence we infer, that if an unclean person eat of flesh which may be eaten only by clean persons, he incurs the penalty of Kareth, but if he ate flesh which was not fit for a clean person, *i.e.*, unclean flesh, he is not guilty. R. Eliezer said: "We might assume, that if persons having a running issue had intruded into the sanctuary while the sacrifice was being offered in a state of defilement, they thereby incur the penalty of Kareth; to that end it is written [Numb. v. 2]: 'Command the children of Israel, that they send out of the camp every leper, and every one that hath a running

issue, and whosoever is defiled by the dead,' whence we may infer, that only at the time when those defiled by the dead are sent out the lepers and those afflicted with a running issue should be sent out; but when those defiled by the dead are not sent out, as is the case during the offering of the paschal sacrifice, the lepers and those having a running issue are also allowed to remain."

R. Joseph propounded a question: "If those that have become defiled by means of a dead body had intruded into the sanctuary when the paschal sacrifice was brought in a state of defilement, shall we say that, as the court of the Temple was allowed them for the purpose of bringing the sacrifice, the sanctuary itself is also allowed them; or is only that which was explicitly allowed them rendered lawful for them to enter, but that which was not, must not be entered?"

Said Rabha: "The verse following the one quoted [Numb. v. 2] states again [ibid. 3]: 'To without the camp shall ye send them,' which means also outside of the court also; hence those who have been excluded from the court are guilty if they enter the Temple itself, but those who cannot be excluded from the court cannot be guilty if they enter the Temple itself."

R. Joseph propounded another question: "If those who have become defiled by means of a dead body have eaten of the pieces which are to be offered up on the altar, of a paschal sacrifice brought in a state of defilement, what is the law governing their case? Shall we say, that as the flesh was rendered lawful to be eaten, the pieces also became lawful, or was only that which was expressly allowed lawful, but that which was not expressly allowed, was not?"

Answered Rabha: "Let us see! Whence do we know that one can become guilty of eating unclean pieces in general? From the passage [Levit. vii. 20]: 'But the person that eateth of the flesh of the sacrifice of peace-offering, that pertaineth unto the Lord,' which means the pieces to be offered up on the altar. Now, then, if the uncleanness of the flesh itself is no longer considered, why should that of the pieces remain?"

MISHNA: What is the difference between the Passover as celebrated (by the Israelites while) in Egypt, and that observed by later generations? The Egyptian Passover-sacrifice was specially ordered to be purchased on the 10th (of Nissan), and it was required that its blood should be sprinkled with a bunch of hyssop on the lintel and on the two sideposts of the door; also

that it should be eaten with unleavened bread on the first night of Passover in a hasty manner; while in later generations the law of the Passover applies for the entire seven days of the festival.

GEMARA: Whence do we know all this? From what is written [Exod. xii. 3]: "Speak ye unto all the congregation of Israel, saying, On the tenth day of *this* month they shall take to themselves," etc., whence we infer that only on the tenth of *this* month, but not of the other months, in later generations shall this be done, and the same rule applies to all other laws concerning the Passover.

It is written, however [Exod. xiii. 5]: "That thou shalt perform this service in *this* month!" We adduce therefrom that in later generations each recurring month should be in all respects alike?

What significance has the passage [ibid. xii. 6]: "And ye shall keep it until the fourteenth day of *this* month"? This verse implies that the second Passover (which is similar to the Egyptian in being kept only one day) does not require four days of preliminary investigation the same as the other sacrifices.

We find another passage, however, stating [ibid. xii. 8]: "And they shall eat the flesh in *that* night," and we surely cannot say that only in that night should flesh be eaten but not in the recurring nights of other generations! This passage is required for the comparison by analogy brought by R. Elazar ben Azariah and R. Aqiba in Tract Berachoth (Benedictions).

If the main argument is centred upon the term "in *this*," why should not the same argument be applied to the passage [ibid. xii. 48]: "No uncircumcised person shall eat thereof"? He may not eat *thereof*, but why not of others? This cannot be; for the Passover laws must be observed, as we have learned, in every recurring month alike. By "thereof" in the quoted passage is merely meant the paschal lamb, but even an uncircumcised person may partake of unleavened bread and bitter herbs.

We find it written again, however [ibid. 43]: "No stranger shall eat *thereof*." We could not say, that only on that particular Passover was he not allowed to eat it but later he was, on account of the teaching previously mentioned. The term "thereof" signifies in this case that an apostate is prevented from eating the Passover-sacrifice *only* through his apostasy, but a priest who had become an apostate is not prevented thereby from eating the heave-offering. Both cases, that of the uncir-

cumcised and that of the stranger, require illustration in the Scriptures; for if the case of the uncircumcised only were mentioned, we might have assumed, that it would merely have been a disgraceful act for an Israelite who was uncircumcised to eat of the paschal lamb but that a stranger was allowed to partake thereof. If the stranger only were mentioned, we might say, that a stranger who would not eat the Passover-sacrifice as a religious duty, not having been commanded to do so, should be prohibited, but an uncircumcised Israelite whose duty it is to eat thereof should be permitted to do so. For that reason both cases are mentioned.

"*In a hasty manner*," etc. Whence do we know this? From the passage [Exod. xii. 11]: "Ye shall eat *it* in haste," and "*it*" signifies the paschal sacrifice, but not anything else.

"*In later generations the law of Passover applies to the entire seven days*," etc. What is meant by the law applies to the entire seven days? Surely not the paschal sacrifice! It must be then the law concerning leaven, and shall we infer therefrom, that at the Egyptian Passover it was only prohibited to eat leaven on that one night but during the day it was permitted? Have we not learned in a Boraitha: R. Jose the Galilean said: Whence do we know that on the Egyptian Passover they were not allowed to eat leaven but on one day? Because it is written [Exod. xiii. 3 and 4]: "No leavened bread shall be eaten. This day go ye out in the month of Abib," which conjoined would read: "No leavened bread shall be eaten *this day*." Thus the Mishna means to say, that the paschal lamb was offered up on the first night only of the Egyptian Passover and should only be brought on the first night of the Passover of later generations, but leaven which was not eaten but on the first day of the Egyptian Passover should not be eaten for the seven days of the Passover of later generations.

MISHNA: R. Jehoshua said: "I once heard (of my teachers), that an animal which was substituted for another animal intended for the paschal sacrifice may be offered up; and I have also heard, that it must not be offered; and I am unable to explain this." Said R. Aqiba: "I will explain it; if a paschal offering had been lost and subsequently found, before the animal intended to replace it had been slaughtered, it must be left to graze until it contracts a legal blemish, when it must be sold and peace-offerings purchased with the proceeds of the sale; so also must it be done with the animal substituted for it (and which had

become lost): if it was found after the other animal had already been slaughtered, it may be sacrificed as a peace-offering, and this applies also to any animal substituted for it."

GEMARA: Why does R. Jehoshua say, "I have heard that an animal which was substituted," etc.? Why does he not apply his statement to the paschal sacrifice direct, and say, that it may be offered up and it may not? He intends to impart to us the information, that it may even happen with a substitute for a paschal sacrifice that it may not be offered up.

The entire case presents a diversity of opinion among Tanaim, as we have learned: If a paschal sacrifice had been lost, and found before the animal intended to replace it had been slaughtered, it must be left to graze; but if the substitute had already been slaughtered, the original may be offered up as a peace-offering. R. Eliezer, however, said (that it does not depend upon the slaughter itself but upon the time of the slaughtering): If the paschal sacrifice was lost, and was found in the forenoon, it must be allowed to graze, but if found in the afternoon, even before the paschal sacrifice was slaughtered, it may then and there be offered up as a peace-offering.

"*So also must it be done with the animal substituted for,*" etc. Said Rabha: When is this case? If the original was found before the sacrifice had been slaughtered and had been exchanged for another animal at the same time; but if it was found *before* and was exchanged after that, the substitute may be offered up as a peace-offering. Why is this so? Because the slaughtering sanctifies the animal which is substituted at the time when it may still be killed; but an animal which is exchanged after the slaughter, not being suitable for a paschal sacrifice, cannot be slaughtered.

Abayi objected: We have learned in a Boraitha, that the reason it is written, "if *he* offer a sheep or a goat," is to give us the additional information that, if a substitute of a paschal sacrifice had been found after the Passover, it may forthwith be offered up as a peace-offering. Shall we assume, that the same is the case if it was found before the Passover? To that end it says "*he*," which refers to the sacrifice alone, but not to the substitute. What is meant by "if the substitute was found before the Passover"? Shall we assume, that the paschal sacrifice itself was found before the substitute was slaughtered and it was exchanged for another before the substitute was slaughtered? This is self-evident. Then for what purpose is the verse needed?

Therefore we must assume, that it was found before the substitute was slaughtered and exchanged afterwards, and still it may not be offered up as a peace-offering! The objection to Rabba is not replied to.

MISHNA: If a person had set apart or selected as a paschal offering a she-goat or a ewe-lamb, or a male two years old, they must be left to graze until they contract a legal blemish; they must then be sold,* and the proceeds turned over to the fund of voluntary burnt-offerings. If a person who had selected his paschal offering die (in the interim before it is sacrificed), his son cannot bring it as a paschal offering, but must bring it as a peace-offering.

GEMARA: R. Huna the son of R. Jehoshua said: From this Mishna we can infer three things: Firstly, that although a (living) thing is not suitable for consecration, the moment it is set apart for a consecrated purpose it is rejected for any other use; secondly, that it is not absolutely necessary that a thing must be suitable for a consecrated purpose in order eventually to become rejected, but that it may become rejected even if it was at no time suitable for consecration; thirdly, that even the proceeds of the sale of a thing not suitable for a paschal offering is also rejected as a paschal sacrifice (because the Mishna itself states, that the proceeds derived from the sale of the animal which was left to graze until it contracted a blemish must be used for a peace-offering and *not* for a paschal sacrifice).

"*If a person had set apart,*" etc. The rabbis taught: "If a person had set apart a paschal offering and had died, his son may, provided he was one of the number appointed to eat it, bring it in his stead; but if he was not among the number appointed, he must not offer it as a paschal sacrifice but as a peace-offering on the 16th day of Nissan." On the 16th day and not on the 15th? Why so? Because vow and voluntary offerings must not be sacrificed on a festival. Such is the opinion of the Tana of the preceding teaching.

Now let us see! When did the father die? If he died on the forenoon of the day preceding the Passover, how can the son offer it in his stead? Is he not a mourner whose dead is not yet interred? Then he must have died on the afternoon of that day. If that was the case, then, as soon as the noon had

* According to the Mishna which is contained in the original Talmud, the proceeds should be devoted to peace-offerings, and the commentary Tosphot Yom Tab said such should be the right interpretation.

passed, the sacrifice was made a paschal offering in itself; how then may the son, if he was not among the number appointed to eat it, bring it as a peace-offering? Said Rabhina: "The sacrifice was set apart and the father died on the afternoon of that day. If the son was among the number appointed to eat it, the duty to sacrifice the offering superseded that of mourning for the deceased; hence he may offer it up as a paschal sacrifice. If he was not among the number, however, he may sacrifice it as a peace-offering, because at noon of that day the sacrifice was not yet a paschal offering."

MISHNA: If a paschal sacrifice had become mixed with other animals intended as sacrifices, they must all be left to graze until they contract a legal blemish; they are then to be sold, and the owner must bring, with the price obtained for the finest animal among them, another sacrifice of each kind of offering (with which it was mixed), and the eventual loss must be defrayed from the private means of the owner. A paschal offering which had become mixed with first-born (of animals) may, according to R. Simeon, be eaten by an assembly of priests.

GEMARA: According to R. Simeon, who holds that a paschal offering may be eaten by an assembly of priests if it had become mixed with first-born (of animals), the following complication might arise: A paschal offering must be eaten only on one night and the remainder burned in the morning; the sacrifices of the first-born may, however, be eaten on two nights and one day; now, if the priests should mistake first-born sacrifices for paschal offerings, they will eat of them only one night and burn the remainder in the morning, thus wantonly spoiling a consecrated thing to commence with.

R. Simeon holds in accordance with his individual theory (in Tract Zebahim), that this may be done. And according to the sages, what should be done with a paschal offering that became mixed with first-born (of animals)? Said Rabba: They must all be left to graze until they contract a legal blemish, then the owner of the paschal offering must bring a fat cow and should say: "Wherever the paschal sacrifice may be, let it be exchanged for this, and then sacrifice it as a peace-offering." The priests may then eat all the first-born animals which have a blemish as usual.

MISHNA: If a company have lost their paschal sacrifice and say to some person: "Go, seek and slaughter it for us," and he went, found, and slaughtered it, while the company had

also slaughtered one—if the man had slaughtered his sacrifice first, he shall eat of it and the others shall join with him in eating; but if they had slaughtered their sacrifice first, they shall eat of theirs and he of his; if it is uncertain which had been slaughtered first or if both had been slaughtered at the same time, then shall he eat of his paschal offering, of which the others are not permitted to partake, and theirs must be burned: they are not obliged, however, to observe a second Passover.

If he had said to them: "Should I stay away long, go ye and slaughter a paschal sacrifice for me," and he went, found, and slaughtered the lost paschal sacrifice while the others had also slaughtered one—if theirs had been slaughtered first, they shall eat it and he may eat it with them; but if his had been slaughtered first, he shall eat of his and they shall eat of theirs; if it be uncertain which had been slaughtered first or if both had been slaughtered at the same time, then they may eat theirs, and he is not permitted to eat with them; and his sacrifice must be burned, but he is not obliged to observe a second Passover.

If the man said to them: "Slaughter a paschal offering for me," and they had said to him: "Seek and slaughter for us our lost sacrifice," they should all eat of that which had been slaughtered first; if it is uncertain which had been slaughtered first, then both must be burned; but if there was no express agreement between all the parties, they are not to be considered as at all connected with each other (and each should eat the sacrifice separately).

When the paschal sacrifices of two companies had become mixed, each company should take one of the animals and a member of each company should go to the other, and each company should address the member of the other thus: "If this paschal offering be ours, we withdraw from thy company, and be thou numbered with us; but if it belong to thy company, we withdraw from ours and will be numbered with thee." Thus shall five companies of five members each, or ten companies of ten members each, act; namely, one member of each company shall join with him one of another company, and shall thus address him.

When a paschal offering of two individuals has become mixed, each shall take one of the animals to himself and invite a person from the street (a stranger) to eat it with him; then they should go to each other and thus address each other's guest: "If this sacrifice is mine, withdraw from this and be

numbered with me; but if it is thine, then I withdraw from mine and will be numbered with thee."

GEMARA: The rabbis taught: If there was an express mutual agreement between the company and the man, they should all eat of that which was slaughtered first; but if neither said anything to the other, they are not considered as at all connected with each other. Whence the sages adduced that silence is beneficial to the wise, and so much the more to the foolish, as it is written [Proverbs xvii. 28]: "Even a fool, when he keepeth silence, is counted wise."

CHAPTER X.

REGULATIONS CONCERNING THE MEAL ON THE EVE OF PASSOVER AND THE FOUR CUPS OF WINE TO BE DRUNK WITH THE MEAL.

MISHNA: On the eve of any Passover it is not lawful for a person to eat anything from the time of Min'hah (afternoon prayer) until after dusk. Even the meanest in Israel shall not eat until they have arranged themselves in proper order at ease round the table; nor shall a person have less than four cups of wine, even if they must be given him from the funds devoted to the charitable support of the very poor.

GEMARA: Does the law (in the first clause of the Mishna) apply only to the eve of Passover? is it not unlawful to eat aught on the eve of the Sabbath or any other festival from the time of Min'hah until after dark, as we have learned in the following Boraitha: A person must not eat aught on the eve of Sabbath or of a festival from the time of Min'hah on, in order that the entry of the Sabbath or the festival may find him in condition to relish a meal? Such is the decree of R. Jehudah; R. Jose, however, said: "One may eat continually until it becomes dark."

Said R. Huna: "Our Mishna is even in accordance with the opinion of R. Jose, who says that one may only eat continually on the eve of Sabbath or of any other festival until dark, but on the eve of Passover, when, as soon as the night of the Passover commences, unleavened bread must be eaten, he also admits that nothing should be eaten from the time of Min'hah until dark."

We have learned in a Boraitha: If a meal was in progress on the eve of Sabbath, and before it was finished the Sabbath was ushered in, the table must be cleared off and then reset, the Sabbath benediction made, and then the meal may be continued, in order to demonstrate that the Sabbath had set in. Such is the decree of R. Jehudah; but R. Jose states that this is not necessary.

"It once happened that R. Simeon ben Gamaliel, R. Jehudah,

and R. Jose were sitting on the eve of Sabbath and partaking of a meal in the city of Achu, and when the Sabbath was about to set in, R. Simeon ben Gamaliel said to R. Jose the Great: "Wouldst thou desire that we clear off the table, and act in conformity with the opinion of our colleague, R. Jehudah?" Replied R. Jose: "Ordinarily thou wouldst favor my decrees in preference to those of R. Jehudah, and now thou favorest, in his presence, his decree in preference to mine. 'Will he even do violence to the queen before me in the house?'" [Esther vii. 8]. Rejoined R. Simeon ben Gamaliel: "True! Let us rather not interrupt the meal, for if the disciples should observe this, they might establish the ordinance for future generations." It was said that they did not leave their places until it was decided that the Halakha should prevail according to R. Jose's opinion.

R. Jehudah said in the name of Samuel: "The Halakha does not prevail either according to R. Jehudah or R. Jose; for if a meal was in progress on the eve of Sabbath, when Sabbath set in they should change the table-cloth as a sign and then recite the Kiddush (Sabbath benediction)." But this is not so! For did not R. Ta'hlipa bar Ab. Dimi say in the name of Samuel, that in the same manner as a meal must be interrupted on account of the Kiddush, so must it also be interrupted on account of the Habdalah (the benediction recited at the close of the Sabbath). Must we not assume that by interruption is meant clearing away of the table entirely? Nay; by interruption is meant, that the table-cloth should be changed.

It once happened that Rabba bar R. Huna came to the house of the Exilarch, and a small table was set before him; so he covered the table with a cloth and recited the Kiddush. We also learned in a Boraitha: "A table must not be brought for each guest separately unless the Kiddush had already been recited (by the head of the household); but if a table had been set before him before the Kiddush had been recited, then the guest should cover the table set before him with a cloth and himself pronounce that benediction."

"Those that heard the Kiddush pronounced in the synagogue," said Rabh, "need not recite it at their homes, but should merely pronounce the customary benediction over wine"; but Samuel said: "They have not acquitted themselves of the duty of reciting the Kiddush."

According to Rabh, then, why should a man recite the Kid-

dush at home? In order to give the household an opportunity to hear it, and according to Samuel, for what purpose should the Kiddush be recited in the synagogue? In order to afford the guests who eat, drink, and sleep in the synagogues an opportunity to hear it. Samuel thus holds to his theory, that the duty of hearing the Kiddush recited can be acquitted only in the place where the person takes his meals. We might suppose, therefore, that Samuel's opinion refers only to different houses; *i.e.*, if a person hears the Kiddush recited in one house he should not eat in another, but that it makes no difference as to rooms in one house, whereupon R. Anan bar Ta'hlipha said to the schoolmen: "I was several times in the presence of Samuel when he was in the attic of his house, and I observed that he did not recite the Kiddush until he went below."

R. Huna also opines, that the Kiddush must be recited only in the place where the meal is taken; for it once happened that after R. Huna had recited the Kiddush, the light went out in the room, and he ordered that the vessels containing the food should be taken into the wedding-room of his son Rabba, where the lights were still burning, and after again reciting the Kiddush he sat down to his meal.

Rabba also holds that the Kiddush must be recited only in the place where the meal is taken; for Abayi said: "When I was at Master's house, while he recited the Kiddush (prayer) he would say to the guests: 'Partake of something before ye go to your houses, for should ye come home and find the lights gone out ye will not be able to recite the Kiddush in your homes, and thus ye will not acquit yourselves of the duty unless ye eat something where the Kiddush was recited.'"

R. Johanan, however, said: "One who heard the Kiddush in the synagogue has not only discharged the duty of the Kiddush but need not even pronounce a benediction over the wine which he might drink at home."

R. Johanan holds to his own theory; for R. Hanan bar Abayi said in the name of R. Padath, quoting R. Johanan: "Whether the wine was changed or whether the places were changed, it is not necessary that another benediction be made."

An objection was made: "We have learned in a Boraitha, that if the places were changed another benediction is necessary; but if the wine was changed it is not!" The objection is not answered.

R. Idi bar Abin sat in the presence of R. Hisda, and the latter said in the name of R. Huna: "The teaching, that when places are changed another benediction must be made, refers to a case of where one went from one house to another; but if he only went from one room to another in the same house, another benediction is not necessary." Said R. Idi to him: "We have learned in a Boraitha, from the disciples of R. Hinaq, a teaching identical with thine." [Would then R. Huna say in his own name that which is taught in a Boraitha? R. Huna had not heard of that Boraitha.]

R. Hisda sat, and said upon his own authority: "The teaching, that if places were changed another benediction must be made, refers to such objects as require a benediction only before consumption; but if the objects were such as require also a benediction after consumption, even if one went from one house to another, he need not make another benediction, because it is considered as a continuous meal." R. Shesheth, however, said: "In either case another benediction is necessary."

We have learned in a Boraitha in support of R. Hisda: "If a company was sitting and drinking wine, then left their places and returned, they need not make another benediction."

The rabbis taught: "If a company were sitting at a meal, and during the course of the meal Sabbath had set in, a cup of wine is brought to one of the company, who recites the Kiddush, and another one pronounces the final benediction at the close of the meal over that cup, thus interrupting the meal. Such is the decree of R. Jehudah. R. Jose, however, said: They may continue to eat until they finish, or until it becomes dark, and then the first cup of wine brought is used for the benediction at the conclusion of the meal. The next cup is then used for the recital of the Kiddush."

Why are two cups of wine required? Cannot the two benedictions be pronounced over the one cup? Said R. Huna in the name of R. Shesheth: "Two benedictions must not be made over one cup." Why so? Said R. Na'hman bar Itz'hak: "Religious duties are not to be bunched." Must this indeed not be done? Have we not learned in a Boraitha, that when one enters his house at the close of Sabbath, he pronounces a benediction over wine, light, spices, and then the benediction of the Habdalah over one cup, and if he has not another cup of wine in his house he may leave that cup until after he has had his evening meal, and then recite the benediction after the meal

over the same cup of wine? Where a man has not another cup of wine, it is different.

If a festival follow a Sabbath, a man has doubtless more wine in his house, and still Rabh says, that one must, over one cup of wine, pronounce the benediction over wine, recite the Kiddush, pronounce the benediction over light, and the Habdalah? Because Rabh mentions all these benedictions but omits that of the season (which must be said at the commencement of each festival), it must be presumed that he refers to the seventh day of Passover as the festival (because on that day the benediction of the season is not said), and at that time it is possible that a man has only one cup of wine left.

How is this possible? On the first day of a festival, when a man surely has more wine, still Abayi said, that over one cup the benediction of wine, Kiddush, of the season, of light, and the Habdalah should be pronounced, and Rabba said, of wine, Kiddush, light, Habdalah, and finally of the season (and both agree that all this may be done over one cup of wine); hence we must say, that all these benedictions, like Kiddush, Habdalah, etc., are classed as one, because the duty of such benedictions devolves upon a man as soon as the Sabbath draws to a close, and hence may be made over one cup; but the benediction before the meal, and that after, are two separate kinds of benedictions and should not be said over one and the same cup of wine.

The statement previously quoted: "If a festival follow a Sabbath, Rabh says, one must pronounce the benediction of wine, recite the Kiddush, say the benediction of light and the Habdalah," is supplemented by "Samuel says, he must pronounce the benediction of wine, light, Habdalah, and then recite the Kiddush; Rabba says, of wine, Habdalah, light, and then Kiddush; Levi says, Kiddush, light, wine, and Habdalah; other sages say, Kiddush, wine, light, and Habdalah; Mar the son of Rabhina says, light, Kiddush, wine, and Habdalah; and Martha says in the name of R. Jehoshua, light, wine, Habdalah, and Kiddush."

The father of Samuel sent to Rabbi the request: "Let Master teach us the order in which the benediction of Habdalah should be made over the cup of wine," and Rabbi sent the reply: "So said R. Ishmael the son of R. Jose in the name of his father, who in turn said in the name of R. Jehoshua ben Hananiah: 'Light, Habdalah, wine, and Kiddush.'" Said R.

Hanina: This can be compared to the exit of a king from, and to the entrance of a high official into, a city. First the king is escorted out of the city, and then the high official is ushered in. (Likewise the Sabbath, being the holier, is first escorted out with Habdalah, and then the festival is ushered in with the Kiddush.) How does, finally, the Halakha prevail? Abayi said: "Wine, Kiddush, season, light, and Habdalah," and Rabba said: "Wine, Kiddush, light, Habdalah, and season." The Halakha prevails according to Rabba. R. Jacob bar Abba once happened to be in the house of Rabha, and he noticed that Rabha said the benediction, "Who hath created the fruit of the vine," over the first cup, and after the meal was over, before the benediction at the conclusion of the meal was pronounced, he again made the same benediction over the wine and then drank it. So R. Jacob asked: "Why dost thou say so many benedictions? Thou hast already made one over the wine, why dost thou make another?" Rabha replied: "When I was at the house of the Exilarch we would do likewise," and R. Jacob replied: "At the house of the Exilarch this was proper, because it was not known whether more wine would be given, hence a benediction was said at the commencement, and then if more wine was given another was said; but here, when we have the wine before our eyes, surely this is not necessary!" Said Rabha: "I act as the disciples of Rabh; for R. Brona and R. Hananel the disciples of Rabh were sitting at a meal, and were waited on by Yeba the Elder. In the meantime they said: 'Give us a cup of wine and we will say the benediction (at the conclusion of a meal).' Subsequently they reconsidered it, and asked for more wine to drink. Said R. Yeba to them: Thus said Rabh, 'As soon as ye have said, give us a cup and we will make the benediction, ye have given up the intention of eating any more, hence ye must not drink until ye have pronounced the benediction at the conclusion of the meal' (whence we see that the concluding benediction disconnects all previous benedictions, and if anything else is eaten afterwards another benediction thereon must be made)."

[Ameimar, Mar Zutra, and R. Ashi sat at one meal, and R. Aha the son of Rabha waited on them. Ameimar made a benediction over each separate cup of wine. Mar Zutra made a benediction over the first, and then over the last cup. R. Ashi only made one over the first cup, and no more.] (Referring to R. Jacob's visit to Rabha again:) When the time for the Hab-

dalah prayer arrived, the servant of Rabha lit several candles and joined them into one flame. Said R. Jacob to him: "Why dost thou need so many candles?" and Rabha replied: "The servant did this of his own accord," and R. Jacob rejoined: "If the servant did not know that such is thy wont, he would not have done this; therefore thou probably doest this always, and I ask thee again, Why so many candles?" He then answered: "Doth not my master hold, that the flame used at the Habdalah prayer is a religious duty of the highest degree?"

When Rabha commenced to recite the Habdalah prayer he said thus: "Who hath made a distinction between sanctified and ordinary days, between light and darkness, between Israel and other nations, and between the seventh day and the six working days." Said R. Jacob to him: "Why dost thou recite such a voluminous prayer? Did not R. Jehudah say in the name of Rabh, that R. Jehudah Hanassi's mode of reciting the Habdalah was merely, 'Who hath made a distinction between sanctified and ordinary days'?" and Rabha replied: "I hold with the following Tana, R. Eliezer in the name of R. Oshiya said: 'One who desires to embody few distinctions in the Habdalah prayer should not recite less than three, and he who would multiply them should not recite more than seven.'" Then R. Jacob remarked: "Yea, but thou, Master, hast not recited either three or seven, for there were four." Answered Rabha: "The last one was merely an adjunct to the conclusion of the prayer, for R. Jehudah said in the name of Samuel that one who recites the Habdalah prayer must make the words immediately preceding the conclusion of the prayer similar to the conclusion itself." The sages of Pumbaditha, however, said: "The conclusion of that prayer must be identical with the commencement." Wherein do they differ? Both the commencement and the conclusion read, "Who hath made the distinction between sanctified and ordinary days." They differ in a case of a Sabbath followed by a festival, when the initial and concluding benedictions read: "Who hath made a distinction between sanctification and sanctification." According to those who say that the words immediately preceding the conclusion must be similar to the conclusion itself, the additional sentence, "Who distinguisheth between the sanctification of the Sabbath and that of the festival," must be included; while according to those who say that only the conclusion and the commencement must be identical, the additional sentence is not necessary.

An objection was made: We have learned in a Boraitha: That one who is accustomed to incorporate many benedictions in the Habdalah prayer may embody as many as he chooses, while one who is not, may only recite one? This constitutes a diversity of opinion among Tanaim, as R. Johanan said: "The son of the Holy says, that only one benediction should be recited in the Habdalah, but the people generally pronounce three. [Who is called the son of the Holy? R. Mena'hem bar Sinai, and the reason he was called "son of the Holy" was because he never saw the likeness of a zuz.]

Said R. Jehoshua ben Levi: "One who recites the Habdalah prayer must recite it similarly to the Habdalah in the Scriptures."

An objection was made: How is the order of the Habdalah to be observed? As follows: "Who hath made a distinction between sanctified and ordinary, between light and darkness, between Israel and other nations, between the seventh day and working days, between unclean and clean, between the sea and dry land, between the waters above and beneath, between priests, Levites, and Israelites," and must conclude with, "Blessed be He who hath arranged in order the creation," and others say, "who hath created all things."

R. Jose bar R. Jehudah said: "He must conclude with 'who hath sanctified Israel.'" How then can it be said that the scriptural order should be observed? It does not mention sea and dry land? This should be eliminated. If that should be so, and taking into consideration that the distinction between the seventh day and working days is merely an adjunct to the conclusion, then seven benedictions will not remain? I will tell thee: Between the priests, Levites, and Israelites are virtually two separate distinctions, because it is written [Deut. x. 8]: "At that time did the Lord separate the tribe of Levi," and between the priests and Levites, as it is written [I Chronicles xxiii. 13]: "The sons of Amram: Aaron and Moses; and Aaron was set apart, to sanctify him as most holy."

What is the conclusion of the benediction? Said Rabh: "It concludes with 'who hath sanctified Israel,'" and Samuel said: "It concludes with 'who maketh a distinction between sanctified and ordinary.'" Abayi, according to another version R. Joseph, denounced Rabh's decree.

We have learned in a Boraitha upon the authority of R. Jehoshua ben Hananiah, that one who concludes the benedic-

tion with both passages, viz., "who hath sanctified Israel" and "who maketh a distinction between sanctified and ordinary," his years and days are prolonged for him; but the Halakha does not prevail accordingly.

Ula once came to Pumbaditha. So R. Jehudah said to his son, R. Itz'hak: "Go and carry a basket of fruit to Ula, and incidentally observe how he recites the Habdalah." R. Itz'hak would not go himself, but sent Abayi in his stead. When Abayi returned, he related that Ula merely said, "who distinguisheth between sanctified and ordinary (days)," and nothing more. R. Itz'hak then went to his father and told him that he did not go himself, but had sent Abayi, who related that Ula merely said, "who distinguisheth between sanctified and ordinary days," and R. Jehudah replied: "Thy arrogance and disobedience will be the cause of thy not being able to cite a Halakha in Ula's name, but thou wilt have to cite it in Abayi's name."

R. Hananiah bar Shlamia and the disciples of Rabh sat together at a meal, and R. Hamnuna the Elder waited on them, and they said to him: "Go and see if the Sabbath has already set in. If it has, we will stop and make the meal for Sabbath." He replied: "Ye need not do this; for Rabh said, that the Sabbath asserts itself without other aid, and it is not necessary to make a special distinction for it. 'For,' said Rabh, 'as on the Sabbath the law of giving tithes must be particularly observed, even when a light meal is taken, because the Sabbath renders it an honorable duty, so in the case of the Kiddush (prayer)—even if a meal is in the course of being served, one may arise and recite that prayer without first clearing off the table.'"

The disciples of Rabh desired to infer therefrom, that as the Sabbath makes it a duty to recite the *Kiddush* even when in the midst of a meal, the Habdalah should also be said, even though a meal have to be interrupted on that account. Said R. Amram to them: "Thus said Rabh: 'For Kiddush this is imperative but not for Habdalah, and as for interrupting a meal, it need not be done for the sake of Habdalah; at the same time, it is not lawful to commence eating at the time appointed for the Habdalah, without first reciting that prayer. No interruption need be made when solid food is taken; but when drinking, the Habdalah should be said over the same cup, *i.e.*, an interruption should be made and the Habdalah recited. Again, the interruption must be made only when wine or beer is drunk, but when water is the beverage that is not necessary.'"

Rabhina asked R. Na'hman bar Itz'hak: "If a man did not recite the Kiddush on the eve of Sabbath, is it lawful for him to do so during the Sabbath day?" and he answered: "The children of Hyya having stated, that one who had not recited the Habdalah at the close of Sabbath may do so at any time during the week following, we must assume, that one who had not recited the Kiddush on the eve of Sabbath may do so during all the Sabbath day."

Rabhina objected: "The eve of a Sabbath or of a festival brings with it the duty of saying the Kiddush over a cup (of wine) and also the duty of including the remembrance in the benediction at the conclusion of meals, but the Sabbath or the festival days only carry with them the duty of including remembrance in the benedictions after meals? Now, if it were allowed to recite the Kiddush on the Sabbath or festival day, because they have the duty of the benediction in common with the eve of the Sabbath or the festival, could not a man wilfully postpone the recital of the Kiddush until the morrow?" Replied R. Na'hman bar Itz'hak: "The case of a man who does not act in accordance with the proper law is not considered."

Rabhina again objected: "The honor of the Sabbath day is more important than that of the eve preceding it, so that if a man have but one cup of wine for both the Kiddush on the eve of Sabbath and for the purpose of honoring therewith the Sabbath day, he should rather use it for the Kiddush; whence we can see, that it should *not* be postponed until the next day; for were this allowed, the owner could leave the cup until the following day and then use it for both purposes." Answered R. Na'hman: "The fulfilment of a religious duty at its proper time is the more preferable." Rabhina, however, rejoined: "Is this indeed the case? Have we not learned in a Boraitha, that if a man enter his house at the close of the Sabbath, he pronounces a benediction over wine, light, and spices in the order named, and then recites the Habdalah over the cup? Now if a man have only one cup of wine, he may leave it until after the meal and then pronounce all the benedictions over it at once. Is this not proof positive that the fulfilment of a religious duty at its proper time is not preferable?" Then R. Na'hman replied: "I am not one of those sages who would proclaim a decree upon my own authority; neither am I a prophet nor do I quote an authority without corroboration. The traditional ordinance I quoted I did not learn from my teachers as referring to

Kiddush alone, but I merely took it upon myself to arrange the order of the benedictions in the Kiddush and Habdalah, and I did so because I was convinced that my order was correct ;* for thus it is also taught in the colleges, and the reason of all this is, that there is a great difference between the entrance of a sanctified day and its close. At the entrance of such a day, the sooner we observe its sanctification the better, for we thereby demonstrate that we consider the duty a pleasure; but at its close, the further we can postpone its termination the better, for thereby we demonstrate that it is not a burden to us. (Hence if a meal is in progress at the time when the Sabbath is about to set in, we should attempt the repast and say the Kiddush in order to usher in the Sabbath that much sooner; but if we only have one cup of wine at the close of Sabbath with which to say the Habdalah, we should first finish our repast and pronounce the other benedictions, and then recite the Habdalah over that cup in order to postpone the termination of the holy day that much longer.)"

From the preceding Boraitha we may infer eight things: First: One who included the Habdalah in his evening prayer must nevertheless recite it again over a cup (this is inferred from the sentence "if a man enter his house at the close of the Sabbath," which signifies, that he came from the house of worship, where he had already recited the Habdalah). Second: The benediction after a meal must be made over a cup (of wine). Third: The cup used at the benediction must be of a prescribed capacity (*i.e.*, a quarter of a lug; for were this not so, it could be divided and part used for the Habdalah and another part for the other benediction). Fourth: One who pronounces the benediction over the cup of wine must taste some (for otherwise the benediction could be made and the wine left over for the next benediction). Fifth: As soon as part of the wine is tasted after a benediction, the cup of wine is rendered unfit for any other benedictions. Sixth: Even if a full meal is eaten at the close of Sabbath and the sanctification of the day had passed, it is still a duty to recite the Habdalah. Seventh: Two degrees of sanctification may be bestowed upon one cup of wine. Lastly: The entire Boraitha is in accordance with the school of Shammai and with the interpretation of R. Jehudah (*i.e.*, that

* This explanation is taken from the commentary of Rashbam the grandson of Rashi.

the benedictions over light must be pronounced prior to that over spices, and not *vice versa*).

R. Ashi said: "The inference that the cup of wine must be of a prescribed quantity, and the one that by tasting the wine the cup becomes unfit for other benedictions, are virtually one and the same thing, and the eight inferences are completed thus: Why does tasting of the cup of wine render it unfit? Because the prescribed quantity is thereby lessened."

R. Jacob bar Idi was so particular, that if the jug containing the wine was ever so slightly damaged he would not use the wine for Kiddush or Habdalah, and R. Idi bar Shesha was only particular about the condition of the goblet; Mar the son of R. Ashi was particular even about the condition of the barrel containing the wine, and if it was at all damaged he would not use the wine for the Kiddush or the Habdalah.

The rabbis taught: "It is written [Exod. xx. 8]: 'Remember the Sabbath day to keep it holy.' The remembrance should be effected over wine. This, however, refers to the Sabbath day; whence do we know that the night is also meant? To that end it is written, 'to keep it holy,' which refers also to the night."

"Whence do we know that the night is also meant," is the question? Is not the night the principal time of the Sabbath, when the Kiddush must be said? Then, again, how can the passage refer to the night, when it distinctly states the day? The following is meant: "Remember the day" implies that it should be remembered over wine, when the Sabbath sets in. This therefore refers to the night, and that the day also is meant is clearly proven by the words, "the Sabbath day."

What benediction is made during the day of Sabbath? Said R. Jehudah: "Only the usual benediction over the wine, viz., 'who hath created the fruit of the vine.'"

R. Ashi came to the city of Mehuzza, and the people said to him: "Let Master recite for us the great Kiddush," and not knowing what they meant by the great Kiddush, he thought: "Let us see! The first benediction to be made is the usual one over wine." Accordingly, he pronounced the benediction, "who hath created the fruit of the vine," in a rather prolonged manner. He thereupon observed an old man bending over and sipping the wine (whence he concluded that the one benediction constituted the great Kiddush). He then applied to himself the passage [Ecclesiastes ii. 14]: "The wise man hath his eyes in his head."

We have previously learned that the children of R. Hyya said: "If a man did not say the Habdalah at the close of the Sabbath, he may say it at any time during the following week." Until what day of the week? Said R. Zera: "Until the fourth day of the week (for after that the days belong to the next week)."

R. Brona said in the name of Rabh: "If a man had washed his hands for a meal, he should not make the Kiddush, because that will cause an interruption (and he will be obliged to wash his hands again)." Said R. Itz'hak bar Samuel bar Martha: "Rabh is not yet dead, and still we have already forgotten all his Halakhoth. I myself stood before Rabh several times and noticed that whenever he preferred bread he would make the Kiddush over bread, and whenever he preferred wine he would make the Kiddush over wine."

Said R. Huna in the name of Rabh: "If a man had eaten anything prior to making the Kiddush, he need not make the Kiddush." R. Hana the son of Hinana asked R. Huna: "If a man had eaten prior to reciting the Habdalah, what is the law?" and he answered: "I say, that he must nevertheless recite the Habdalah, but R. Assi said, that he need not do so."

R. Jeremiah bar Abba was at one time in the house of R. Assi, and through forgetfulness ate something before saying the Habdalah. Afterwards he was given a cup of wine and he then said the Habdalah. Said R. Assi's wife to her husband: "Master does not do this?" and he replied: "Let him be; he acts according to the teaching of his masters."

R. Joseph in the name of Samuel said: "If a man had thoughtlessly eaten either before Kiddush or before Habdalah, he need not recite those prayers," but Rabba in the name of R. Na'hman quoted Samuel to the contrary, namely, that he may do so. Said Rabha: The Halakha prevails that one who had eaten before Kiddush or Habdalah may nevertheless recite those prayers; if one had not made the Kiddush on the eve of Sabbath, he may do so during the Sabbath day; and if he did not say the Habdalah at the close of Sabbath, he may say it on the following day.

Mar the Younger and Mar the Elder, sons of R. Hisda, related to R. Ashi the following: It once happened, that Ameimar was a guest in our house, and not having any wine, beer was brought for the Habdalah; but he would not use it for that purpose, and went to sleep without supper. On the morrow,

after a good deal of trouble we succeeded in procuring some wine; and he said the Habdalah and ate. A year afterwards he was again our guest, and once more we did not have any wine, so we brought beer for the Habdalah. He then remarked: "If wine is so scarce with you and your usual beverage is beer, then the beer may be considered as wine of your land." Accordingly he said the Habdalah over it and ate his meal.

From this narrative we can infer three things: First, that a man who heard the Habdalah in the house of worship, must nevertheless recite it in his house; second, that nothing should be eaten prior to the Habdalah; and third, that if a man did not say the Habdalah at the close of Sabbath, he may say it during the following week.

R. Huna asked of R. Hisda: "May the Kiddush be made over beer?" and he answered: "If as to unfermented barley-beer, fig-beer, and senna-beer, concerning which Rabh was asked, who in turn asked of R. Hyya, who then asked Rabbi, it could not be decided whether they may be used or not, how then can I decide about ordinary beer?"

It was thought, however, that while Kiddush could not be made, it was surely allowed to make Habdalah with beer. Said R. Hisda to them: "So said Rabh: 'As the Kiddush cannot be made over beer, so also must Habdalah not be made over it.'" It was also taught, that R. Ta'hlipha bar R. Abimi said the same thing in the name of Samuel.

Levi sent Rabbi beer made of a thirteen-fold extract of dates, and it was very sweet in taste; and Rabbi said: "With this kind of beer the Kiddush may be made, and all hymns and songs in praise of the Lord may be sung over it." At night he felt some bad effects on account of that beer; so he said: "Should a thing which produces a bad effect be used for the Kiddush?"

R. Joseph said: "I will register a vow before a multitude of people that I will never again drink beer," and Rabha said: "I would rather drink water in which flax was soaked than beer," and continued he: "He who makes the Kiddush over beer, should never have anything else to drink (*i.e.*, in a place where wine is to be had)."

R. Huna once found Rabh making Kiddush over beer. So he said: "It seems to me, that Abba will soon commence to deal in beer, if it is so dear to him."

The rabbis taught: "Neither Kiddush nor any other benedic-

tion should be made with anything except wine." Is there then no benediction made over beer and water, namely: "Through whose word everything came into being"? Said Abayi: "The teaching of the rabbis relative to any other benediction means, that the cup given for the benediction after meals should only be of wine."

The rabbis taught: "Kiddush is not made with beer." It was said upon the authority of R. Eliezer bar R. Simeon, that Kiddush *may* be made with beer.

The statement previously made, that the wine must be tasted when Kiddush is made, means that even ever so little may be tasted, and R. Jose bar R. Jehudah says, that a mouthful must be tasted.

R. Huna said in the name of Rabh, and likewise R. Giddel of Narash taught: "If a man made Kiddush and tasted a mouthful of the beverage, he has fulfilled his duty; but if he had not tasted that much, he has not acquitted himself of the duty."

"*From the time of Min'hah,*" etc. The schoolmen asked: Does this refer to the long Min'hah (the time for which commences in the half of the eighth hour, *i.e.*, at half-past one in the afternoon) or to the short Min'hah (the time for which commences on the half of the tenth hour, *i.e.*, at half-past three in the afternoon in our time)? Is it not lawful to eat from the time of the *long* Min'hah, because thereby the time in which the paschal offering must be brought will be taken up, or is it not lawful to eat from the time of the *short* Min'hah, because in that event a man would become satiated, and not be able to do justice to the Passover-meal of unleavened bread?

Said Rabbina: Come and hear: We have learned: Even King Agrippa, whose wont it was to eat at the ninth hour of the day (3 P.M.), should on the eve of Passover not eat until it becomes dark. Now if the short Min'hah is the time meant, after which it is not lawful to eat, then the case of King Agrippa is worthy of note; but if the long Min'hah is meant, what proof does this case exhibit then that it was only because the meal would interfere with the paschal offering, and why is Agrippa's case specially mentioned? Hence we may infer therefrom that the short Min'hah is meant. Still, wherein is the case of Agrippa so noteworthy? If he commence his meal as usual in the ninth hour, the time when it is already unlawful to eat will arrive while he is still at his meal? We might assume, that the ninth

hour of Agrippa is the equivalent of our fourth hour. Hence we are told that such is not the case.

R. Jose said: "While eating is not permitted after the time stated in the Mishna, it is allowed to partake of a light repast of fruit, delicacies, etc." R. Itz'hak would partake of herbs. Rabha would drink wine during all the eve of Passover, in order to arouse his appetite for unleavened bread at night. R. Shesheth would fast all through the eve of Passover, because, being in delicate health, had he eaten anything during the day he would not have been able to eat at night.

"*Even the meanest in Israel,*" etc. It was taught: When eating unleavened bread on the Passover-night it is required that one should recline in an easy position, but this is not required when the bitter herbs are eaten. When wine is drunk it was taught in the name of R. Na'hman that a reclining position should be taken, and also that it need not be taken. Still, this apparent contradiction presents no difficulty. The statement quoted of R. Na'hman that a reclining position is necessary when drinking wine refers to the first two cups, and the statement that it is not necessary refers to the last two cups. Some explain the apparent contradiction in the manner quoted because the first two cups symbolize the commencement of liberty for the previously enslaved Jews, while the last two cups have no such significance. Others, however, say on the contrary! The first two cups are a remembrance of the days of bondage, and should therefore not be drunk in a reclining position, while the last two cups are a remembrance of the dawn of freedom, and hence should be drunk in an easy reclining position.

Leaning backwards is not considered reclining, nor is leaning over on the right side considered reclining in an easy position, and another reason why this should not be done is for fear lest the food enter the trachea instead of the gullet, and thus cause danger.

The woman who sits with her husband need not recline when eating, but if she is a woman of prominence she should do so. A son sitting with his father must recline, and the schoolmen raised the question whether a disciple sitting with his master should also recline or not? Come and hear: Abayi said: When we were at the house of our master (Rabba) we disciples would recline each on the other's knee; but when we afterwards came to R. Joseph, he told us that we need not do this, for it is said in Aboth: "The fear of thy master should be as the fear of the

Lord." The schoolmen then inquired whether the servant in the house of his master must recline or not. Come and hear: R. Jehoshua ben Levi said: "If the servant ate unleavened bread to the size of an olive in a reclining position, he has fulfilled his duty." Whence we may infer that the servant must also recline (for he says "in a reclining position," but if not in a reclining position the servant would not have discharged the duty).

R. Jehoshua ben Levi said again: "Women must also drink the four cups, because they were also included in the miracles which delivered us all from Egypt."

R. Jehudah said in the name of Samuel: "Each cup must contain wine which, when mixed with three parts of water, will be good wine. If unmixed wine was drunk, the duty has nevertheless been fulfilled. If all the four cups were poured into one and drunk, the duty has also been fulfilled. If the household was allowed to drink part of the four cups, the duty has also been fulfilled." Rabha, however, said: "If the wine was drunk unmixed the duty of drinking the wine has been acquitted, but the symbolical feature thereof has not been carried out," and in the case of where the four cups were poured into one, Rabh said: "The duty of drinking wine has been accomplished, but the duty of the four cups has not." If the household was allowed to drink part of the four cups, R. Na'hman said: "The master of the house has fulfilled the duty of drinking the four cups, provided he drunk the larger part thereof."

We have learned in a Boraitha, R. Jehudah said: "The cup must contain the taste and the color of red wine." Said Rabha: "What is the reason of R. Jehudah's statement? Because it is written [Proverbs xxiii. 31]: 'Do not look on the wine when it is red' (whence we adduce, that wine must be red)."

The rabbis taught: "The duty of drinking the four cups devolves upon all alike—men, women, and even children." R. Jehudah, however, said: "What benefit would children derive from wine? They should rather be given nuts, parched corn, etc., on the eve of Passover, so as to keep them awake at night, and that may make them inquire into the reason of the festivity."

It was said of R. Aqiba, that he would deal out nuts and parched corn on the eve of Passover to the children, in order to keep them awake and have them ask for reasons.

We have learned in a Boraitha, R. Eliezer said: On the night of the Passover the unleavened bread is snatched out of the

children's hand in order to keep them awake and have them ask for the reason.*

A Boraitha states that it was told of R. Aqiba, that he never proposed adjourning the session at the college excepting on the eve of Passover for the children's sake, that they should not fall asleep, and on the eve of the Day of Atonement, in order to see that the children be given their meals at the proper time.

The rabbis taught: It is the duty of every man to cause his household and his children to rejoice on a festival, as it is written [Deut. xvi. 14]: "And thou shalt rejoice on thy feast." Where-with should a man cause his household to rejoice? With wine. R. Jehudah, however, said: "The men with the thing they like best and the women with what is most pleasing to them." The thing men like best is, of course, wine; but what is most pleasing to women? R. Joseph taught: "In Babylonia multicolored dresses and in Judæa pressed linen garments."

We have learned in a Boraitha, R. Jehudah ben Bathyra said: "When the Temple was still in existence, there was no better mode of rejoicing, than with (the eating of) flesh, as it is written [Deut. xxvii. 7]: 'And thou shalt slay peace-offerings, and eat them there; and thou shalt rejoice before the Lord thy God'; but now, when there is no Temple, wine is the principal means of rejoicing, as it is written [Psalms civ. 15]: 'And wine that maketh joyful the heart of man.'"

"*Nor shall a person have less than four cups of wine.*" How can the rabbis order a thing which might involve danger?† Have we not learned in a Boraitha, that a man should not eat two dishes, nor drink two cups, nor do anything by twos? Said R. Na'hman: "It is written [Exod. xii. 42]: 'A night to be observed was this unto the Lord,' which signifies that on that night one is exempt from danger." Rabha said: "The cup of benediction (after meals) is only counted in for good purposes but never for evil, because its very name implies that it is for good, and thus only three cups are virtually drunk." Rabhina, however, said: "At all events, the four cups cannot be conjoined, for each one represents a different duty."‡

* This is according to the explanation of Rashbam in the third instance.

† There was a tradition extant at that time that anything done an even number of times involved danger to the perpetrator, but if done an odd number of times the danger was averted. (According to page 229.)

‡ In the original edition of the Talmud an entire page follows here relative to the tradition quoted in the preceding note, which we have omitted on account of its irrelevancy to the text proper.

In Palestine no attention was paid to even or odd numbers, but R. Dimi of Neherdai was even particular about the signs on his barrels; and it once happened that he paid no attention to the signs, so one of the barrels burst. Whence the rule may be adduced, that one who is particular about things lays himself liable to accidents, but one who is not is not affected by superstition; still, it might happen that an accident should occur to him.

When R. Dimi came from Palestine, he said: Two eggs, two nuts, two cucumbers, and two of some other thing which I cannot remember, prove injurious to a man, is a Sinaic law; and because the rabbis could not find out what that other thing was, they included two of everything among the injurious as a precautionary measure. The statement elsewhere, that ten, eight, six, and four are excluded from the even numbers which are injurious only refers to acts caused by evil spirits; but where witchcraft is concerned, even those and more numbers may prove injurious, as it happened that a man once divorced his wife and she then became the wife of a wine-dealer. The first husband would generally go to that wine-dealer for his wine, and they tried to bewitch him, but without success; for he was always careful to avoid the even numbers. One day he imbibed too freely, and after drinking his sixteenth cup he became confused, and did not know how many he had drunk. So they saw to it that he drank an even number, and then succeeded in bewitching him. When he went out into the street he was met by a certain merchant, who said: "I see a murdered man walking before me." Not being able to proceed farther, the drunken man embraced a tree for support, when the tree emitted a groan and dried up, and the man was killed.

R. Avira said: Bowls and loaves of bread are not affected by even numbers. The rule is, that all things produced artificially are not subject to the evil arising from even numbers; but natural productions, such as fruit and edible things, are. Shops are not affected by even numbers (if one eat in two shops). If one ate one of a certain thing and then considered it, and ate another, the rule of even numbers does not apply. Guests are not affected by even numbers; *i.e.*, if one cup of wine was given a guest and then another, as he had not known in advance how many he would be given, he is not affected.

A woman is not affected by even numbers, but a prominent woman should nevertheless be careful.

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Said R. Hinana the son of R. Jehoshua: "Asparagus is always counted in with things tending to good but not to evil." R. Joseph said: Two cups of wine and one cup of beer are not counted together; but two cups of beer and one of wine are counted together. Proof of this can be adduced from a Mishna in Tract Kelim, to the effect that where uncleanness is concerned, the less valuable things are defiled by more valuable, but valuable things are not defiled by things of lesser value.

R. Na'hman said in the name of Rabh: "If two cups are drunk before going to the table, and one while at table, they are counted together, but one drunk before going to the table and two drunk at the table are not counted together." R. Mesharshia opposed this statement. Do we then concern ourselves with the table? It is the man who is affected, and if he drank three cups, it is well. Therefore only if a man drank two cups at the table, pronounced the benediction after the meal, and subsequently drank another, the three cups are not counted together.*

"Even if they must be given him from the funds devoted to charitable support." Is this not self-evident? (Is not the poor man equal to all others?) This statement in the Mishna is made for the purpose of counteracting the decree of R. Aqiba, to the effect that a man should even make his Sabbath-day as any other, in order not to depend upon charity. When the observance of the Passover, however, is concerned, and the miracles performed for our ancestors are to be proclaimed, even R. Aqiba admits that a man may avail himself of charity so that he may be enabled fitly to celebrate the event.

The disciples of Elijah taught: Although R. Aqiba taught that a man should even make his Sabbath-day as any other, in order not to depend upon charity, still some slight distinction should be made in honor of the Sabbath [What is meant by some slight distinction? Said R. Papa: "Small fishes should be eaten"], as it is taught in a Mishna (Aboth): R. Jehudah

* All that is stated here about odd and even numbers, as well as the subject of evil spirits (which covers here two and one-half pages of the original), is omitted in Maimonides; and the author of the "History of Oral Law" maintains that, according to the opinion of Maimonides, it was not contained in the Talmud originally. (See page 223, vol. iv., Vienna, 1883.) We, however, although we agree with the above-mentioned author, do not care to omit these themes entirely, and have put in a little of both, as the tradition of the odd and even numbers at least existed at that time. (See, also, our Hebrew Commentary to Tract Shekalim, vol. iv., page 14, of the Hebrew.)

ben Thaima said: Thou shalt be bold as a leopard, light as an eagle, swift as a deer, and strong as a lion to do the will of thy Heavenly Father (which signifies, that a man should go even beyond his means in order to honor the Sabbath).

The rabbis taught: Seven things R. Aqiba commanded his son R. Jehoshua, viz.: "My child, sit not in the midst of a city, when thou desirest to study; do not live in a city the officials of which are scholars, for they do not attend to the wants of the city; do not enter thy house without warning, and so much the less into thy neighbor's house; never go bare-footed; always arise early, and immediately eat in summer on account of the heat and in winter on account of the cold; and rather make thy Sabbath-day as any other in order not to depend upon charity; and, finally, have transactions only with such men as have no ill-fortune." Said R. Papa: "This last injunction does not refer to buying of or selling to a man in good fortune, but merely to entering into partnership."

Now that we have heard from R. Samuel bar Itz'hak that the passage [Job i. 10]: "The work of his hands hast thou blessed" signifies, that whoever only received a coin from the hands of Job was fortunate in all his undertakings, we can infer, that with a man who is fortunate it is not only beneficial to be associated as a partner, but it is even to one's interest to buy from or sell to such a person.

Five things R. Aqiba while in prison commanded to R. Simeon ben Jochai: When R. Simeon ben Jochai said to him: "Master, teach me the Law," and R. Aqiba replied, "I do not wish to do this," the former said: "If thou wilt not, I shall complain to my father Jochai, and he will denounce thee to the government." R. Aqiba then remarked: "My son, more than the calf desireth to suck is the cow anxious to yield her milk," and R. Simeon replied: "In this case, however, the calf is in greater danger" (because R. Aqiba had been in prison already for this offence, while R. Simeon ben Jochai (the calf) stood yet in danger of being detected). Whereupon R. Aqiba told him the five things, viz.: If thou wouldst hang thyself, select at least a stout tree (meaning, that if thou wouldst have thy words listened to, quote them in the name of some great authority). If thou wouldst teach thy child, teach it from books free of errors. [What is meant thereby? Said Rabha, and according to others R. Mesharshia: "If a child is taught incorrectly to commence with, it is next to impossible to correct it subsequently."] Do

not cook in the same pot that thy neighbor once used. [What is meant thereby? A divorced woman whose husband is still living; because the Master said, that if a divorced man marry a divorced woman there are four different minds in one bed, and others say, that R. Aqiba even referred to a widow.] If thou wouldst do an act of charity or perform a religious duty, and incidentally derive material benefit therefrom, thou shouldst lend thy money to the husbandman and eat of the fruit of his land, in which case thou wilt do an act of charity and also derive material benefit. If thou wouldst perform a religious duty and keep thy body clean, thou shouldst take a wife and have children.

Four things our holy Rabbi commanded his children, viz.: Do not live in the city of Shakantzib (because the inhabitants are scorners). Do not sit on the bed of a Syrian woman. [What is meant thereby? Some say, that one should not lie down to sleep without reciting the Shema prayer; and others say, that one should not marry a proselyte; while still others say, that the literal meaning is to be accepted on account of what happened to R. Papa.*] Do not try to avoid taxation (for aside from the fact that it is a duty to pay taxes, should it be known that ye desire to avoid them, your property is in danger of being confiscated). Lastly, do not stand in front of an ox just emerging from the swamps, for at that time he is so wild that it seems as if Satan were moving between his horns. R. Samuel said: "This refers only to a black ox in the month of Nisan."

R. Oshiya taught: An ox that had attempted to gore a person once should not be approached for a distance of fifty ells, and one that had done so three times should be avoided as long as he is in sight. It was taught in the name of R. Meir: If thou hast perceived an ox so vicious, even if he still have his head in his crib, climb up an elevation and draw thy ladder after thee immediately.

Three things R. Ishmael bar R. Jose commanded Rabbi, viz.: Thou shalt not cause a blemish on thyself [*i.e.*, thou shalt not deal with three men, one of whom will sue thee in a court of law and the other two will serve as witnesses against thee; for then thou wilt surely lose thy case]. Thou shalt not haggle

* There is a legend that R. Papa had lent a Syrian woman money, and whenever he would call on her to collect the debt, she would invite him to sit on a bed. One day she strangled a child and threw it upon the bed where R. Papa sat. She then accused him of strangling the babe, and he was compelled to flee for his life.

over the price of a thing if thou hast not the wherewithal to purchase it with thee; and on the night when thy wife has returned from the bath thou shalt have nothing to do with her. Said Rabb: "This refers to a woman who had been ritually unclean according to biblical law but not to one who had been unclean according to rabbinical law; for in the former case, having been unclean only seven days, there is danger of a recurrence of her uncleanness, while in the latter, where she had been unclean fourteen days, there is no such danger."

Three things R. Jose bar R. Jehudah also commanded Rabbi, viz.: Thou shalt not go out at night alone. Thou shalt not stand naked before a light; and thou shalt not enter a new bath-house, lest it be imperfectly constructed and break down. [How long is a bath-house considered new? Said R. Jehoshua ben Levi: "For twelve months." Why should not a man stand naked before a light? Because we have learned in a Boraitha: "One who stands naked before a light is liable to be seized with epilepsy, and one who has sexual intercourse before a light may produce epileptic children."]

The rabbis taught: "One who has intercourse with his wife in a bed where a child sleeps may cause the child to be epileptic, but this is the case only if the child is less than six years old. If it is over six years old, or even if it be less than six years old but sleeps at the foot or at the head of the bed, it does not matter. If the man, however, put his hand on the child, no matter where it sleeps, there will be no evil consequences."

Why should not a man go out alone at night? For we have learned in a Boraitha: "A man should not go out alone on the night following the fourth day or on the night following the Sabbath, because an evil spirit called Agrath, the daughter of Ma'hlath, together with one hundred and eighty thousand other evil spirits, go forth into the world and have the right to injure anyone they should chance to meet."

In former times this spirit would go forth every day. Once she met with R. Hanina ben Dosa and said to him: "If I had not heard it proclaimed in the heavens, 'Hanina and his knowledge must be respected,' I would inflict some injury upon thee," and he answered: "If I am esteemed in the heavens above, I command thee never to appear where men dwell," and she pleaded: "I must obey thy command, but leave me some freedom," whereupon he allowed the night following the fourth day and the night following the Sabbath.

At another time this same evil spirit met Abayi, and she also said to him: "Had I not heard it proclaimed above, 'Respect Na'hmeni (another name for Abayi) and his knowledge,' I would do thee harm"; and he answered: "If I am respected above, I command thee never to appear where men dwell."

Rabh said to R. Assi: "Do not live in a city where thou canst not hear a horse neigh or a dog bark, and do not live in a city whose (executive) head is a physician. Do not take unto thee two wives, because they might conspire against thee to do thee wrong. If thou, however, already hast two wives, take a third (and should two conspire against thee the third will betray them to thee)."

Rabh said to R. Kahana: "It were better that thou shouldst occupy thyself with carrion (for a livelihood) than that thou shouldst break thy word (promise). Rather skin carrion in the market for pay than say that thou art a priest or an important person and above such work; for all honest labor is preferable to accepting charity. When thou goest on a journey, no matter how short, always take some food with thee. Even when a hundred cucumbers may be had for one zuz, do not say that thou wilt buy thy food on the way, but carry it along with thee, for thou never canst know what might happen on the way."

Rabh said to his son Hyya: "Do not make a habit of taking medicine. Do not make long strides. Avoid as much as possible having a tooth extracted. Never try to tease a snake, and do not make sport of a Persian."

The rabbis taught: Never tease a little (young) Gentile, a small snake, or a young pupil; because their kingdom is behind their ears (*i.e.*, when they become older they seek revenge).

Rabh said to Aibo his son: "I have tried to teach thee the holy Law, but I cannot succeed; come and I will teach thee worldly things. When the sand is still on thy feet (*i.e.*, if thou hast returned from a purchasing trip), shouldst thou meet with a buyer sell out at once. Sell everything, even though thou mightst subsequently regret it, especially wine, which thou wilt never regret selling, for it might become spoiled. Make fast thy purse and open thy sack (*i.e.*, when selling, obtain the money first, secure it well, and then deliver the merchandise). If thou hast an opportunity to gain a kabh of land in thy immediate vicinity, it is better than a kur of land far away. If thy basket is filled with dates, run to the brewer and have him brew the beer; for the dates might be eaten up, and then thou wilt have

naught." [What quantity of dates should a man have before he goes to the brewer? Said Rabha: "Three saahs." Said R. Papa: "If I had not brewed beer, I should never have been rich," and so also said R. Hisda.

Said R. Papa: "All debts requiring promissory notes are doubtful, and those where the signatures must be verified are even more so; and even should they be paid, the money will not be good (*i.e.*, will come little by little)."]

Three things R. Johanan said in the name of the great men of Jerusalem: When thou goest to war, and canst persuade others to join thee, stay as long as possible in order to see that the men that thou hast recruited all go, and then go thyself last of all. Then upon the return thy reward shall be that thou shalt be first. Rather make thy Sabbath-day as any other, and avoid depending on charity. Associate thyself with one upon whom fortune smiles.

R. Jehoshua ben Levi also said three things in the name of the great men of Jerusalem, viz.: Do not commit private acts in public (on account of the evil consequences which have ensued by reason thereof). If thy daughter is of marriageable age, free thy slave and give her to him in marriage (rather than allow her to remain single), and watch thy wife with her first son-in-law. [Why so? Said R. Hisda: "On account of love," and R. Kahana said: "On account of money matters." As a matter of fact, both things should be looked after.]

R. Johanan said: The following three kinds of men shall inherit the world to come: Those that live in the Holy Land, those that send their children to houses of learning, and those that make Habdalah over wine (*i.e.*, those that have but little and leave some of the wine from the Kiddush for Habdalah, refraining from drinking it on the Sabbath).

R. Johanan said again: The Holy One, blessed be He, himself proclaims the virtue of the three following men: Of a bachelor who lives in a large city and sins not; of a poor man who finds a valuable thing and returns it to its owner; and of a rich man who gives a tenth of his profits to charity unbeknown to others.

R. Saphra was a bachelor, and lived in a large city. A certain Tana repeated the statement of R. Johanan, just quoted, in the presence of Rabha and R. Saphra. R. Saphra's face beamed with delight. Said Rabha to him: "A bachelor such as thou art is not meant, but such men as R. Hanina and R.

Oshiya, who were shoemakers in the land of Israel and whose shops were in the markets of the prostitutes. They would make shoes for those women and carry the shoes to the houses where the prostitutes lived, and even fit them there. Still, though the women would look at them, they never lifted their eyes to look at the prostitutes. Thus when oaths were taken, they would swear by the lives of these holy rabbis of the land of Israel."

The Holy One, blessed be He, loves three kinds of men, viz.: Those that never become angry, those that never become intoxicated, and those who do not insist upon asserting themselves. The following three the Lord hates: The one who speaks with his mouth and thinks otherwise in his heart; the one who can testify in a man's favor and does not do so; and the one who alone saw another man doing wrong and testifies against him in public, although knowing that the testimony of one man is not sufficient to convict, as it once happened that a certain man by the name of Tubia sinned. A certain Zigud came to R. Papa and testified against this Tubia. R. Papa ordered this Zigud chastised, and the latter said: "Tubia has sinned, and Zigud should be punished?" and R. Papa answered: "Yea; for it is written [Deutr. xix. 15]: 'There shall not rise up one single witness against a man,' and thou art the single witness against Tubia; hence thy testimony is of no value and merely slanders a man."

The rabbis taught: The following three kinds of men do not live a life worth living, viz.: Those who have too much pity with importunates, those who are very excitable, and those who are too fastidious. Said R. Joseph: "I combine in myself all those three defects."

The rabbis taught: The following three species hate others of their own kind, viz.: a dog, a cock, and a Persian Gueber (fire-worshipper); and others say, one prostitute hates another; and still others say, one scholar hates another.

The rabbis taught: The three following love others of their own kind, viz.: Proselytes, slaves, and ravens. The following four are unbearable to the sound sense of a man, viz.: A poor man who is vain, a rich man who constantly tells lies, an old man who is lascivious, and a president of a congregation who considers himself superior to all others without cause. Others say, also one who divorces his wife once, remarries, then divorces her again and again marries her.

Five things Canaan the son of Ham the son of Noah commanded his children; viz.: "Love ye one another, love robbery, love lasciviousness, hate your masters, and never tell the truth."

Six things were said of a horse, viz.: He is very passionate, he loves war, he is very proud, he hates to sleep, he eats much and casts off little; and according to others, he loves to kill his owner in a battle.

Rabba bar bar Hana said in the name of R. Samuel bar Martha, quoting Rabh upon the authority of R. Jose the man of Hutzal: Whence do we know that an Israelite must not consult astrologers? Because it is written [Deutr. xviii. 13]: "Perfect shalt thou be with the Lord thy God" (which signifies that perfect confidence must be reposed in the Lord). Whence do we know that if a man is convinced of the superiority of his neighbor to himself, even in one instance only, he should respect him? From the passage [Daniel vi. 4]: "Because a superior spirit was in him: and the king sought to appoint him over the whole kingdom." When a woman continues in the blood of her purification,* although she is not defiled, she should not have any connection with her husband.

We have learned in a Boraitha: Joseph the man of Hutzal is Joseph the Babylonian or Issi ben Gur Aariah or Issi ben Jehudah or Issi ben Gamaliel or Issi ben Mahalalal, and what is (really) his name? Issi ben Aqabia.

R. Itz'hak ben Tabla is R. Itz'hak ben Haqla and the same as R. Itz'hak ben Elazar (Ela'a), and where R. Itz'hak is mentioned in Halakha it refers to R. Itz'hak ben A'ha, while where R. Itz'hak is mentioned in Haggada it refers to R. Itz'hak ben Pin'has.

Rabba bar bar Hana said in the name of R. Johanan, quoting R. Jehudah bar Ilayi: Rather eat onions and sit in peace in thy house than geese and chickens, which thou wilt acquire a taste for and perhaps be unable to gratify it. Reduce the quality of thy meals, if need be, in order to improve the quality of thy abode. When Ula came from Palestine, he said: "There is a saying in Palestine to this effect: He who always eats the fat of a ram's tail must hide himself from his creditors in an altar, but he who satisfies himself with herbs, can sit in the centre of the market in full view of all."

MISHNA: When the first cup is poured out, the blessing pertaining to the festival should be said, and then the benedic-

* *Vide* Leviticus xii. 4.

tion over the wine must be pronounced. Such is the dictum of Beth Shammai; but according to Beth Hillel, the benediction over the wine should be said first, and then the blessing of the festival may be pronounced.

GEMARA: The rabbis taught: The following presents one of the instances wherein Beth Shammai and Beth Hillel continually differ as regards meals, namely: Beth Shammai hold, first, that the blessing of the festival should precede that over the wine, because the festival is the direct cause of drinking the wine; and, second, the festival was already at hand while the wine was just brought. The school of Hillel, however, maintain, first, that the blessing over the wine has the preference, because, were it not for the wine or bread, no Kiddush could be said; secondly, the wine is usual and drank every day, while the festival only comes once in a certain period, and the rule is, that between a thing which occurs frequently and one which occurs only at intervals, the latter is to be given preference. The Halakha prevails according to Beth Hillel.

MISHNA: Herbs and vegetables are then to be brought; the lettuce is then to be immersed, part thereof eaten, and the remainder left until after the meal arranged for the night is eaten; then unleavened cakes are to be placed before him as well as the lettuce, sauce (Charoseth), and two kinds of cooked food, although it is not strictly obligatory to use the same; R. Elazar ben Zadok, however, said, that it is obligatory. During the existence of the Holy Temple, the paschal sacrifice was then placed before him.

GEMARA: Why are two immersions necessary, the one when lettuce is immersed and the other when the bitter herbs are immersed? In order to excite the curiosity of the children, and have them inquire into the reason therefor. Which kinds of the above-mentioned cooked food are meant? Said R. Huna: "Mangold and rice," and Rabh would see to it that there was only mangold and rice in place of the cooked victuals, because he wished to carry out the literal sense of R. Huna's teaching.

Hezkyah said: "Fish, together with an egg, may also serve for the two kinds of cooked food," and R. Joseph said: "Nay; there must be two kinds of meat (one roasted and the other boiled), one to serve as a remembrance of the paschal offering and the other as a remembrance of the festal offering." Rabhina said: "A bone and some boiled meat suffice."

It is self-evident that if a man have other vegetables besides lettuce he can say the blessing required for the vegetables, namely, "who hath created the fruit of the earth," and eat them, and then, when coming to the bitter herbs, he may say the blessing required, namely, "who hath commanded us to eat bitter herbs," and then eat them; but if a man have no other vegetables besides lettuce, how shall he pronounce the benedictions? Said R. Huna: "He should first say the ordinary benedictions for vegetables, eat a piece of the lettuce, then say the blessing over bitter herbs, and proceed to eat."

R. Hisda opposed this: "How can the man say another blessing after he had already eaten of the thing? Therefore he should say the two benedictions together, eat part of the lettuce, and when the time arrives to eat the remainder he can eat it without saying a blessing."

In Suria they acted in accordance with R. Huna's opinion, and R. Shesheth the son of R. Jehoshua would act in accordance with R. Hisda's decree. The Halakha prevails according to R. Hisda's decree. R. A'ha the son of Rabha took care to have other vegetables besides lettuce, in order to avoid the difference of opinion between the two sages.

Rabhina said: R. Mesharshia the son of R. Nathan told me, that so said Hillel, quoting a tradition: A man should not place the bitter herbs between unleavened cakes and eat them in that manner. Why not? Because the eating of unleavened cakes is a biblical commandment, while the eating of bitter herbs in this day is only a rabbinical ordinance. Now if the two be eaten together, the bitter herbs might destroy the taste of the cakes, and thus a rabbinical ordinance would supersede a biblical commandment; and even according to those who hold that one commandment cannot nullify another when both are fulfilled at the same time, such is only the case where both are biblical or both are rabbinical; but when one is a biblical and the other a rabbinical commandment, the rabbinical nullifies the other, and hence their joint fulfilment is not allowed.

Who is the Tana from whom we have heard that the fulfilment of one commandment does not nullify that of another? That Tana is Hillel, as we have learned in a Boraitha: It was said of Hillel, that he would take a piece of the paschal offering, an unleavened cake, and some bitter herbs, and eat them together, as it is written [Numb. ix. 11]: "With unleavened bread and bitter herbs shall ye eat it."

R. Johanan said: "Hillel's colleagues did not agree with him, as we have learned in a Boraitha: Lest we assume that the paschal offering, the unleavened bread, and the bitter herbs must be eaten together, therefore it is written, 'With unleavened bread and bitter herbs shall ye eat it,' which signifies, that each may *even* be eaten separately." R. Ashi opposed this: "If this Boraitha is supposed to be in opposition to Hillel, why does it state that each may *even* be eaten separately? (If they may be eaten *even* separately, then surely they may be eaten together.) Therefore the Boraitha means to state, that even if the three things were eaten separately the duty was acquitted, though they should rather be eaten together."

Now in this day, when it is not known whether the Halakha prevails according to the opinion of Hillel or of the opposing sages, the mode of procedure should be thus: A blessing should be said over the unleavened bread and a piece thereof eaten; then another blessing should be said over the bitter herbs and a piece tasted, and finally the unleavened bread and the bitter herbs should be put together and eaten at the same time, saying: "This is in remembrance of Hillel's actions when the Temple was still in existence."

R. Elazar said in the name of R. Oshiya: "When anything is dipped in sauce, the hands should be perfectly clean"; *i.e.*, previously washed. Said R. Papa: "Thence we may infer that the lettuce must be entirely immersed in the Charoseth (sauce), for otherwise what need would there be of washing the hands, they would not touch the sauce?" Nay; perhaps this is not so: the odor of the sauce might neutralize any poison which might be lurking in the lettuce, and thus the lettuce need not be entirely immersed, and as for washing the hands, that is merely a precaution lest they accidentally touch the sauce.

R. Papa said again: "The bitter herbs should not be allowed to stay any length of time in the sauce, lest the spices draw out the bitterness, and thus make the bitter herbs tasteless."

R. Hisda led Rabbana Ubqa by the arms and the latter preached: "If a man washed his hands prior to dipping the lettuce the first time, he should nevertheless wash his hands again when dipping a second time." The rabbis told this to R. Papa, and remarked that the statement did not refer to the Passover-meal alone, but that it was a general rule; for if it referred to the Passover-meal alone, why should a man wash his hands the second time, he had already performed that duty?

Rejoined R. Papa: "On the contrary! The statement refers to the Passover-meal alone; for where do we find that a second dipping is required, and should it be claimed that the duty had already been performed, hence a second washing of the hands were unnecessary, it should be taken into consideration, that between the first and second washing of the hands the recital of the Haggada and the Hallel prayer was accomplished, and thus the first washing of the hands might have been lost sight of?"

Rabha said: "If a man swallowed unleavened bread (without masticating it), even if he did not taste it, he has acquitted himself of the duty of eating unleavened bread; but if he swallowed the bitter herbs without getting a taste of the bitterness, he has not discharged the duty pertaining to eating bitter herbs. If he swallowed unleavened bread together with bitter herbs, he has acquitted himself of the duty pertaining to unleavened bread, but not of that pertaining to bitter herbs. If he had, however, wrapped the unleavened bread together with the bitter herbs in a leaf (or peel of a fruit) and swallowed it, so that neither the unleavened bread nor the bitter herbs touched the palate, he did not even discharge the duty pertaining to unleavened bread."

R. Shimi bar Ashi said: "Unleavened bread, bitter herbs, and Charoseth must be dealt out to each man separately, but immediately before the Haggada is read, the tables on which the food is served * should not be removed at once, but only from the man who is about to recite." R. Huna, however, said: "The things mentioned were only served to the man who was to recite the Haggada, and he would then deal them out to the others," and the Halakha prevails according to the decree of R. Huna.

For what purpose were the tables removed? Said the disciples of R. Janai: "In order to excite the curiosity of the children present, and induce them to inquire into the reasons."

Abayi while still a child sat at a table in the presence of Rabba, and observed that the table of Rabba was removed. Said Abayi: "We have not yet eaten our meal, why are the tables being removed?" and Rabba replied: "By thy question we are absolved from commencing with the passage: 'Wherefore is this night distinguished from all nights?' and we can immediately proceed with the answer: 'Because we were slaves,' etc."

* The custom was to serve each man separately on a small table which was placed at the couch upon which the men would lean while partaking of the meal.

Samuel said: It is written [Deut. xvi. 3]: "Bread of affliction" (Le'hem Oni), and as "Oni" can also stand for "proclaiming," the bread may be called "bread of proclamation," i.e., "breadover which proclamations should be made," and thus we have also learned in a Boraitha (with the following supplementary statement): Or "Oni" may still be called "poor," and for the reason that the benediction pertaining to the eating of the unleavened bread should be made over a broken piece after the manner of the poor.

"*Although it is not obligatory to use Charoseth,*" etc. If it is not obligatory, why is it used? For the purpose of neutralizing any poison that might be contained in the bitter herbs, said R. Ami.

"*R. Elazar ben Zadok, however, said: It is obligatory,*" etc. What religious purpose can it serve? Said R. Levi: "It serves as a remembrance of the apple-trees." * R. Johanan, however, said: "It serves as a remembrance of the loam which the Israelites were compelled to prepare when in bondage in Egypt." Said Abayi: Therefore the Charoseth should be made to have an acid taste in memory of the apple-trees, and also thick, in memory of the loam.

We have learned in a Boraitha in support of R. Johanan, viz.: "The spices used in the preparation of the Charoseth were in memory of the straw used in the preparation of the loam, and the Charoseth was in memory of the loam itself." R. Elazar ben Zadok said: "The vendors of spices in Jerusalem would shout on the streets, 'Come and buy spices for the religious purpose'!"

MISHNA: A second cup of wine is poured out; and the son should then inquire of his father (the reasons for the ceremony). If the son is mentally incapacitated to do this, the father is bound to instruct him as follows: Wherefore is this night distinguished from all other nights? That on all other nights we may eat either leavened or unleavened bread, but on this it must be all unleavened; on all other nights we may eat all kinds of herbs, but on this we may only eat bitter herbs; on all other nights we may eat meat, roasted, boiled, or cooked in different ways, but on this night we may only eat it roasted; on

* The apple-tree that is mentioned in Solomon's Song (viii. 5), "Under the apple-tree have I waked thee," upon which is based the legend that when the edict was promulgated in Egypt to slay the male children of the Israelites, the mothers would give birth to their children under apple-trees and thus shield them from the Egyptians.

all other nights we immerse what we eat once, but on this night twice. And according to the powers of comprehension of the child, thus should his father teach him: first, he should inform him of the disgrace (of our ancestors), and then conclude with the recital of the favorable and laudatory passages; he should expound the passage [Deutr. xxvi. 5]: "A Syrian, wandering about, was my father," etc., until the end of the passage [ibid. 9].

GEMARA: The rabbis taught: One who has an intelligent son should be asked by his son; if the son is not sufficiently intelligent, the wife should inquire, and if the wife is not capable, he himself should ask those questions; and even if two scholars who are well versed in the laws of the Passover should sit together at the Passover-meal, one should ask the other the above questions.

The Mishna states, "on all other nights we immerse what we eat once." "Is, then, this done because it is a duty?" asked Rabha. "Therefore," said he, "it should state this: 'On all other nights we are not even bound to immerse what we eat once, but on this night we must do so twice.'"

R. Saphra opposed this: "Shall we tell children of the duty: what do children know of duty? Therefore let the Mishna rather state: 'On all other nights we do not immerse what we eat at all, but on this night we do so twice.'"

MISHNA: Rabbon Gamaliel used to say: Whosoever does not mention the following three things on the Passover has not fulfilled his duty. They are: The paschal sacrifice, the unleavened cakes, and the bitter herbs. The paschal sacrifice is offered because the Lord passed over the houses of our ancestors in Egypt, as it is written [Exod. xii. 27]: "That ye shall say, It is the sacrifice of the Passover unto the Lord, who passed over the houses of the children of Israel in Egypt," etc.; the unleavened bread is eaten because our ancestors were redeemed from Egypt (before they had time to leaven their dough), as it is written [ibid. 34]: "And the people took up their dough before it was leavened," etc.; and bitter herbs are eaten because the Egyptians embittered the lives of our ancestors in Egypt, as it is written [ibid. 1-14]: "And they made their lives bitter," etc. It is therefore incumbent on every person, in all ages, that he should consider it as though he had personally gone forth from Egypt, as it is written [ibid. xiii. 8]: "And thou shalt tell thy son on that day, saying, This is done for the sake of that which the Lord did unto me when I came forth out of Egypt."

We are therefore in duty bound to thank, praise, adore, glorify, extol, honor, bless, exalt, and reverence Him who wrought all these miracles for our ancestors and for us; for He brought us forth from bondage to freedom, He changed our sorrow into joy, our mourning into a feast, He led us from darkness into a great light, and from servitude into redemption: let us therefore say in His presence, "Hallelujah" (sing the Hallel prayer).

How far is the Hallel then to be said? According to Beth Shammai, till [Psalms cxiii. 9]: "He causeth the barren woman to dwell," etc.; but according to Beth Hillel, till [ibid. cxiv. 8]: "Who changeth the rock into a pool of water," etc., and they are to close with a blessing for the redemption. R. Tarphon says: This is the form: "Blessed art thou, O Lord our God, Sovereign of the universe, who hast redeemed us and our ancestors from Egypt," without any further concluding blessing. R. Aqiba, however, says: "(The preceding should be continued as follows:) Thus mayest thou, O Lord our God, and the God of our ancestors, bring us to the peaceable enjoyment of other solemn feasts and sacred seasons which are nigh unto us, that we may rejoice in the rebuilding of thy city and exult in thy service, that we may there eat of the paschal and other sacrifices," etc., until "Blessed art thou, O Lord, who hast redeemed Israel."

GEMARA: Rabha said: One must say, the Lord hath redeemed *us* from Egypt, and he said again: The unleavened bread and the bitter herbs must be lifted up when about to be eaten, but the meat need not be lifted up; and, moreover, if the meat were lifted up, it would appear as if consecrated things were eaten outside (of the Temple).

R. A'ha bar Jacob said: "A blind man is exempt from the recital of the Haggada, and this is adduced from the comparison by analogy of the two passages [Exod. xiii. 8]: '*This* is done,' etc., and [Deut. xxi. 20]: '*This* our son is stubborn,' etc.; and as concerning the latter verse it is taught elsewhere that, if the parents of the son be blind, and hence unable to point him out, the son shall not be stoned, so concerning the former verse it is taught, that a blind man is exempt from the duty of the recital."

Is this indeed the case? Did not Mareimar say that he asked the teachers of the disciples of R. Joseph who recited the Haggada in the house of R. Joseph, and that they answered: "R. Joseph," and who recited the Haggada in the house of R. Shesheth, and they answered: "R. Shesheth" (R. Joseph and

R. Shesheth were both blind)? (The answer is,) both R. Joseph and R. Shesheth hold, that the entire ceremony pertaining to unleavened bread is in these days only a rabbinical institution (and therefore its observance is optional).

"*It is therefore incumbent on every person,*" etc. Said R. Jehoshua ben Levi: "With ten different expressions of praise the entire Book of Psalms was composed, namely: With Nitzua'ch, Nigon, Maskil, Mizmor, Shir, Ashrai, Thehiloh, Thephilah, Hodaah, and Hallelujah.* The most important of all the expressions is that of Hallelujah, because it contains within itself both praise and the Name."

Said R. Jehudah in the name of Samuel: "The song in the Scriptures [Exod. xv.] was sung by Moses with Israel when coming up out of the sea, and who recited the Hallel? The prophets among them ordained, that at all times when they are delivered out of affliction, they should say it on account of their redemption."

We have learned in a Boraitha: R. Meir said: All the praises uttered in the Book of Psalms were uttered by David, as it is written [Psalms lxxii. 20]: "Here are ended the prayers of David the son of Jesse." Do not read "Kolu" (are ended), but "Kol Elu" (all these are).

Who said Hallel? Said R. Jose: "My son Elazar says, that Moses together with Israel said it, when coming up out of the sea, but his colleagues differ with him, maintaining that David said it; but to me my son's opinion seems the more reasonable, for how can it be that the Israelites should slaughter their paschal offerings and take their palm-branches, and not sing a song of praise?"

The rabbis taught: All the songs and hymns in the Book of Psalms were, according to the dictum of R. Elazar, sung by David for his own sake; but R. Jehoshua says, that he did so for the congregation at large, and the sages say, that some were uttered by him for the congregation at large while others were only for his own sake, namely, those which he uttered in the singular were for his own sake and those uttered in the plural were for the community at large. The Psalms containing the terms Nitzua'ch and Nigon were intended for the future; those containing the term Maskil were proclaimed through an inter-

* All these ten expressions are to be found in the original Psalms, and while not all of exactly the same meaning imply more or less the same thing.

preter; where the psalm commences "Le-David Mizmor" the Shekhina first rested upon David and then he sang the psalm, but where it commences "Mizmor Le-David" he first sang the psalm and then the Shekhina rested upon him, whence it may be inferred that the Shekhina does not rest upon one who is in a state of idleness, or sorrow, or laughter, or thoughtlessness, or upon him who indulges in vain words, but only upon one who rejoices in the fulfilment of a duty, as it is written [II Kings iii. 15]: "But now bring me a musician. And it came to pass when the musician played, that the inspiration of the Lord came upon him."

Said R. Jehudah in the name of Rabh: "The same applies to the study of Halakhaoth," and R. Na'hman said: "The same also applies to a good dream."

Is this indeed the case? Did not R. Giddel say in the name of Rabh, that every scholar who sits in the presence of his Master in other than a serious mood cannot retain anything he has learned, so as to be able to repeat it with his lips? as it is written [Solomon's Song v. 13]: "His lips, like roses, dripping with fluid myrrh." (The Hebrew term for roses is "Shoshanim," and for learning the term is "Shanah." The expression for "myrrh" is "mar," which also signifies bitterness. Thus the passage may be interpreted as follows:) "The lips that learn, drip with bitterness (seriousness)." Thus we see that seriousness is necessary when learning, and not rejoicing? This presents no difficulty. Rejoicing is necessary for the teacher, *i.e.*, he should be in an agreeable mood; but the disciple who is learning must be serious, and if you wish, I will tell you that both apply to the teacher, but the former applies before the teacher commenced his lecture and the latter when he had already commenced, as Rabba was wont to do, namely: He would preface his lecture with a joke and bring his disciples into a good humor; then he would proceed in all seriousness and teach the Halakha.

The rabbis taught: Who said the Hallel? R. Elazar said: Moses and Israel said it when standing by the sea. They said what is written [Psalms cxv. 1]: "Not for our sake, O Lord, not for our sake, but unto thy name give glory," and the Holy Spirit replied [Isaiah xlvi. 11]: "For my own sake, for my own sake, will I do it"; and R. Jehudah said: Joshua and Israel said it when they did battle with the kings of the Canaanites. Israel said: "Not for our sake," etc., and the Holy Spirit said:

"For my own sake," etc. R. Elazar of Modai said: Deborah and Barak said it when Sissera waged war upon them. They said: "Not for our sake," and the Holy Spirit replied: "For my own sake," etc. R. Elazar ben Azariah said: King Hezekiah and his companions said it when Sennacherib waged war upon them. They said: "Not for our sake," etc., and the Holy Spirit replied: "For my sake," etc. R. Aqiba said: Hananiah, Mishael, and Azariah said it when Nebuchadnezzar was about to throw them into the fiery furnace. They said: "Not for our sake," etc., and the Holy Spirit replied: "For my sake," etc. R. Jose the Galilean said: Mordechai and Esther said it when Haman the wicked rose up against them. They said: "Not for our sake," etc., and the Holy Spirit replied: "For my sake," etc.; but the sages said, that the prophets among the Israelites arranged so that whenever affliction overtook the Israelites, they said it in the hour of their redemption.

Said R. Hisda: "Each Hallelujah denotes the conclusion of a chapter in Psalms," but Rabba bar R. Huna said: "It denotes the commencement of a chapter." Said R. Hisda: "I saw the Book of Psalms in the hands of R. Hanan bar Rabh, and observed that a Hallelujah stood in the midst of a chapter, whence I infer that there must have been a doubt whether it belonged at the beginning of the chapter or at the end, and for that reason it was placed in the centre." Said R. Hanin the son of Rabha: All agree, that after the verse [Psalms cxlv. 21]: "The praise of the Lord shall my mouth speak: and let all flesh bless His holy name for ever and ever," the Hallelujah is the commencement of the chapter; and after the verse [ibid. cxii. 10]: "The wicked shall see it and be vexed; he will gnash with his teeth and melt away; the longing of the wicked shall perish," the Hallelujah is also the commencement of a chapter; and after the verse [ibid. cxxxv. 2]: "Ye that stand in the house of the Lord, in the courts of the house of our God," the Hallelujah is also the beginning of a chapter. The Karaites* add to these verses, ibid. cx. 7 and ibid. cxi. 10, after both of which the Hallelujah is the beginning of a chapter.

* There was already in the time of the Talmud a class of men who did not care for the figurative explanation of the Scripture, but who explained it almost literally. They were called Karaier or Baali Mikra, which means men who depended only on the literal translation of the Scriptures, as the Hebrew word Kara means verse. The Karaier of the time of the Gaonim have probably derived their name from them. (See our "History of the Talmud," Chap. Karaites.)

Shall we assume, that the Tanaim also differ concerning the Hallelujah in the above Mishna? We have learned: How far is the Hallel to be said? According to Beth Shammai, till [Psalms cxiii. 9] "the joyful mother of children," etc., but according to Beth Hillel, till [ibid. cxiv. 5] "who changeth the rock into a pool of water"; and we have learned in another Boraitha, according to Beth Shammai, till [ibid. cxiv. 1] "when Israel went forth out of Egypt," and according to Beth Hillel, till [ibid. cxv. 1] "not for our sake, O Lord," etc. Shall we then assume, that those who say till "the joyful mother of children," hold that the Hallelujah which succeeds the verse is the beginning of a chapter, while those who say that the Hallel should be said till "when Israel went forth out of Egypt," hold the Hallelujah to be the end of a chapter? Nay; R. Hisda may answer this according to his own theory, that all agree upon Hallelujah as being the end of a chapter, and that those who in accordance with Beth Shammai say the Hallel till "when Israel went forth out of Egypt," are perfectly correct, as they already include the Hallelujah, but those who according to Beth Shammai in the first Boraitha say the Hallel as far as "the joyful mother of children," mean to include that verse also with the Hallelujah.

Rabba bar R. Huna, however, may answer this according to his theory, that all agree upon Hallelujah as being the beginning of a chapter, and that those who according to Beth Shammai say the Hallel as far as "the joyful mother of children," are correct, while those who say it till "when Israel went forth out of Egypt," mean to *exclude* that verse with the Hallelujah.

"*They are to close with a blessing for the redemption.*" Rabba said: In the reading of the Shema and the Hallel the redemption of Israel should be referred to in the past tense, namely: "Who hast redeemed," etc., while in the prayer embracing the eighteen benedictions it should be referred to in the future tense, namely: "Who wilt redeem," etc., for a prayer should be made to apply to the future and not to the past.

R. Zera said: When the Kiddush is said, the benediction contained therein must read: "Who hast sanctified us with his commandments," etc., but in prayer the sentence should read: "Sanctify us with thy commandments," etc., because such is the prayer for Mercy.

R. Aha bar Jacob said: In the benediction contained in the Kiddush, the exodus from Egypt must be referred to, and this

is derived from a comparison by analogy in the verses [Deutr. xvi. 3]: "That thou mayest remember the day of thy going forth out of Egypt," etc., and [Exod. xx. 8]: "Remember the Sabbath day to keep it holy," whence the inference, that the exodus from Egypt must be remembered in the Kiddush.

Rabba bar Shela said: In the prayer for redemption, the sentence, "He causeth to sprout the foundation of help," should be said, and the benediction pronounced after the recital of the Haphtorah* should be concluded, after the blessing for the redemption, with "the shield of David." As it is written [II Sam. vii. 9]: "I have made thee a great name, like the name of the great," etc., and R. Joseph taught that it signifies the conclusion with "the shield of David."

R. Simeon ben Lakish said: It is written [Gen. xii. 2]: "And I will make of thee a great nation," and this is explanatory to the term "the God of Abraham" used in prayer. "I will bless thee" [ibid.] refers to "the God of Isaac," and "make thy name great" [ibid.] refers to "the God of Jacob"; and lest we assume that the conclusion of the benedictions should also be made to embrace all three terms, therefore the passage [ibid.] ends with "and *thou* shalt be a blessing," signifying that only one (and that is Abraham) should form the concluding blessing.

Rabba said: I discovered that the sages of Pumbaditha once sat and proclaimed the following: "On Sabbath, both in the recital of the Kiddush and in prayer, the concluding blessing must be 'who hath sanctified the Sabbath,' and on a festival also, both in prayer and in the Kiddush, the concluding benediction must be 'who hath sanctified Israel and the time of the festivals.'" Said I to the sages: "On the contrary! On Sabbath and on festivals the concluding blessing of the prayer should be 'who hath sanctified Israel,' but the concluding benediction of the Kiddush on the Sabbath should be 'who hath sanctified the Sabbath,' while on a festival it should be 'who hath sanctified Israel and the time of the festivals,' and I will tell you the reason both for your assertion and my own. Your reason is, that Sabbath is not an institution of the Israelites themselves, but one ordained for them from the beginning; hence it should be said 'who hath sanctified the Sabbath,' but on the festivals, which are instituted by the Israelites themselves, by making

* By Haphtorah is meant the several passages in the Prophets which are read after the reading of the section in the Pentateuch of the day has been ended.

months intercalary or ordinary, it should be said, 'who hath sanctified Israel and the time of the festivals.'

"My reason is, however, that as prayer is generally offered up by an assembly, it should therefore conclude with 'who hath sanctified Israel'; but Kiddush, which is recited by an individual, should conclude with 'who hath sanctified the Sabbath,' and, on festivals only, with 'who hath sanctified Israel and the time of the festivals.'" [This is, however, no argument; for prayer may be offered up by an individual, and Kiddush can be said in an assembly.]

Ula, the son of Rabb, in the presence of Rabha, prayed in accordance with the dictum of the sages of Pumbaditha, and Rabha did not object; whence we may infer that he retracted his former statement and finally agreed with those sages.

R. Nathan the father of R. Huna ben Nathan also prayed in the presence of R. Papa in accordance with the dictum of the elders of Pumbaditha, and R. Papa commended him for doing so.

Rabhina said: "I once came to Sura and prayed in the synagogue in the presence of Mareimar, and the reader prayed in accordance with the dictum of the sages of Pumbaditha. The congregation, however, desired to silence him, when Mareimar said to them: 'Let him proceed; for the Halakha prevails according to the sages of Pumbaditha.'"

MISHNA: A third cup of wine is then poured out, and the benediction after meals is said. After pouring out the fourth cup, the Hallel should be concluded over it and the blessings on the songs of praise be said. A person may drink as much as he chooses between the second and third cups, but not between the third and fourth.

GEMARA: Said R. Hanan to Rabha: "Infer from this Mishna, that for the benediction after meals a cup (of wine) is required," and Rabha replied: "Nay; these four cups serve as a symbol of our freedom, and incidentally they were divided for the accomplishment of several religious duties, but no inference should be made that the benediction after meals requires a cup of wine."

"*And the blessings on the songs of praise (should) be said.*" What are these blessings? R. Jehudah said: The prayer following the Hallel, namely: "All thy works, O Lord, shall praise thee," etc., and R. Johanan said: The prayer commencing: "The breath of all living," etc.

The rabbis taught: On the fourth cup the Hallel is concluded, and the great Hallel should also be recited thereon. Such is the decree of R. Tarphon, and according to another version, R. Tarphon decreed that the chapter [Psalms xxiii.], "The Lord is my shepherd," etc., should also be said. Whence does the great Hallel commence? Said R. Jehudah: From [Psalms cxxxvi.] "Give thanks unto the Lord," etc., until [ibid. cxxxvii.] "by the rivers of Babylon," etc. R. Johanan, however, said: From [ibid. cxx.] "A song of the degrees," etc., until [ibid. cxxxvii.] "by the rivers of Babylon," etc. R. Ahabar Jacob, however, said: From [ibid. cxxxv. 4] "For Jacob hath the Lord chosen," etc., until [ibid. cxxxvii.] "by the rivers of Babylon," etc.

Why is this called the great Hallel? Said R. Johanan: Because the Holy One, blessed be He, sits in the uppermost height of the world and thence deals out food for all his creatures (as it is written [Psalms cxxxvi. 25, 26]: "Who giveth food unto all flesh; for to eternity endureth his kindness. O give thanks unto the God of the heavens," etc.).

R. Jehoshua ben Levi said: "The twenty-six verses of the chapter [cxxxvi.] apply to the twenty-six generations existing before the Law was given, and who were nourished only by His grace."

R. Hisda said: The passage [ibid. cxxxvi. 1], "O give thanks unto the Lord, for he is good," signifies that the Lord punishes man for evil deeds only by diminishing his (the man's) possessions (goods); *f.i.*, a rich man is punished by the loss of an ox, a poor man by the loss of a sheep, an orphan by the loss of an egg, and a widow by the loss of her hen, etc.

R. Johanan said: The earning of a man's daily bread is twice as laborious to him as the bearing of a child is to a woman, for concerning a woman lying-in it is written [Gen. iii. 16]: "In pain (Be'etzeb) shalt thou bring forth children," while concerning man it is written [ibid. 17]: "In pain (Be'itzabon) shalt thou eat of it all the days of thy life," which implies a greater degree of pain.

R. Johanan said again: The earning of a man's daily bread is beset with more difficulty than the redemption; for concerning the redemption it is written [Gen. xlviii. 16]: "The angel who redeemed me from all evil," while concerning a man's daily bread it is written [ibid. 15]: "The God who fed me from my first being unto this day," whence we see that for redemption it

only required an angel, while for the sustenance of a man it required God's providence.

R. Jehoshua ben Levi said: When the Lord said to Adam [Gen. iii. 18]: "And thorns and thistles shall it (the earth) bring forth to thee," tears ran from Adam's eyes, and he said: "Creator of the Universe! Shall then I and my ass eat of the same crib?" but when he heard the Lord say [ibid. 19]: "In the sweat of thy face shalt thou eat bread," he felt relieved. Said R. Simeon ben Lakish: "It were better for us had we been left in our original condition, when we were doomed to eat the herbs of the field; then we would not have been obliged to work so hard for our bread." * Said Abayi: "We have not yet been released from that doom, for there are quite a number of herbs which we can eat directly from the field."

R. Shezbi said in the name of R. Elazar ben Azariah: "The earning of a man's daily bread is as difficult of accomplishment as was the dividing of the Red Sea for the Israelites when going out of Egypt."

If it is necessary to recite the great Hallel, why must the small Hallel be recited at the Passover-meal? Because the small Hallel contains the following five things: "The exodus from Egypt, the dividing of the Red Sea, the giving of the Law to the Israelites, the resurrection of the dead, and the sufferings in the time of the Messiah." The exodus from Egypt, as it is written [Psalms cxiv. 1]: "When Israel went forth out of Egypt"; the dividing of the Red Sea, as it is said [ibid. 3]: "The sea beheld it, and fled"; the giving of the Law, as it is said [ibid. 6]: "Ye mountains, that ye skip like wethers," referring to the time when the Law was given to Israel; the resurrection of the dead, as it is said [ibid. cxvi. 9]: "I will walk before the Lord in the lands of life"; and the sufferings in the time of the Messiah, as it is written [ibid. cxv. 1]: "Not for our sake, O Lord," etc., commenting upon which, R. Johanan said that it refers to the time of the war of Gog and Magog (which will occur just before the coming of the Messiah and will be the worst period for the Israelites to pass through).

R. Na'hman bar Itz'hak said: The small Hallel is recited for another reason, namely, because it contains the transposition of the souls of the righteous from Gehenna to Heaven, as it is

* This explanation of the text is according to the commentary of Rabbi Samuel Aidlash (Marsha').

written [Psalms cxvi. 4]: "I beseech thee, O Lord! release my soul" (from Gehenna).

Hez'kyah said: There is still another reason why the small Hallel should be recited, namely, because it is mentioned that Hananiah, Mishael, and Azariah were thrown into the fiery furnace and came out alive: for the passage, "Not for our sake, O Lord," was said by Hananiah; "but unto thy name give glory," was said by Mishael, and "for the sake of thy kindness, for the sake of thy truth," was said by Azariah; and the next passage, "Wherefore should the nations say, Where now is their God?" they all three said together. This happened when they were thrown into the fiery furnace, and when they came out Hananiah said the passage [Psalms cxvii.], "Praise the Lord, all ye nations"; Mishael said: "Praise him, all ye people." "For mighty is his kindness over us," was said by Azariah, and "And the truth of the Lord endureth forever, Hallelujah!" all three said in unison. According to another version, this last sentence, "The truth of the Lord endureth forever," was said by the angel Gabriel, because it was said that when Nimrod the wicked threw Abraham our father into the fiery furnace, the angel Gabriel said to the Lord: "Permit me to go and make the furnace cold, that it may do no harm to Abraham," and the Holy One, blessed be He, replied: "Abraham is now the only one who has forsaken idolatry and believes in God, and I am the only One in the world, hence it would be but fair that the only One should rescue the other exception," and as the Holy One, blessed be He, would not deprive any one creature of the reward due, He said to Gabriel: "Thou shalt have an opportunity to rescue three of his children from the fiery furnace, while I Myself shall rescue him." (Whereupon Gabriel is supposed to have said: "The truth of the Lord endureth forever.")

R. Simeon of Shiloni preached: When Nebuchadnezzar the wicked threw Hananiah, Mishael, and Azariah into the fiery furnace, the angel Jurqami, master of the waters, came before the Lord and said: "Permit me to go and cool the furnace, so that I might rescue the righteous from death." Said Gabriel to him: "This would not prove the power of the Lord, for it is well known that water can extinguish fire, and thou art the master of waters; hence it would be but commonplace if through thy means the furnace were cooled. Rather should I, who am the master of fire, be permitted to go, and I shall remove the fire on the inside and make it so much more fierce on the

outside, which will be a miracle within a miracle; for a master of fire will make the fire cool in one place and so much hotter in another." Whereupon the Lord said: "Go thou, Gabriel, and do so," and Gabriel said: "The truth of the Lord endureth forever."

R. Nathan said: The truth of the Lord endureth forever, was said by the fish of the sea, and this is in accordance with the dictum of R. Huna, who said: When the Israelites were brought forth out of Egypt, they were still sceptics, and when taken through the Red Sea, they said: "Surely the Egyptians have passed through the sea at another point, and will overtake and slay us." So the Lord said to the master of the sea: "Throw out all the bodies of the Egyptians in the sea on dry land, so that the Israelites may see them," and the master of the sea replied: "Creator of the Universe! Is there then a slave who was given a gift by his master, and was then deprived of it again?" So the Lord replied: "I shall return to thee half as many again as thou shalt throw out," and the master of the sea said again: "Creator of the Universe! Is there then a slave who should demand restitution of his master?" and the Lord answered again: "The stream of Kishon shall be thy pledge." Whereupon all the bodies of the Egyptians were thrown up on the dry land, and Israel saw them, as it is written [Exod. xiv. 30]: "And Israel saw the Egyptians dead upon the shore of the sea." Whence do we know that the Lord promised half as many again in return for the bodies of the Egyptians? Because concerning the Egyptians it is said [ibid. xiv. 7]: "And he took six hundred chariots," while concerning Sissera it is said [Judges iv. 3]: "For he had nine hundred chariots of iron."

When Sissera came to wage war upon the Israelites, he came with iron spears; but the Lord changed the position of the stars, as it is written [Judges v. 20]: "From heaven they fought: the stars in their courses fought against Sissera." As soon as the stars moved, the spears of Sissera's army became heated, so the men went to cool them in the stream of Kishon, and then the Lord said to the stream of Kishon: "Thou wast pledged. Go now, and redeem thy pledge." Whereupon the stream threw them all into the sea, as it is written [ibid. 21]: "The stream of Kishon swept them away, that ancient stream, the stream of Kishon." Why is it called the ancient stream? It is so called, because it was given as a pledge in ancient time. Then, when all those men were swept into the sea, the fishes, which were

thus provided with so much food, said: "The truth of the Lord endureth forever."

Rabha preached: It is written [Psalms cxvi. 1]: "It is lovely to me, that the Lord heareth my voice." The congregation of Israel (Kneseth Israel) said to the Holy One, blessed be He: "Lord of the Universe! When do I know that I have found favor in thine eyes, when thou hearest my prayer?" Further, it is written [ibid. 6]: "I was in misery, and He helped me." The congregation of Israel said to the Lord: "Lord of the Universe! Although I am deficient in the fulfilment of religious duties, I am nevertheless thine; hence it would be seemly that thou shouldst help me."

R. Kahana said: When R. Ishmael bar R. Jose became ill, Rabbi sent to him the following request: "Tell us two or three things which thou wert wont to say in the name of thy father," and R. Ishmael replied: So said my father: The passage [Psalms cxvii. 1], "Praise the Lord, all ye nations," signifies that all the nations should praise Him, on account of the power and the miracles with which He has helped the nations, and so much the more should we Israelites praise him; for concerning us it is written [ibid. 2]: "For mighty is his kindness over us." My father also said: In the future, Egypt will bring a gift to our Messiah, and he will hesitate whether to accept it or not, when the Lord will say unto him: "Accept it, for they were hospitable to my children in their land," and it is written [Psalms lxxviii. 32]: "Nobles will come out of Egypt" (with gifts). Seeing this, Ethiopia will say: "If the gifts of Egypt, which held the Israelites in bondage, were accepted, surely gifts from us, who never did them any injury, will be so much the more accepted." So the Lord will say to the Messiah: "Accept their gifts also," and it is written [ibid.]: "Ethiopia will stretch forth her hands eagerly unto God." When Rome shall see this, they will say: "Surely if the gifts of the Ethiopians, who are nowise near to the Israelites, were accepted, gifts from us, who are their brethren,* will be accepted." And the Lord said to the angel Gabriel: "Rebuke the wild beasts" [Psalms lxxviii. 31], and R. Hyya bar Abba in the name of R. Johanan explains this to mean: "Rebuke the wild beasts, whose quills are used solely to write decrees to the detriment of the Israelites," and the

* The Talmud states that the Romans were descendants of the Edomites, children of Edom or Esau, the brothers of Jacob, as it is written [Gen. xxxvi. 1]: "The generations of Esau, who is Edom."

further passage [ibid.], "the troop of steers among the calves of nations," signifies that they (the Romans) were like a troop who slew the greatest among the Israelites like calves who had no owners. "That hasten along with presents of silver," signifies that they stretch forth their hands to receive bribes from the Israelites, promising them permission to carry out the ordinances of their law; but when in receipt of the bribe violate their promises and prevent the Israelites from performing their religious duties. "He scattereth the nations that are eager for the fight," signifies the following: "What was the cause of the scattering of Israel among the nations? Their own eagerness for strife."

Finally, R. Ishmael sent to them the following saying of his father: "There will be a city containing 365 market-places; each market will have 365 stalls; each stall will have 365 steps; and each step will contain merchandise sufficient for the entire world." So R. Simeon the son of Rabbi asked his father, according to others he asked R. Ishmael ben Jose: "To whom will such a city belong?" and the answer was: "To thee, to thy colleagues, and to the friends of thy colleagues (*i.e.*, to all righteous men), as it is written [Isaiah xxiii. 18]: 'And her gain and her hire shall be holy to the Lord; it shall not be treasured nor laid up; but for those that dwell before the Lord shall her gain be, to eat to fulness, and for magnificent clothing.'"

[Said R. Samuel ben Na'hmeni in the name of R. Jonathan: The passage [Psalms cxviii. 21], "I will thank thee, for thou hast answered me," was said by David. The next passage [ibid. 22], "The stone which the builders rejected is become the chief corner-stone," was said by Jesse (when David was chosen king). The following passage [ibid. 23], "From the Lord is this come to pass," was said by David's brothers, and the next passage [ibid. 24], "This is the day which the Lord hath made," was said by Samuel. "We beseech thee, O Lord! save us now" [ibid. 25], was said by the brothers of David. "We beseech thee, O Lord! Send us now prosperity" [ibid. ibid.], was said by David himself. "Blessed be he that cometh in the name of the Lord" [ibid. 26], was said by Jesse, and "We bless you out of the house of the Lord" [ibid. ibid.], was said by Samuel. "God is the Lord, and he giveth us light" [ibid. 27], was said by all. "Bind the festive sacrifice with cords" [ibid. ibid.], was said by Samuel. "Thou art my God, and I will thank thee" [ibid. 28], was said by David, and "My God, I will exalt thee" [ibid.], was said by all.]

R. Avira preached at one time, saying it in the name of R. Ami, and at another time quoting it in the name of R. Assi: It is written [Gen. xxi. 8]: "And the child grew and was weaned," which signifies that the Lord will prepare a meal for the children of Isaac on the day when he will receive them into his favor. After the meal and the beverages will have been consumed, the Lord will hand the cup used for the benediction after meals to Abraham, and Abraham will say: "I am not worthy; for from me issued forth Ishmael." Isaac will then be asked to pronounce the benediction, but he will refuse on the ground that from him issued forth Esau. Jacob will then be offered the cup, but he will refuse on the ground that he married two sisters, which was afterwards prohibited by Law. Moses will then be requested to say the benediction, but he also will refuse, on the ground that he was not destined to enter the promised land, neither before nor after his death. Joshua will then be asked to accept the cup, and he also will refuse, saying: "I am not worthy, for I died childless." David will finally be offered the cup, and he will accept it, saying: "I am indeed worthy and shall recite the benediction," as it is written [Psalms cxvi. 13]: "The cup of salvation will I lift up, and on the name of the Lord will I call."

MISHNA: It is unlawful to conclude the eating of the paschal sacrifice with a dessert.

GEMARA: What is meant by a dessert? Said Rabh: "After the paschal sacrifice had been eaten in one company, one should not go and eat aught in another company," and Samuel said: "The literal meaning should be taken, as, for instance, I am used to eating mushrooms for dessert, and Abba (Rabh) eats doves for dessert."

R. Hinana bar Shila and R. Johanan both say: "It means, that no dates, parched corn, or nuts should be eaten afterwards," and so we have also learned in a Boraitha.

R. Joseph said in the name of R. Jehudah, quoting Samuel: "After the unleavened bread, dessert may be eaten." Shall we assume that the Mishna supports this statement by teaching that after the paschal sacrifice no dessert should be eaten, but after the unleavened bread it may? Nay; on the contrary, after unleavened bread, which has a hardly perceptible taste, dessert must certainly not be eaten, but lest we assume that after the paschal sacrifice, which is fat and has a pungent savor, we may do so, hence we are taught that it is unlawful.

And objection was made: "We have learned that sponge-cake, honey-cake, and sugar-cake may be eaten to satiety, providing a piece of unleavened bread to the size of an olive be eaten afterwards," whence we see that those sweetmeats may be eaten before but not afterwards. Nay; this is merely to teach us, that not only does a man fulfil by eating unleavened bread when he is hungry, but even if he does so when satiated, he also acquits himself of the duty.

Rabha said: In the present day, the law pertaining to unleavened bread is biblical, but that pertaining to bitter herbs is rabbinical. Why is the law pertaining to bitter herbs rabbinical? Because the biblical law is, that it should be eaten with the paschal sacrifice; but where the latter does not exist, the bitter herbs need not be eaten? Would this not apply also to the unleavened bread? Concerning unleavened bread there is a separate and distinct commandment, namely [Exod. xii. 18]: "In the first month, on the fourteenth day of the month, at evening, shall ye eat unleavened bread." R. A'ha bar Jacob, however, said, that the law pertaining to unleavened bread is also rabbinical, and the passage just quoted refers to such as were incapacitated to eat of the paschal sacrifice, and who might assume that they were exempt from eating unleavened bread also, hence that passage imposes upon them the duty.

The following Boraitha supports the statement of Rabha: The passage [Deut. xvi. 8], "Six days shalt thou eat unleavened bread, and on the seventh day shall be a solemn assembly to the Lord thy God," implying that on the seventh day eating of unleavened bread is not obligatory: the same is the case with the other six days. Why so? Because the seventh day was excluded from the rule governing the whole seven days, and as there is a tradition that an exception holds good for the entire rule, so the exception of the seventh day holds good for the entire six; *i.e.*, if it is not obligatory to eat unleavened bread on the seventh day, it is also not obligatory on the other six days. Shall we assume, then, that it is also not obligatory on the first night? for that reason it is expressly written: "At evening shall ye eat unleavened bread," which makes it obligatory for that evening.

Shall we say that as the paschal sacrifice was a duty only when the Temple was in existence, so it is with the unleavened bread, that after the destruction of the Temple it is not obligatory; therefore the passage says: "In the evening ye shall

eat Matzoth," consequently the passage made this obligatory forever.

MISHNA: If any of the company fall asleep during the meal, they may eat of the paschal sacrifice afterwards; but if the whole company have fallen asleep, they must not again eat thereof (upon awakening). R. Jose said: "If they are only drowsy, they may eat it, but if they fall fast asleep, they must not eat of it afterwards."

The paschal offering does, after the hour of midnight, render the hands unclean. Sacrifices which are rejected or that have remained beyond their prescribed time, also render the hands unclean.

GEMARA: Abayi was sitting before Rabba. The former said that the Master was asleep, and he said to him: "Are you asleep, Master?" and he answered: "I am only drowsy"; and we have learned in a Mishna that if they are drowsy they may eat, but if they are fast asleep they must not eat of it afterwards.

Who is the Tana who holds that after midnight on the Passover eve the remaining portion of the sacrifice is called a remainder within the meaning of the law? Said R. Joseph: "R. Elazar ben Azariah."

Said Rabba: According to R. Elazar ben Azariah, if a man ate unleavened bread after midnight on the Passover eve, he has not accomplished his duty. Is this not self-evident? If the unleavened bread is put on a par with the paschal sacrifice, then surely after midnight the time during which it must be eaten has elapsed. We might assume that, because the passage finally separates the unleavened bread from the paschal sacrifice, it cannot be classed with the latter, therefore we are taught that it remains on a par with the paschal sacrifice, as stated in the passage, Exod. xii. 8.

MISHNA: Whosoever has said the blessing on the paschal offering is not bound to say that on the festal offering, but one who has said the blessing on the festal offering is bound to say it on the paschal offering also. Such is the dictum of R. Ishmael; but R. Aqiba said: "Neither of these absolves from the obligation of saying the other blessing."

GEMARA: R. Simlai once happened to be at a celebration of the redemption of a first-born son, and he was asked the following: "It is self-evident that the benediction, 'who hath sanctified us with his commandments and has commanded us the

redemption of our son,' should be said by the father, but the other benediction, namely, 'who hath permitted us to live to this time,' who is to say this—the priest, because he derives material benefit therefrom, or also the father, because he fulfils the religious duty?" R. Simlai did not know; so he went to the college and inquired, when he was told that the father of the son must pronounce both benedictions, and so the Halakha prevails.

APPENDIX A.

(EXPLANATORY OF THE FIRST MISHNA—PAGE 1.)

THIS Mishna we have explained in a different manner from that employed by the Amoraim, in our monthly periodical *Bar-gai* (in the note on p. 17); and as this explanation has been approved by many eminent scholars, we translate it here for the English public. The explanation quoted was in reply to the attempt of the learned Mr. Buhock of Cherson to interpret this Mishna, in an article printed in the same publication.

After a short preface reviewing the statement of Buhock, the note in question reads:

But before we endeavor to explain this Mishna according to its literal meaning, we will preface that on two points we cannot agree with the learned writer of this article, while on a third we can do so only partially:

(1) That the word "Or," which the Tanaim have used in many Mishnas and Boraithas, signifies "twilight," when there is still some light lingering. Aside from the fact that reason does not admit of this interpretation, we have against it R. Eliezer b. Jacob, who fixes the time from "Or" as that when work is prohibited, and that is only dawn, or sunrise, as the sages of the Gemara also admit; and we must say that he used in his decision a word the meaning of which was known to the whole world, as his colleague designates the "time after sunrise" by a term so well known that it is not subject to doubts. Then, as we see that all the sages understood "Or" to mean daybreak, we need not go out of our way to give it another meaning. And inasmuch as we are aware that the Tana desired to fix the time so that all should know it, why should he, in such a case, have used

an obscure expression, the meaning of which would be subsequently a matter of dispute?

(2) That when our Mishna used the expression "the Chometz," instead of "Chometz," it refers to the Chometz mentioned in Scripture. But concerning the Sukka, the Tana has not made it known beforehand that it is obligatory to sit in a Sukka on certain days; and similarly of the Lulab and the citron. And notwithstanding this, he begins, "A Sukka which is high," etc., and not "*the* Sukka," doubtless resting upon the presumption that the scriptural law is known. Therefore we must find another leaven which was known at that time, distinct from the leaven of the Bible, and which was searched for; for of biblical leaven this Tana says further: "The place where *leaven* is not brought," not "*the* leaven."

(3) Concerning Mr. Buhock's statement, that when the Tana speaks of the usage in his time to search for leaven, he also fixed the time and quoted the Halakha ordaining that it be accomplished by the light of a candle, we can only agree with the first half of the statement, viz., that the Tana speaks of the usage. But we deny that it was his purpose to fix the time and quote Halakhas in question; for in that case he would also have specified the time *until* when the search should be made, in the beginning of the Mishna, as he did in specifying the time of reading Shema, of which he says in the very beginning, "from this time to this time." And if we should say that he wished to fix the time of search immediately after a man's coming from the field or from work, so that the duty should not be forgotten, in that case he had also to specify the time of ending it, similar to his treatment of Shema, which was also fixed when one comes from the field, in order that it should not be forgotten, as it is said in Berachoth: "That he should not say, 'I will eat first, will drink first,' etc., and is then found sleeping the whole night." Nevertheless, they fixed times, one till the end of the first watch, one till midnight, and one till dawn, in the very same place where the time of the beginning is specified. But here, at the end of the Mishna even, he does not fix any time for stopping, as will be explained further on. Therefore we must seek another manner of explaining this Mishna, and in the same connection express our opinion about all the Mishnayoth which begin with diverse Halakhas before stating the source and obligatoriness of these Halakhas. We will proceed to do this after one other prefatory remark, viz., that our sages have long ago permitted us to

interpret the Mishna in a manner different from the sages of the Gemara; that is to say, not to be at variance with the Halakhas which are decided in the Gemara, but only in the interpretation of the meaning of the Mishna, which the Babylonians did not always understand, owing to their remoteness in place and time. (See A. H. Weiss, Vol. III., p. 17, etc., and "He'halutz," V., p. 33; and also Tosphath Yom Tob, Tract Nazir, V., 5.) And sometimes even when they understood it, seeing that it would not agree with the Halakha which was customary, or even with the saying of a certain great Amora with whom they could not differ, they strained the Mishna, discovered it in different readings, and made strange comment, to make it correspond with the customary Halakha or the opinion of the Amora. Therefore they made deductions and additions at their pleasure. And now, without touching on the Halakhas concerning the search of leaven, we will investigate the origin of this usage in the times of the Mishna.

The custom was in the East in former days, as well as at the present time, to eat fresh bread every day; and in every household bread was baked daily (for bread of bakers was rare, and the populace scarcely used it). And on the day before Passover, when the first meal, *i.e.*, of leavened bread, had to be taken in the morning not later than the fourth hour (*i.e.*, 10 A.M.), they baked their bread in good time, before daybreak, and after this they searched for any leaven that might have been left, gathered it to one place, and cleared the house of it; and as dawn had not yet illuminated the house, they used a candle to make search in all those places where they were liable to carry leaven. The Tana of our Mishna, who everywhere used as a support the custom well known in his time, without beginning to relate the *law* anew (of which the best proof is the mention of the Lulab, as he begins the Halakha, "A purloined Lulab is invalid," before he has stated that the palm-boughs mentioned in the Bible are equivalent to the Lulab; and if he did not make reference to the custom known to all in his time, he should have declared what the palm-branches meant), stated, here also, this custom as follows: "'Or' (at daybreak) on the fourteenth, search is made (by the women) for the leaven (which they are at the time using), by candle-light (that it may be transferred to other places before the sun illuminates the house)." And he approves the custom by saying: "A place where leaven is not carried does not require searching"; that is to say, this custom is proof that

leaven need not be searched for in other places, and at other times.

“Beth Shammai say, ‘also two rows (of barrels) ranging across the whole cellar’ (the women searched for leaven in, because they were accustomed to go there with hands fresh from kneading leavened dough to fetch the yeast obtained from the wine for baking); but Beth Hillel say, ‘only the upper row of the two outer rows’ (they made search in, because only from those rows did they fetch the yeast, but not from all barrels of the cellar). (And) it is not apprehended that a weasel had transferred it from one spot to another, and from one house to another; for if so, then it will be feared, from court to court, etc. R. Jehudah says: Search was made at daybreak on the 14th, and on the morning, and at the time of clearing (*i.e.*, when the bread is baked, when it is eaten, and when it is burned), and the sages say: If search has not been made at daybreak on the 14th, it is made on the 14th (*i.e.*, in the morning); if not on the 14th, it is done on the intermediate days; if not on these days, it may be done after the festival (that is to say, the men are under no particular obligation, and have no particular time prescribed for them, to make search for the leaven, and it is not feared lest they forget, for even if that occur, they lose nothing).”

This was the form of the Mishna which the arranger of the Mishnas had before him, or had heard orally, and he was not anxious to explain its meaning, as in his time also the custom had not yet undergone any change. But some copyist, who did not understand the relevancy of the cellar to the leaven, added at the margin: “Why were the two rows of barrels in a cellar mentioned? That is a place whither leaven is carried.” Later this marginal note was inserted into the text of the Mishna. The sages of the Gemara, truly, were not satisfied with this remark, and put the question: “Who spoke here of a cellar?” For they thought that this Mishna stated the Halakha, and therefore were anxious to ascertain the meaning of the word “Or.” R. Huna explained it to mean “Nog’hi” (“light,” in Aramaic), *i.e.*, the beginning of the day; and R. Jehudah “before daybreak,” as in the language of his part of the country it designated the time before daybreak, when it is yet night. The other also reasoned, and said: “At the first glance, it seems ‘Nog’hi’ means ‘light,’ ” etc.; and as it was perplexing to their minds why candle-light was needed for the search, they sought for reasons in Scripture, and used passages thereof in support of

their opinions, arguments from analogies of expression, etc., etc., which did not enter the Tana's mind at all.

And it is manifest that in all the Boraithoth in which the word "Or" was used, it means "dawn," which was the latest time for all duties to be performed in the night. Even in the Boraitha in Yoma, stating: "'Or' on the Day of Atonement the prayer should be so and so," etc., the word is also used to designate the whole night till the break of day, during which the prayer is yet called "prayer of the evening"; but that after daybreak is called "morning prayer."

APPENDIX B.

(SUPPLEMENTARY TO SECOND NOTE, PAGE 66.)

It seems to us necessary, in explanation of this curious passage, to make the following extract from our "History of Amulets":

It is no wonder that the change of one letter in a word resulted in the writing of volumes upon volumes and the adoption of hundreds of restrictions.

The following instance will illustrate this: R. Jehudah being once in a company of friends advised the housekeeper not to use for bread-making any other water than that kept in the house, and he expressed it in six words:

אשה לא תלוש אלא במים שלנו

(A woman should not knead with other than *our* water). The reason was that other water might have been poisoned by snakes, which are abundant in those countries. R. Jehudah said this in reference to the dispute in the *Boraitha* (Terumath VI.) where one maintained that bread made with water kept in an uncovered vessel outside the house should be burnt, even if it were bread of *Terumah*. R. Nehemiah was of the opinion that the snake poison loses its power when brought into contact with fire, and therefore that the bread might be used. To avoid this, R. Jehudah advised the use of *domestic* water, which he expressed by the word (שֵׁלֵנוּ) "our."

R. Mathna, who lived sixty years after R. Jehudah, happened to be in the city of "Papuni" and on a certain occasion (prob-

ably having some objection to the use of the water of that city) lectured in public about using the water which collects in the public streets, and he quoted R. Jehudah's original words: "A woman should not knead with other than *our* water." The people present understood R. Mathna to have brought some water along with him because of his using the word "our." They therefore came to him the next day with vessels to get some of this water. Then R. Mathna explained in the Talmudic language that he meant domestic water, namely

(אנא במיא רביתא קאמרינא)

using the word (רביתא) (d'baitha with an א) at the end, having the meaning "domestic." In course of time the word *d'baitha* was incorrectly copied and the Aleph (א) at the end was changed to Vav (ו), which would make it mean "which has remained over night." The Rabanim, finding the word in this changed form (רביתו), concluded that it related to the Matzoth (unleavened bread) used at the Passover and therefore maintained that the water used in making Matzoth must remain over night in the house before it is used. Neither R. Jehudah nor R. Mathna mentioned this, but it was assumed simply because these words of R. Jehudah are found in that tract of the Talmud which treats of the Passover feast. The later Rabanim wrote volume after volume upon this subject (see our journal *Ha-Kol*, Nos. 286, 287, 290, etc.). Still they could not give the least explanation of why they referred this to the Matzoth, and they did not care to investigate where R. Jehudah got it from nor how Matzoth were kneaded before his time.

END OF TRACT PESACHIM.

NEW EDITION

OF THE

BABYLONIAN TALMUD

Original Text, Edited, Corrected, Formulated, and
Translated into English

BY
MICHAEL L. RODKINSON

SECTION MOED (FESTIVALS)
TRACTS YOMAH AND HAGIGA

Volume VI.

BOSTON
NEW TALMUD PUBLISHING COMPANY
100 BOYLSTON STREET

EXPLANATORY REMARKS.

In our translation we adopted these principles:

1. *Tenan* of the original—We have learned in a Mishna; *Tania*—We have learned in a Boraitha; *Itemar*—It was taught.
2. Questions are indicated by the interrogation point, and are immediately followed by the answers, without being so marked.
3. When in the original there occur two statements separated by the phrase, *Lishna achrena* or *Waibayith Aema* or *Ikha d'amri* (literally, "otherwise interpreted"), we translate only the second.
4. As the pages of the original are indicated in our new Hebrew edition, it is not deemed necessary to mark them in the English edition, this being only a translation from the latter.
5. Words or passages enclosed in round parentheses () denote the explanation rendered by Rashi to the foregoing sentence or word. Square parentheses [] contain commentaries by authorities of the last period of construction of the Gemara.

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TO THE
VENERABLE PRESIDENT OF THE HEBREW UNION COLLEGE
AND OF THE CENTRAL AMERICAN RABBIS' CONFERENCE

THE REV. DR. ISAAC M. WISE

AT HIS
EIGHTIETH BIRTHDAY

THIS VOLUME WITH THE ENTIRE SECTION MOED, IS MOST RESPECT-
FULLY DEDICATED BY HIS SINCERE FRIEND

MICHAEL L. RODKINSON

NEW YORK, 1899.

MOST HONORED RABBI :

When, five years ago, in the month of October, I had the honor to visit you, and then expressed my sorrow in not being able to attend your seventy-fifth birthday, I promised you that I would write a work and dedicate it to you for your eightieth birthday. Now, after the lapse of five years, I praise God that He has preserved us both. I have fulfilled my promise, and written a work on the History of the Talmud, which I believe to be of some value, with the intention of dedicating it to you, but my circumstances do not allow me to publish it in time for your celebration. However, I redeem my promise in dedicating to you the Section Moed, which at that time I had no intention of translating into English.

I hope to see your ninetieth birthday, when, among all your disciples and admirers who will celebrate it, I also may take part.

M. L. R

TRACT YOMAH (DAY OF ATONEMENT)

EXPRESSION OF THANKS.

WITH the issue of this volume this section is almost complete (the last two volumes being in press), and I deem it my duty to express my heartfelt thanks to my patrons and supporters during the last three years, ever since my work was undertaken. Through their support I have been enabled to reach my present position. This is the first time in the history of the Talmud that an entire section of it was translated into a living and comprehensible language, making it easily understood even to a layman. The synopsis of each tract indicates where the most interesting ethical and folkloristic portions may be found, thereby rendering the various tracts readily understood, even by one who is not a student.

Three years ago, when I made up my mind to begin this work, I scarcely dared hope that thirteen* tracts of the most difficult part of the Talmud would be translated, more especially that seven of them, the most voluminous, would be published in the course of two years. Notwithstanding all the obstacles that were laid in my way by personal enemies, and notwithstanding all the financial difficulties† which I had to surmount, I have succeeded in accomplishing the work mentioned above, chiefly through the aid of the few gentlemen who have encouraged me by enlisting their sympathy and interest in my work, and who also supported me financially,‡ not as a matter of charity, but

* The translation of one tract of section Jurisprudence is also already completed.

† It must be borne in mind that the cost of publishing one volume is \$700 or more.

‡ In my "History of the Talmud" I take notice of the writers who complain that the Jewish people were always opposed to the translation of Jewish lore into foreign languages. They, moreover, assert that all the translations of the Bible, and all the collections of Hebrew manuscripts, as also the Massorah, were supported by different governments and private Gentiles. Zunz ("Ges. Schr.," vol. i., p. 296), in recommending a translation of the Talmud, also relates (p. 273) that the Russian Government, in July, 1829, paid 12,000 thalers to the Abbé Chiarini for a translation of the Talmud in the French language. In one of his works, issued at Paris, the latter complains that the Hebrews opposed and prevented him from accomplishing his commission. See also Wolfsohn's "Jeschurun," p. 242, Breslau,

in the form of a subscription and payment in advance for the forthcoming volumes, for the issue of which in due time they have reposed their confidence in me.

Many friends have assured me that this work is destined to become historical, and as the Talmud has indeed a great history, the first translation of it in a foreign tongue cannot fail to attract attention, and therefore I trust that my work will add somewhat in demonstrating its value and importance. In that event all the names of my supporters and sympathizers who will be known to the future historian (which may be after my death) will be mentioned with honor.

With this view in mind, I enumerate herewith with grateful acknowledgment the names of my supporters since this work began, and especially those who aided me during the last two months of the past year, and enabled me to publish the present volume by paying for from twenty-seven to ten forthcoming volumes, at the rate of \$2.50 each, in advance. May God bless and prosper them in all their undertakings!

I also extend my thanks to all my subscribers, far and near, for their kindness in the past, hoping at the same time that it will be extended in the future. I am also grateful to the rabbis of the city of New York, who, with very few exceptions, sympathize with my work, and have assisted me with their influence and subscriptions.

The list of patrons is arranged alphabetically. The asterisk indicates that the volumes already delivered and paid for are NOT included. Asterisk and dagger indicate also the subscription for two sets. The list of names on page ix shows those added during the last two months of the past year.

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1804. It is also a well-known fact that Emperor Nicholas I. of Russia assigned 100,000 rubles for a translation of the Talmud; and that Dr. Pinner, who translated tract Berachoth into German, a work considered of little merit by all scholars, nevertheless received 10,000 rubles from him. A German translation of the Talmud is now being published through the effort of Gentiles. I am proud to say that I am the first who has not sought the support of Gentiles, and that all that I have done was brought about by my coreligionists.

¹ חסרם למידה מיבותא לשקיה

EXPRESSION OF THANKS.

ix

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I have to thank once more the following gentlemen and lady, who, besides their subscriptions, have also exerted their influence in insuring me a considerable number of subscribers:

Messrs. Samuel Greenbaum, Daniel P. Hays, Isaiah Josephi, Andrew Saks, and Miss Annette Kohn.

I trust that in the last volume of this section this list of supporters will be greatly increased, as I still need further assistance, till the section is completed, when I am confident that I will derive good financial returns from its sale to booksellers and general agents, who are awaiting the completion of the section, to be sold *en masse* as a complete work by itself.

I am hopeful that the coming generation will be grateful to all those who took part in opening a sealed book to the eyes of the world.

Finally, I express my thanks to my printer, ex-Congressman Hon. Joseph J. Little, who has granted me considerable credit in his establishment, thereby greatly lightening the burden of my work; also to his proofreader for calling my attention to many matters which seemed to him imperfect, and whose assistance I value greatly; and last, but not least, to Mr. A. S. Freidus of the New York Public Library, for many valuable suggestions in bibliographical and other matters.

MICHAEL L. RODKINSON.

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INTRODUCTION TO TRACT YOMAH, OR THE DAY OF ATONEMENT.

THE first seven chapters treat of the manner in which the Day of Atonement was celebrated in the second Temple: the different sacrifices brought on that day, the preparation of the high-priest for his ministry, and the order of service as he performed it, entering fully into minute details of every circumstance connected therewith. Although all this has an historical value only, we cannot refrain from giving an introduction to this tract, on account of that day being so different from all the holidays of Israel.

All the festivals, although they were not observed all the time during the first Temple, were nevertheless observed by some of the kings, who invoked the people to celebrate them some of the time; *e.g.*, the Feast of Passover, with all its sacrifices, in the reigns of Hezekiah and Josiah [2 Chron. xxx.; xxxv.]. There is also related [ibid. xxxv. 18], that in the days of the prophet Samuel, Passover was held. The Feast of Tabernacles was celebrated in the days of Solomon [1 Kings viii. 2], and although the children of Israel did not dwell in the booths since the days of Joshua b. Nun [Neh. viii. 17], nevertheless the feast was celebrated with all its appertaining sacrifices; and also the Pentecost they have kept [2 Chron. viii. 13]. The Day of Atonement, however, is not mentioned in the entire Scriptures, with the exception of Lev. xvi., and among the prescription of the various sacrifices; but even then we see something unusual among the commandments of the Scriptures; namely, the remark that he (Aaron) did as the Lord had commanded Moses.*

* Reading the Scriptures critically, we deem that Lev. xvi. is merely a continuation of Lev. x., where the death of the two sons of Aaron is related when they entered the sanctuary; and after that Aaron is instructed as to the manner in which he can enter the sanctuary *so he shall not die*. In the entire chapter xvi. no mention is made of the Day of Atonement, except that from verse 29 to the end of the chapter, we find the command that it shall be a statute forever for all the Israelites, that on the tenth day of the seventh month the high-priest shall make an atonement

Moreover, we can plainly see from the Scriptures, that at the time of King Solomon the Day of Atonement was one of the seven days of rejoicing, at the dedication of the Temple [1 Kings viii. ; 2 Chron. vii. 8, 9] ; and although it is said in the Talmud that the decision not to keep the Day of Atonement was only a temporary one (as it will be explained in Tract Moed Katan), still we cannot rely upon an individual opinion in the Talmud. The facts are that the Day of Atonement was not observed, not only during the first Temple, but at the beginning of the second as well, for even in Nehemiah the Feast of Tabernacles is mentioned, but the Day of Atonement is not. And even during the middle period of the second Temple the Talmud states that the Day of Atonement was one of the holidays for the people, in which the daughters of Israel, all dressed in white, went forth to dance in the vineyards, as will be explained in Tract Taanith. It would be ridiculous to believe that, while observing the five afflictions of the day (see chapter viii. of this tract), they nevertheless danced and sang, trying to captivate the youths.

Ewald, in speaking of that day, also remarks that it is different in its respect from all the holidays; but even he does not explain the reason. He only indicates that it may be a remnant of the pre-Mosaic time. In order to give the reader an opportunity of forming his own opinion, we herewith give an extract from Ewald concerning the Day of Atonement :

"The preparatory celebration in the autumn, which took place on the tenth day of the seventh month, was essentially distinguished from that of the spring in not being a terror-stricken celebration at the commencement of the year, which sought to avert the perils of the dim future and, as it were, the wrath of a new coming God, but in being rather a pure feast of penance which endeavored to expiate all the human and national transgressions and impurities which had occurred during the year. For although the searching stringency of Jahveism, already described, required that every, even the smallest, impurity and defilement which had been contracted should be immediately expiated, yet the higher religion was well aware how little all the

for his brother priests, for the sanctuary, and for the people of Israel ; but there is no command that he, on that day, shall perform all the ceremonies prescribed in the same chapter, for that concerns only the entrance of Aaron into the sanctuary. Also Ewald has considered this point ; and it is possible that the sages, during the first Temple, interpreted this passage in the same manner, and all the sages after them, until the middle period of the second Temple, since when the learned priests, for a reason unknown to us, decided that the entire chapter relates to the Day of Atonement ; and the sages of the Talmud, on account of this, afterwards deduced from the scriptural passages the elaborate manner of the service on that day to be found in the Talmud.

secret and slowly advancing desecrations were actually removed from the entire community. Hence this universal festival of penance and expiation was established in order that even all these might be expiated as far as human labor could avail, and that the community, as free as possible from all guilt, might celebrate with joyous feelings the great happy festival of the year which immediately followed. Both this origin and purpose, and also its name, *feast of expiation*, show its genuine Mosaic character. Here, more than in any other, the entire purpose and the absolute stringency of the higher religion found expression, and it was certainly this religion which first founded the festival. Only in one of its rites, which, strictly speaking, is hardly essential, do we find a remnant of pre-Mosaic belief and life. The festival, then, was by no means to be principally of a domestic character, like the Passover; rather, in contradistinction to the latter, was it to become a thoroughly public festival. Accordingly, the people were not to offer any of the regular sacrifices, but a new one, which should go deeper and reach a more sensitive point in taming man's sensuous nature than the regular offerings. This was to be a rigid fast from the evening of the ninth to that of the tenth; the solitary fast which Jahveism annually required. The whole structure of Jahveism did indeed require that a sacrifice of the ordinary kind should be offered on this day, as its peculiar importance demanded; but this continued to be purely sacerdotal. It was a great expiatory offering, to be made by the high-priest or his representative. Not only the human members of the community, including the priests, were now deemed impure and in need of expiation, but even the visible sanctuary as well, as though, like a wall between the nation and its God, it received all the stains of impiety which were incurred in the realm. Hence the high-priest employed expiatory offerings of two kinds: one, purely sacerdotal and serving especially for the atonement of the sanctuary, and another, which had special reference to the share of the community, and must therefore also proceed from it. The latter bore quite a national stamp, and evidently forms that portion of the usages which was derived from a pre-Mosaic time, and still retained subsequently." ("The Antiquities of Israel," by H. Ewald, pages 361 to 364, which see.)

It seems to us that Ewald's opinion is not altogether right. We do not agree that this festival shows more of the Mosaic character than any other festival, nor with his opinion about the he-goat destined for Azazel, which he considers a pre-Mosaic rite. He is also not correct in saying that there were no regular sacrifices on that day, only new ones [*vide* Num. xxix. 7, 8], for the simple reason, if such was the case it would have been observed at the beginning of the second Temple, at least, when the entire Law, as we now have it, was discovered by Ezra; but, as stated above, the observance of that day with pomp and celebration (see Appendix) was begun some time during the middle period of the second Temple.

On the contrary, from the great preparations and parade of

the high-priest to and from the Temple, and from other matters which took place during the service itself, we would be inclined to believe that the Hellenism which crept into Judaism has served a great deal towards their origination; and also concerning the he-goat destined for Azazel we have something to say, but as we do not like to lay before our readers the grounds for our supposition, we refrain from making our statement. We content ourselves with referring the reader to the book "Daath Elohim ba-Arez" ("The Knowledge of God in the Land"), by Abraham Krochmal, where he will find some hints concerning the Azazel of the Scripture and the Tsuk (rock of its destination) of the Mishna, and leave to him to form an opinion of the time of its origin.

Concerning the services proper at the Temple, we have to translate here for our English readers what we have already written in our Hebrew commentary to Tract Shekalim, chapter iv., Mishna D: "From this Mishna we can see that during the time of the Temple the leaders of the priests kept everything secret, and their customs were not known to any one else; otherwise there could not have been a dispute concerning the services there immediately after the destruction of the Temple. Moreover, R. Ishmael, himself a priest, and his forefathers, Elisha and Ishmael, were prominent priests during the time of the Temple; also R. Hanina the Segan was one of the prominent priests, still they knew not exactly the ceremonies and the manner of their performance, and differed in their opinions greatly. This must be borne in mind by the readers of the tracts treating the services and sacrifices."

We have added to this volume the Tract Hagiga, as it relates to the sacrifices of the festivals, and is also of great historical value. Although in the old edition the Tract Hagiga is next to Moed Katan, the last of section Moed, still in our new edition we could not keep up the old rotation, as we have divided the volumes of the above section in approximately uniform size, and each part contains a complete tract. Nevertheless we number the pages of each tract separately, in order that if any one wishes to bind the volumes in the old order, there should be no hindrance.

NEW YORK, *January*, 1899.

SYNOPSIS OF SUBJECTS

OF

VOLUME VI.—TRACT YOMAH.*

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TRACT YOMAH (DAY OF ATONEMENT).

CHAPTER I.

CONCERNING THE HIGH-PRIEST'S PREPARATIONS FOR THE SERVICE OF THE DAY OF ATONEMENT (WHEN THE TEMPLE WAS IN EXISTENCE).

MISHNA: Seven days before the Day of Atonement the high-priest is to be removed from his house to the Palhedrin Chamber (*παρεδρων*), and another high-priest is appointed to substitute him in case he become unfit for the service by becoming unclean. R. Jedudah says another wife is to be appointed for him also, in case his own wife dies, whereas it is said [Lev. xvii. 11], "and shall make atonement for himself and for his house"; "his house"—that is, his wife. But it was objected that in this manner there will be no end to the matter. (The other wife may die too.)

GEMARA: We have learned in a Mishna (Tract Parah, III., 1): "Seven days before the red cow * was to be burned, the priest who had to perform this ceremony was removed from his house to the northeastern chamber of the Temple," etc. "Whence do we deduce this?" said R. Miniumi bar Helviah in the name of Mahassia b. Iddi, quoting R. Johanan: "It is written [Lev. viii. 34]: 'As they have done this day, so hath the Lord commanded to do farther, to make an atonement for you.' 'To do farther' signifies the red cow; 'to make an atonement for you' signifies the Day of Atonement." But perhaps it signifies the atonement of sacrifices generally? Could we know, in this case,

* Some translators say [Numbers xix. 2] "red heifer"; but this would not be proper, according to the teaching of the Mishna that the red cow must not be younger than three years and is fit even from four to five years, for which the term *heifer* cannot be correctly used.

which priest is going to perform the rite? How, then, could he be removed from his home? But perhaps other festivals are meant? We infer the removal seven days before one day from the removal, seven days (before) for the service of one day,* but not seven days (before) for a service of seven days [of the festivals of Passover and of Tabernacles]. Perhaps Pentecost, which also is only one day, is meant? Said R. Abba: "We infer a day of one bull and one ram (when one such is sacrificed) [as on the days of consecration], from a day of one bull and one ram, which is the offering for the Day of Atonement; but for Pentecost two rams are prescribed." Perhaps New Year's Day is meant (which is also only one day)? Said R. Abahu: "We may infer a day of the bull and the ram at the priest's own cost from a day when the priest must act likewise, and that is the Day of Atonement. But on the days of Pentecost and of New Year the bull and ram are at the public cost." R. Ashi, however, said: "We may infer a day on which the bull is a sin-offering, and the ram a burnt-offering (as on the day of consecration and on the Day of Atonement), but on New Year's Day and Pentecost both are burnt-offerings."

Rabbina said: "We may infer from a day on which the service is allowed only to the high-priest a day on which the same is the case, but on the other festivals [than the Day of Atonement] the service is permitted to other priests."

R. Johanan taught: "Both phrases, 'to do farther' and 'to make an atonement,' refer only to one day, and that is the Day of Atonement." Resh Lakish, however, infers from the same two phrases—from "to do," the red cow, and "to make an atonement," the Day of Atonement (as stated previously). But how can R. Johanan infer only one of these, since we have learned that for the red cow the priest was also removed? That was not biblical, but optional. [To contradict the Sadducees, the priest was purposely made unclean, and therefore he was recompensed by honors, one of them that of being removed seven days before.]

When Rabbin came from Palestine, however, he said in the name of R. Johanan, quoting R. Ishmael: "By 'do farther' the red cow is meant, and by 'to make atonement' the Day of Atonement." Said Resh Lakish to him: "Whence do you deduce this? From the days of consecration! As on those

* See Lev. viii. 33.

days everything mentioned is obligatory, so on these occasions it should be. Perhaps you will say, it is so. But have we not learned that a substitute is prepared? and it is not written that the substitute must also be removed. If you will say, the substitute was likewise removed, then why does the Mishna say, the high-priest was removed, and a substitute was prepared? Let one expression be used concerning both."

Rejoined R. Johanan: "Whence do you, Master, deduce this?" He answered: "I deduce it from what occurred on Mount Sinai. As it is written [Ex. xxiv. 16]: 'And the glory of the Lord abode upon Mount Sinai, and the cloud covered it six days, and he called unto Moses on the seventh day.' Let us see. He called him on the seventh day; to what purpose were the six days? To make a rule for every man who must enter the abode of the Shekhina, that he must be separated six days." But did we not learn "seven days"? Six days are sufficient; but our Mishna is in accordance with R. Jehudah b. Bathyra, who says that seven days are requisite (as will be further explained).

Rejoined R. Johanan again to Resh Lakish: "It is, according to me, who deduce it from the days of consecration, that the following Boraitha should say, that on the priests on both occasions they sprinkled during all the seven days of preparation, from all the ashes of the red cows which were to be found there, because on the days of consecration there was also sprinkling. But according to you, who deduce it from Mount Sinai, where do you find sprinkling on Mount Sinai?" Resh Lakish answered: "Even according to your theory, are they equal? In the days of consecration the sprinkling was of blood, and here water." Rejoined R. Johanan: "It presents no difficulty; because R. Hiya taught the water was later substituted for the blood. But according to your theory, on Mount Sinai there was no sprinkling at all?" Resh Lakish answered: "The sprinkling was an optional improvement."

We have learned of one Boraitha which is in accordance with R. Johanan, and of another which is according to Resh Lakish. The one according to R. Johanan is as follows: It is written [Lev. xvi. 3]: "With this shall Aaron come into the holy place." The phrase "with this" means all that is said concerning the days of consecration. Namely, Aaron was separated seven days, and served but one; during the seven days Moses instructed him, to make him acquainted with the service. So it

should be in later generations; the high-priest should be separated for seven days, and serve one day, and two scholars of the disciples of Moses, excepting Sadducees, were placed in his society during the seven days to make him be practised in the service. Therefore it has been said, seven days before the Day of Atonement the high-priest must be removed from his house to the chamber of Palhedrin. And as the high-priest was separated, so the priest who was to burn the red cow was to be removed to the chamber in the northeast of the Temple. Both priests used to be sprinkled during all the seven days from the ashes of the red cow. And if you will say, on this occasion water of the ashes was sprinkled, and on the days of consecration it was blood that was sprinkled, it can be replied, that that water was a substitute for the blood, as it is written: "As they have done this day, so the Lord commanded to do farther, to make atonement for you" [Lev. viii. 34]. "To do farther" means the red cow; "to make atonement," the Day of Atonement.

The Boraitha according to Resh Lakish is as follows: Moses ascended in the cloud, was covered by the cloud, and was sanctified in the cloud, in order that he should have been able to receive the Torah for Israel in a state of sanctitude, as it is written [Ex. xxiv. 16]: "And the glory of the Lord abode upon the Mount Sinai." This occurred after the day in which the ten commandments were given, which was the first of the next forty days. So said R. Jose the Galilean. R. Aqiba, however, said: "'The Lord's glory abode,' that was the first day of the month (Sivan); 'the cloud covered it,' the mountain, not Moses (for during the six days the latter went from God to Israel and from Israel to God); 'and he called,' he called Moses himself. Although Moses and all Israel stood, yet to do honor to Moses, he called him alone." R. Nathan said: "To what purpose was Moses covered by the cloud six days? That the victuals in his bowels should be digested, so that he should be pure as the angels." R. Matthiah b. Heresh, however, said: "The entire separation was for the purpose of overawing him, that the Torah should be received with awe, shivering, and trembling, as it is written [Ps. ii. 11]: 'Serve the Lord with fear, and rejoice with trembling.'" What is meant by "rejoice with trembling"? Said R. Adda bar Matna in the name of Rabh: "Where there is joy, there should be awe."

On what point do R. Jose the Galilean and R. Aqiba differ?

They differ like the Tanaim of the following Boraitha: "On the sixth day of Sivan the Torah has been given to Israel; R. Jose, however, says, on the seventh." According to him who says that the Torah was given on the sixth day, Moses ascended on the seventh; according to him who says, on the seventh, he received the Torah and ascended on the seventh day, as it is written [Ex. xxix. 16]: "And he called unto Moses on the seventh day." R. Jose the Galilean holds with the first Tana, who maintains that the Torah was given on the sixth of the month; and therefore, he says, "the glory of the Lord abode" after the day on which the commandments had been given. The cloud covered Moses six days, and on the seventh he called him to receive the rest of the Law. But R. Aqiba holds, according to R. Jose, that the commandments were given on the seventh day, and that Moses ascended on the same day.

"And the Lord called unto Moses, and spoke unto him" [Lev. i. 1]. Why was it need to call first, and then to speak? The Torah teaches good manners, that a man should not communicate to another anything before he tells him that he wishes to speak to him. And this is in support of R. Hanina, who has said the same.

Said R. Menasseh the Great: How is it known, when one person communicates something to another, that one has no right to tell it to a third without permission? It is written [ibid.], "spoke unto him out of the tabernacle of the congregation, saying" (in Hebrew "Lemor," which is considered here as equivalent to "Lo Emor," not to speak). From the above saying of Resh Lakish to R. Johanan, that if you infer all this from the days of consecration, etc., we must assume that both agree that whatever is written concerning the days of consecration is obligatory. Now from what has been taught, that about the days of consecration R. Johanan and R. Hanina differed, one says, all that is written is obligatory, and the other, that only which is obligatory for later generations, but what is not obligatory for later generations was not obligatory even then. Infer that R. Johanan is the one who says that all that is written there is obligatory. For were the case otherwise, R. Johanan would have replied to Resh Lakish that it is not so.

In what consists the difference? Said R. Papa, in the separation for the seven days. According to him who says that all that is written there is obligatory, the removal of the high-priest for the seven days is obligatory (and if it was not done, his ser-

vice is invalid); according to the other opinion, this is not obligatory. But how is it known that in the second case this is not obligatory? Because it is written in the Mishna: "A substitute is prepared," and not "removed." What is the reason of him who says that all which is written is obligatory? Said R. Itz'hak bar Bisna: It is written [Ex. xxix. 35]: "And thou shalt do unto Aaron and to his sons, *thus*." *Thus* signifies that it is obligatory. This would be right in regard to all the things written in the chapter about the days of consecration; but whence is it known that other things not written in this chapter are also obligatory (*e.g.*, the breastplate and Ephod, not mentioned in that chapter, yet known to be obligatory)? Said R. Na'hman b. Itz'hak: We infer it from an analogy of expression; in that chapter the "door of the tabernacle of the congregation" is mentioned [Lev. viii. 4], and in the chapter about the breastplate, etc. [Ex. xxix. 4] the same expression recurs. (As in the case of practice it is obligatory, so in the case of the commandment.) R. Mesharshia says: It is inferred from "keep the charge of the Lord" [Lev. viii. 35] (an analogy of expression is not necessary, it is plainly said "keep," hence it is obligatory). R. Ashi says, from "for so I have been commanded" [ibid.]; hence it is obligatory.

How did Moses attire Aaron and his sons on the days of consecration? [That is, to understand the verses of the Bible; we wish to know it, although it does not concern us.] The sons of R. Hiya and R. Johanan differ. One party says he attired Aaron first, and the sons next; and the other, Aaron and his sons at the same time. Said Abayi: About the coats and the mitres they do not differ—namely, that Aaron was attired in them first, and the sons later; for both in speaking of the commandments and the practice Aaron is mentioned first [Ex. xxix. 56; Lev. viii. 7]. What they differ about is the girdle. The party who says, "Aaron, and his sons later," does so because it is written, "and girded *him* with the girdle" [Lev. viii. 7], and later, "girded *them* with girdles" [ibid. 13]. The party who says they were attired at the same time, do so because it is written, "Thou shalt gird them with girdles, Aaron and his children" [Ex. xxix. 9]. But how can it be said that he attired them at the same time (it is written plainly that first he attired Aaron, and then his sons)? There is a difference between a girdle of the high-priest and that of an ordinary priest. That means, when it is written he girdled Aaron first, it is meant,

with the girdle of the high-priest; but with the ordinary girdles he attired them all at once.

"*The high-priest is removed,*" etc. For what purpose was he removed? "For what purpose?" Has it not been said above, R. Johanan gave one reason, Resh Lakish another? We mean to ask, why had he to be removed from his home (he could practise at home)? Because it was learned in a Boraitha that R. Jehudah b. Bathyra said, it is apprehended lest he have intercourse with his wife, when there is doubt that she is in her sickness (then he would become unclean for the next seven days, and be unable to serve in the temple).

It was taught: The uncleanness contracted from a dead body is not considered in the case of an entire congregation, according to R. Na'hman. R. Shesheth, however, says, it is only postponed in that case. If there are individuals in the family of priests thus defiled, there is no difference of opinion that those individuals may *not* serve; but if the whole family was thus defiled, there is a difference of opinion between R. Na'hman and R. Shesheth. According to R. Na'hman, clean individuals of another family need not be sought because, where there is a congregation, the defilement is not considered at all. And according to R. Shesheth, who says it is only postponed, individuals of another family may be looked for. According to others, R. Na'hman says: Even the unclean individual also served, as in case of a congregation defilement is not taken into consideration. Said R. Shesheth: The authority for my decree is the following Boraitha: "If one stand sacrificing the Omer, and it become unclean in his hand, he shall so notify, and the congregation shall bring another in its stead. But if there is no other, he is told to have sense and to keep silent." Now we see that in the beginning it is said, another one should be brought in its stead; hence it is not permitted, but only postponed. Said R. Na'hman: I grant that, in a case in which the remains of the sacrifice must be eaten, when undefiled can be obtained, it is better.

On this point the Tanaim of the following Boraitha differed: "The golden plate [Ex. xxviii. 36] which is made for the high-priest, whether it is on his brow or not, it atones for all defilements of the offerings." So said R. Simeon; but R. Jehudah said, when it is on his brow it atones, but not otherwise. Said R. Simeon to him: The high-priest who serves on the Day of Atonement has not the plate on his brow, and nevertheless atones for all sins; hence we see that it atones even when not

on his brow. Answered R. Jehudah: Leave the high-priest on the Day of Atonement alone, for defilement is allowed to him when the whole congregation is defiled. Now, from R. Jehudah's answer that the defilement is allowed, we must conclude that R. Simeon holds that the defilement is only postponed, but not allowed.

Said Abayi: When the plate had been broken, all agree that it does not atone. They differ only when it is suspended on a peg. R. Jehudah says, because it is written [Ex. xxviii. 38], "it shall be upon Aaron's forehead, and Aaron shall atone," etc., (therefore) it only atones when it is on the brow. But R. Simeon's opinion is: Because it is said, "always they may be received in favor before the Lord" [ibid., ibid.]; and it cannot be said that it is meant that it should *always* be on his forehead, because he must satisfy human needs and sleep; hence we must say, it means that it always receives the Lord's favor. But what will R. Jehudah say to this "always"? He explains that it is meant, it should never be absent from his mind.

Shall we assume that the former Tanaim differ as the Tanaim of the following Boraitha: Both the high-priest and the priest that was to burn the red cow were sprinkled upon during the seven days with all the ashes that were there. So said R. Meir. R. Jose, however, said: He was sprinkled only on the third and on the seventh day. R. Hanina the Segan of the priests said: "The priest that was to burn the red cow used to be sprinkled on during all the seven days, but the high-priest was sprinkled only the third and seventh." Now, shall we assume that the point of difference is, because R. Meir says the defilement is only postponed in case of the congregation, and therefore he has to be sprinkled upon during the seven days, and R. Jose holds the defilement is not considered at all? (How can you say this? If R. Jose holds that the defilement is not considered, why the sprinkling at all on the third and the seventh?) Therefore we must say that all the Tanaim of this Boraitha hold that the defilement is only postponed, and not allowed, and the point on which they are at variance is this: R. Meir holds we compare the sprinkling to the bathing; as the bathing at the proper times is a religious duty, so also is the sprinkling. And R. Jose holds, we do not compare (the sprinkling to the bathing). Now, then, what is the opinion of R. Hanina the Segan? If we compare it to bathing, the high-priest has to be sprinkled also every day; and if not, why is the other priest of the red cow sprinkled every

day? He does not compare; only in case of the priest of the red cow it is an optional improvement. R. Jose b. R. Hanina opposes this: Why is he sprinkled on the fourth day? (The law is that one unclean must be sprinkled on the third day and on the seventh [Num. xix. 12]. The first three days it was apprehended lest each be the third or seventh (after his unintentional defilement), but the fourth after the removal from his house can neither be the third nor the seventh. Even without this, could he be sprinkled all the seven days? One of them must have been on Sabbath, and sprinkling does not supersede Sabbath? Therefore we must say that what is said of the seven days, is meant with the exception of Sabbath. The same is the case with the fourth; it is meant, all the seven days, except the fourth. Said Rabba: Therefore the high-priest must be removed seven days before the *Day of Atonement*, whose date is not dependent on us; but on the third day of the month,* he must be removed seven days before that day, no matter when the fourth day falls. But the priest of the red cow, the date of whose removal depends on us, should be removed on such a day that the fourth shall fall on Sabbath.

"To the Palhedrin Chamber." We have learned in a Boraita: R. Jehudah said: Was it called the Palhedrin Chamber, it was called the Chamber of the Lords? He answers: Formerly it was called the Chamber of the Lords, but after the high-priests began to be appointed for money, and changed as government officers (Palhedrin, changed once in twelve months), it began to be called the Hall of the Palhedrin. What is meant by Palhedrin? Officers.

Rabba bar bar Hana in the name of R. Johanan said: It is written [in Proverbs x. 27]: "The fear of the Lord increases man's days, but the years of the wicked will be shortened." "The fear of the Lord increases the days"; that refers to the first Temple, during whose existence of four hundred and ten years there were only eighteen high-priests. "The years of the wicked will be shortened," refers to the second Temple, which existed four hundred and twenty years, and more than three hundred high-priests succeeded each other during that period. Subtract the forty years during which Simeon the Righteous ministered, eighty years of Johanan the high-priest's ministry, and ten years of Ishmael b. Favi—according to others, eleven

* The Day of Atonement always occurs on the tenth day of the month Tishri.

years of R. Eleazer b. Harsum—and compute, you will see that not even one high-priest completed his year.

R. Johanan b. Turtha said: Why had Shiloh fallen? Two sins were committed there: adultery and sacrilege. Adultery, as it is written [1 Sam. ii. 22]: "Now Eli was very old, and heard all that his sons were in the habit of doing unto all Israel; and how they would lie with the women that assembled at the door of the tabernacle of the congregation." And sacrilege, as it is written [ibid. 17]: "And the sin of the young men was very great before the Lord; for the men despised the offering of the Lord."

Why has the first Temple fallen? Because there were three things: idolatry, adultery, and bloodshed. Idolatry, as it is written [Jerem. xxviii. 20]: "For the bed shall be too short for a man to stretch himself out on it; and the covering too narrow to wrap himself in." And R. Johanan said: The bed is too narrow that there should be two, God and the idols. [Said R. Samuel b. Nahmoni: When R. Jonathan used to come to this verse, he used to cry, saying: That the Lord, of whom it is said [Ps. xxxiii. 7], "He gathereth together like heaps the waters of the sea," should feel too little space because of an idol.] Adultery, as it is written [Is. iii. 16]: "Forasmuch as the daughters of Zion are fraud, and walk with stretched forth necks and casting about their eyes, walking and mincing as they go, and making a tinkling with their feet." R. Itz'hak said to this: What is meant by tinkling? They used to fill the shoes with spices, and when a young man was by, they pressed the spices with the feet, to attract his attention.

Bloodshed, as it is written [2 Kings xxi. 16]: "And also innocent blood did Manasseh shed in very great abundance."

But the second Temple, where the occupations were study of the Law, religious duties, and charity—why fell it? Because there was groundless enmity.* From this we can infer that unfounded hatred is equal to all the three sins together: idolatry, adultery, and bloodshed. In the time of the first Temple, although they were wicked, yet because they put their trust in the Holy One, blessed be He, as it is written [Micah iii. 11]: "Her heads judge for bribes, her priests teach for reward, and her prophets divine for money: and yet they will lean upon the

* In the Palestinian Talmud it is said: Because they loved money, and hated each other without grounds.

Lord, and say, Is not the Lord among us? evil cannot come over us." For this, the Holy One, blessed be He, brought on them three chastisements, for their three sins; as it is written [ibid. 14]: "Therefore for your sake shall Zion be ploughed up as a field, and Jerusalem shall become ruinous heaps, and the mount of the house, forest-covered high places."

R. Johanan and R. Elazar both said: In the time of the first Temple, as their sin was laid bare, therefore the date of the end of their suffering has likewise been revealed; but in the time of the second Temple, when their sin was not stated clearly in writing, therefore the date of the end (of their suffering) was not revealed either.

R. Johanan said again: The nail of those of the time of the first Temple was preferable to the belly (whole body) of those of the time of the second Temple. Said Resh Lakish to him: On the contrary, the last were better. Although they were subject to a foreign government, nevertheless they studied and observed the Law. Rejoined R. Johanan: The fact of the Temple can prove it. The first obtained the Temple once more, and the last have it not yet. R. Elazar was asked: Who were greater, the first or the second? He replied: Take the Temple as a sign.

Resh Lakish was bathing in the Jordan: Rabba bar bar Hana came to him, and shook hands with him. Resh Lakish said to him: God detests you Babylonians, as it is written [Solomon's Song viii. 9]: "If she be a wall, we will build upon her a palace of silver; and if she be a door, we will enclose her with the boards of cedar." That signifies thus: If you were all strong as a wall, and went all with Ezra, you would have been like silver, which can never rot; but as you did not, you were like wooden doors, which are subject to decay.

It is possible that Resh Lakish spoke with Rabba bar bar Hana? If with R. Elazar, who was the principal man in Palestine, Resh Lakish did not speak; because it was a rule that, with whomsoever Resh Lakish spoke in the street, money could be given to him without witnesses. Should Resh Lakish then have spoken with Rabba bar bar Hana (who was an inferior man)? Says R. Papa: Substitute another person. Either it was Resh Lakish and Z'eri, or R. Elazar and Rabba bar bar Hana. When the last came to R. Johanan and related to him what Resh Lakish had told him, he said: This is not the reason. If all had come with Ezra, even then the Shekhina would not have dwelt in the second Temple, since it is written [Gen. ix. 27]: "May

God enlarge the boundaries of Japheth, and may he dwell in the tents of Shem"; that signifies, that although God enlarges the boundaries of Japheth, his Shekhina can only dwell in the tents of Shem (*i.e.*, because the second Temple was under the rule of the Persians, who are of Japheth, the Shekhina could not dwell there, but only in Solomon's Temple, which was Shem's). And how is it known that the Persians are descendants of Japheth? Because it is written [Gen. x. 2]: "The sons of Japheth: Gomer, and Magog, and Madai, and Jabon, and Tubal, and Meshech, and Thirass"; and R. Joseph has taught, that Thirass is Persia.

R. Joshua b. Levi said in the name of Rabbi: A time will come, when those who have destroyed the second Temple will fall into the hands of the Persians. As it is written [Jerem. xlix. 20]: "Therefore hear the counsel of the Lord, that he hath resolved against Edom; and his purposes, that he hath devised against the inhabitants of Theman. Surely the least of the flocks shall drag them away: surely he will devastate their habitation." Rabba b. Ula opposed: How is it known that by the least of the flocks Persia is meant? Because it is written [Dan. viii. 20]: "The ram that thou hast seen, him with the two horns, signifies the kings of Media and Persia?" Perhaps Javan (the Greeks) are meant? As it is written [ibid. 21]: "And the shaggy he-goat is the king of Javan (Greece)." When R. Habiba b. Surmika went up to Palestine, he told to a scholar the objection of Rabba b. Ula. He said to him: A man who cannot explain the verses of the Bible should dare oppose Rabbi? What is meant by "the least of the flock"? the youngest of the brothers (that is, Thirass), and R. Joseph has said, Thirass is Persia.

Rabba bar bar Hana in the name of R. Johanan, quoting R. Jehudah b. Ilai, said: Those who have destroyed the second Temple will fall into the power of Persia. And this is an *a fortiori* reasoning: If the children of Shem, who built the first Temple, and the Chaldeans, who destroyed it, fell into the hands of the Persians, how much more the destroyers of the second Temple, which the Persians themselves have built, must fall into the power of the Persians. Rabh, however, said: On the contrary, it will come that Persia will succumb under those who have destroyed the Temple. Said R. Kahana and R. Assi to Rabh: Is it right that those who had built the Temple should fall under the dominion of those who have destroyed it? He answered: Yea, such is the decree of the King. R. Jehudah also said in the name of Rabh: The Messiah, descended from

David, will not arrive until Rome shall have dominated over the entire world nine months. As it is written [Micah v. 2]: "Therefore he will give them up until the time that she who travaileth hath brought forth"; and the end of the verse is, "then shall the remnant of his brethren return with the children of Israel."

The rabbis taught: All the chambers of the Temple had no Mezuzahs,* except the Chamber of Palhedrin, which was a dwelling of the high-priest. Said R. Jehudah: Were there not many chambers in the Temple which were dwellings, and nevertheless were without Mezuzahs? Therefore we must say that the Mezuzah in the Palhedrin Chamber was only as a precautionary measure (lest it be said of the high-priest that he was in prison, which requires no Mezuzah). What is the reason of R. Jehudah's opinion that no Mezuzahs need be in the chambers of the Temple, even those which are dwellings? Said Rabba: R. Jehudah holds that a house not made both for summer and winter is not considered a house requiring a Mezuzah. Abayi objected: Is it not written [Amos iii. 15]: "And I will smite the winter house together with the summer house" (hence each is called a house)? He answered: It is called "winter house" or "summer house," but not *house* alone. Abayi objected again: We have learned in Maasroth, III., 7: "In regard to the booths made for the Feast of Tabernacles, during that feast things are made obligatory by R. Jehudah, but not by the sages." And concerning this Mishna we have learned in a Boraitha: R. Jehudah makes obligatory in regard to them Erub, Mezuzah, and Tithes (hence we see even a booth is considered a house). But perhaps it will be said, this is only rabbinical, but not biblical? This would be right of Erub and Mezuzah, but about Tithes it cannot be said that R. Jehudah makes them obligatory only on rabbinical grounds, lest he will thus tithe grain which is to be tithed rabbinically for that which is to be tithed biblically, and this is forbidden.

Therefore said Rabba: During the whole year nobody differs from the opinion that the booth is exempt from these duties; they only disagree about the seven days of the feast. And the reason for the Sukka is one, and that for the chamber of the Temple is another. The reason for the Sukka is, because R. Jehudah is consistent with his theory that a Sukka must be a permanent dwelling; and a permanent dwelling requires a Mezu-

* See Deut. vi. 9.

zah. The rabbis are in accordance with their theory that a Sukka need be only a temporary dwelling, which requires no Mezuzah. And the reason for the chambers of the Temple is: The sages hold, a dwelling in which a person abides by compulsion is considered a dwelling-house; and R. Jehudah's opinion is, it is not considered so. Therefore biblically it is exempt from a Mezuzah; but the rabbis have ordered a Mezuzah to be made, lest it be said the high-priest is imprisoned.

Who is the Tana of the following Boraitha which the rabbis taught: "All gates which were in the Temple had no Mezuzahs, except the gate of Nicanor, next to (before) which was the Palhedrin Chamber." Shall we assume that this is only according to the rabbis, and not according to R. Jehudah? For, if it were according to R. Jehudah, who thinks the Mezuzah in the chamber itself was only a precautionary measure, how could a Mezuzah be made on the gate; that would be a precautionary measure against a precautionary measure? Nay, that is all *one* precautionary measure.

The rabbis taught: What is written [Deut. vi. 9] "upon thy gates" applies to the gates of houses, courtyards, cities, and countries; all these are under the obligation of this religious duty towards God, as it is written: "And thou shalt write upon the doorposts of thy house, and upon thy gates." Said Abayi to R. Saphra: Why was no Mezuzah made on the city gate of Mechuzah (the majority of whose population were Jews)? Abayi replied: It was not made, because it would have been dangerous. (The government in its ignorance would say it was a charm.*)

As we have learned in the following Boraitha: A Mezuzah of an individual must be examined twice in a Sabbatical period (seven years, whether it is valid); and one of a congregation, twice in a jubilee (fifty years). And R. Jehudah said: It once happened a repairer examined a Mezuzah in the upper market of Ziporeth, and a quæstor surprised him doing this, and fined him a thousand Zuz. But did not R. Elazar say, that harm cannot befall a delegate for religious duties? In cases where harm is usually to be expected, it is different. As it is written [1 Sam. xvi. 2]: "And Samuel said: How shall I go? If Saul should hear it, he would kill me"; and the Lord said: "Take a heifer with thee; and say, To sacrifice unto the Lord am I come." (It

* In our *Philacterien-Ritus* we have explained this differently. The danger was that it should be recognized as a purely Jewish city and exposed to the Jews' enemies.

is therefore evident that in cases of certain danger, even a delegate for a religious duty has to fear.) R. Kahna taught before R. Jehudah: A house where straw, cattle, wood, or grain is kept, is exempt from a Mezuzah, because women wash themselves there. Said R. Jehudah to him: Is that the reason why these houses are exempt? And otherwise, it were not so? Have we not learned in a Boraitha, a stable is exempt from a Mezuzah in any event? What is meant is, that in spite of the fact that women make their toilet there, and they may be considered as dwellings, yet they are exempt from Mezuzahs. Rejoined R. Kahna: Is that so? We have learned in another Boraitha, a stable is exempt from a Mezuzah; but if the women make their toilet there, then a Mezuzah is obligatory? What canst thou answer, except that it is one of several different opinions of the Tanaim? So I can say, that what I have said about the reason of the women's washing themselves, is also one opinion of the Tanaim. R. Jehudah, however, holds that when it is not known that the women make their toilet there, all agree they are exempt.

R. Samuel b. R. Itz'hak taught in the presence of Rabba: Six kinds of gates are exempt from a Mezuzah: those of places where straw is kept, or cattle, wood, grain, or a Median (vaulted) gate, or a roofless gate, or one less than ten spans high. Thou hast said six, and hast enumerated seven? He answered: About the Median gate the opinions of the Tanaim are different.

The rabbis taught: "A prayer-house, a house belonging to a woman, and one belonging to two partners, must have a Mezuzah." Is not this self-evident? One might think, because it is written "in thy house," but not "in her house" or "in their house," such are exempt, he comes to teach us that it is not so. But whence do we deduce that it is not so? It is written [Deut. xi. 21]: "In order that your days may be multiplied, and the days of your children" (a Mezuzah is then useful to longevity; does not a woman wish to live long?). Why, then, is it written "thy house" (Bethcha)? It is according to Rabha, who said, it is equivalent to *Biathcha* (thy entering); as one enters the house with the right foot usually foremost, therefore the Mezuzah should be on the right side of the entrance.

"*Another high-priest is appointed,*" etc. It is certain that when the high-priest became unfit by some accident before the daily morning offering (on the Day of Atonement itself), the substitute was exercised in the service of the daily morning offering

(and made to be recognizable as the high-priest). But if the accident happened after the daily morning offering, how was it? (All the services were done in the four articles of dress of an ordinary priest, not in the garments of a high-priest). Said R. Ada bar Ahba: He was exercised in the girdle. (So that he was recognized to be the high-priest.) It is right, according to the Tana who says that the girdle of the high-priest did not differ from that of an ordinary priest; and on the Day of Atonement, as the high-priest's girdle was of byssus, he was identified as the high-priest, but according to him who says that the high-priest's girdle was different (and to girdle him with the high-priest's girdle, except during service, is forbidden), how then was he identified? Said Abayi: He attired himself in the eight articles of dress, and went with the basin, and turned over the sacrifice on the altar that it burn better. (This is considered a service, and he was thus exercised and recognized.) And that is according to R. Huna, who said: A layman who turns over the sacrifice is liable to capital punishment, because it is a service. R. Papa, however, said: His service is his exercise (no preparatory ones are necessary). Because, did not a Boraitha state that all the vessels Moses had made, were consecrated by their anointment? Who consecrated the vessels made later than the time of Moses? Their use for service consecrates them. So also here, his service is his exercise.

When Rabbin came from Palestine, he said: The girdle of the high-priest on the Day of Atonement was of byssus, according to all; during the whole year all agree it was of Kilaim (mixed of wool and linen). What they differ about is, whether a girdle of a common priest, during the whole year and on the Day of Atonement, was of Kilaim, as Rabbi says, or of byssus, as R. Eliezer b. R. Simeon says. Said R. Na'hman b. Itz'hak: We have also learned so in a Boraitha: It is written [Lev. vi. 3], "upon his flesh." Why is "put upon" necessary? This is to add, that when he removes the ashes he must have on the mitre and girdle also. Such is the decree of R. Jehudah. R. Dosa said: This is to add that the four garments of a high-priest on the Day of Atonement may be worn by a common priest. Said Rabbi: There are two objections to this. The first objection is, the girdle of a high-priest on the Day of Atonement is not the same as that of a common priest; and, secondly, how can it be said that the garments employed for a more important (?) holiness, may be used later for any less important. What else is

the phrase "put upon" to add? That he may use his old garments (and needs not new ones). R. Dosa, who prohibits old garments, except to common priests, decrees according to his theory in the following Boraitha: It is written [Lev. xvi. 23], "And he shall leave them there"; that signifies they must be hidden. R. Dosa, however, said: He may not use them himself the next year (on the Day of Atonement, but a common priest can use them).

The rabbis taught: When the high-priest happened to become unfit for service, and his substitute performed it, then after the Day of Atonement the high-priest resumes his service, and all the laws regarding the high-priesthood apply to the substitute (he can no longer be like a common priest). Such is the decree of R. Meir. R. Jose, however, says: The high-priest resumes his service, the substitute does not become like a high-priest, nor continues to be as a common priest. And R. Jose added: It happened to Joseph b. Alem of Ziporeth, that he was a substitute for the high-priest, who performed the service instead of the high-priest, to whom an accident had happened. Later the sages said, the high-priest should resume his service, and that Joseph b. Alem is fit no longer to be either a high-priest or a common priest. A high-priest, to prevent enmity; and a common priest, because there is a rule, in holiness one may increase but not decrease. Said Rabba bar bar Hana in the name of R. Johanan: The Halakha prevails according to R. Jose. R. Jose grants, that if the substitute *has* performed service in the Temple, this service is valid.

R. Jehudah said in the name of Rabh also: The Halakha prevails according to R. Jose, and R. Jose grants that when it happens the high-priest dies, he may become high-priest. This is self-evident? One might say, since he was his rival in life, he might not become a high-priest after his death. He comes to teach us it is not so.

"*R. Jehudah says, another wife,*" etc. The sages apprehend lest an accident happen to the high-priest himself, and prepare a substitute. Why not prepare another wife also? The rabbis can answer: An accident of defilement can happen, but death (which is rare) is not apprehended.

"*There will be no end,*" etc. The sages have given a good answer to R. Jehudah? R. Jehudah can reply: That one may die, is apprehended; that both should die, is not.

The rabbis taught: The high-priest may sacrifice when he is

an Onen (one of his relatives had died, and not been interred yet), but he may not eat (of the sacrifices). R. Jehudah says, the whole day. What is meant? Said Rabh: If he is in his home, he must be brought to the Temple to perform the service. Said Abayi to him: How canst thou say this? We know that, according to R. Jehudah, he is told to stop, even when he is performing the service, as we have learned in the following Boraitha: "When he stands sacrificing on the altar," and it is reported to him that one of his relatives is dead, he must interrupt the service, and go. So is the decree of R. Jehudah. R. Jose says: He must conclude the service, and then go. And thou sayest he is brought from his home. Therefore says Rabha: What is meant by "the whole day"? The whole day he is not obliged to perform the service, when he is an Onen, lest he eat of the sacrifices (but in the evening he may). Said R. Adda b. Ahba to Rabha: Does R. Jehudah take such a precautionary measure against his eating? Did we not learn in our Mishna, R. Jehudah said, another wife was prepared for him, lest his own wife die? If his wife die, he is expected to perform the service, and R. Jehudah does not take the precautionary measure lest he partake of the sacrifice? Rabha answered: What comparison is this? This is the Day of Atonement, when nobody eats; it is not feared that he shall eat. But on a common day it is apprehended.

MISHNA: During all the seven days he sprinkles the blood [of the daily offerings, to become practised], fumes the incense, trims the lamps, and offers the head and the leg. During all the other days, he sacrifices, if he chooses, since the high-priest offers the first portion as he prefers, and takes for his own use a portion of the first offering.

GEMARA: Who is the Tana who holds so? Said R. Hisda: That is not in accordance with R. Aqiba. For R. Aqiba holds that when a clean man is sprinkled upon, he thereby becomes defiled. And since the high-priest was sprinkled upon all the seven days, how could he perform the service? As we have learned in the following Boraitha: It is written [Num. xix. 19]: "And the clean person shall sprinkle upon the unclean." Infer from this (since *unclean* is written, not *him*), that only an unclean person becomes clean; but if a clean person is sprinkled on, he becomes unclean. So is the decree of R. Aqiba. But the sages said: This only applies to things subject to defilement. Abayi, however, said: It may be said, the

Mishna can be even in accordance with R. Aqiba; and the case is, the whole day he can perform the service, in the evening he bathes, and when the sun has set, he becomes clean.

"Fumes the incense, and trims the lamps." From this we see that the rite of the incense is performed first, and after that, of the lamps. There is a contradiction? We have learned in Tamid, III., 6: "Who has got the privilege to clear the inner altar of the ashes, to trim the lamps and offer the incense" (hence we see, the lamps precede the incense). Said R. Johanan: The Tana who has taught the order of the rites on the Day of Atonement is R. Simeon, the man of Mitzpah, who differed from the sages of the Mishna in Tract Tamid.

And there is a contradiction even in this tract in the order of the rites, as we learn in a Mishna farther on. The second lot is to determine who should slaughter, who should sprinkle, who should clear the inner altar, who shall trim the lamps, and who shall carry up the members on the staircase. The third lot is drawn by nine priests, to determine who should offer the incense. (Hence the lamps here precede the incense also.) Said Abayi: It presents no difficulty. In the one case the two lamps are meant, in the other case the five lamps. (Shall we assume that between the trimming of the two lamps and the five lamps incense was offered?) Did not Abayi, who ordered the rites according to a tradition, say that between the trimming of the two and five lamps the blood of the daily sacrifice was sprinkled? We can say, it presents no difficulty. This is according to R. Abbu Saul, and according to the sages of the following Boraitha: One shall not trim the lamps, and then offer the incense; but he must first offer the incense, and then trim the lamps. Abbu Saul, however, said: He must first trim the lamps, and then offer the incense. What is the reason of Abbu Saul's decree? It is written [Ex. xxx. 7]: "Every morning, when he dresseth the lamps," (and later) "shall he burn it." What will the sages say to this? The sages say, at the same time both should be done, not that the lamps should be before the incense. For if you should not say so, how will the next verse be explained: "And when Aaron lighteth the lamps toward evening, shall he burn it" [ibid. 8]? He should first light, and then offer the incense later? And if you would say that so it is, did we not learn in a Boraitha, it is written, "from the evening to the morning" [Ex. xxvii. 21]? There is no service which is valid from the evening till the morning except this. (Hence we see

the lamps were the last.) (We must therefore say that) the Torah means, that at the same time the lamps are lighted, the incense is to be offered. So also is it with the cleaning of the lamps; when they are cleaned, the morning incense is offered. R. Papa said: The self-contradiction of this tract presents no difficulty, because one decree is according to the rabbis, and one according to Abbu Saul. What did R. Papa mean to say: He wants to ascribe our Mishna to the rabbis, and that speaking of the lots to Abbu Saul. Let us see how the end of that Mishna in Chap. III., namely, "went in to fume the morning incense, and to trim the lamps," will correspond. This is certainly according to the rabbis. Then the first part and the conclusion of the Mishna will be according to the rabbis, and the middle part according to Abbu Saul? R. Papa can say, that this is the case.

In the Mishna in Tamid we have learned: When he comes to the northeastern corners of the altar, he places the blood there, and when he comes to the southwestern corners, he places the blood there. And in addition to this, we have learned in a Boraitha: "That R. Simeon, the man of Mitzpah, makes a difference in the daily offering; namely, when he comes to the northeastern corners, he places the blood on both corners at once, but at the southwestern he first places it on the western corner, then on the southern." What is the reason of R. Simeon? Said R. Johanan in the name of one disciple of the school of R. Janai: Because it is written [Num. xxviii. 15]: "One he-goat for a sin-offering unto the Lord, besides the continual burnt-offering, shall it be prepared with its drink-offering." What is the sin-offering mentioned for, in connection with the burnt-offering? To teach us that though it is a burnt-offering, in one respect it must be sacrificed as a sin-offering; namely, at two of the four corners he places the blood on both corners at once as a burnt-offering, and at the southwestern he puts the blood on the western first, and on the southern thereafter.

We have learned in another Mishna (Tamid, III., 3): "The superintendent said to them, Go and bring a lamb from the chamber of the lambs." The chamber of the lambs was in the northwestern corner (of the house of heating. Such an apartment existed in the temple, to render the marble pavement of the temple warm, on which the priest had to walk barefooted).

There were four chambers: one that of the lambs, one that of the seals, one that of the heating house, and one chamber

where the showbread was made. There is a contradiction to the Mishna in Midoth (I., 7): "Four chambers were in the heating house, like small rooms opening into a great hall: two belonged to the sanctuary, and two were profane; and small wickets parted the sacred ones from the profane ones. And what was their use? The southwestern was for the lambs for the sacrifices. The southeastern was that in which the showbread was made. In the northeastern the Maccabees (Hasmoneans) had hidden the stones of the altar profaned by the Greeks. The northwestern was used as a passage to the bath-house." (There is, then, a contradiction between the two about the names and use of the chambers and situation of the chamber of lambs?) Said R. Huna: The Tana according to whom is the Mishna in Tract Midoth is R. Eliezer b. Jacob, as we have learned (ibid. II., 5): The chamber at the northeast was the place where wood was kept, and the blemished priests examined the wood there, as mouldy wood was unfit for the altar. The northwestern chamber was the place of the cured lepers (who came to the Temple to be sprinkled to sacrifice). The southwestern? Says R. Eliezer b. Jacob: I forget what its use was. Abbu Saul says: Wine and oil for the offerings were kept there, and it was called the chamber of oil. Hence we see the Mishna in Midoth must be in accordance with R. Eliezer b. Jacob. And so it also seems from another Mishna in Midoth (IV.). R. Addi b. Abba said: Our Mishna is in accordance with R. Jehudah of the following Boraitha: R. Jehudah said: The altar stood in the middle of the court, and was in size thirty-two ells, ten ells opposite to the door of the Temple (wide twenty ells), eleven ells toward the north, and eleven ells to the south: so that the altar was opposite to the Temple and to its walls. Now, if you would say that the Mishna in Midoth is according to R. Jehudah, how can it be that the altar should be in the middle of the court? R. Addi the son of R. Itz'hak said: The chamber of the lambs was at the western side, and extended toward both the north and southwestern corners; and to him who came from the southern side it seemed to be the north, while to one who came from the north it seemed in the southern corner (but in reality it was in the southwestern).

"*The high-priest offers the first portion,*" etc. The rabbis taught: What is meant by his offering a portion the first? He may say what burnt-offering or meal-offering he wants to offer (and no other priest may touch it). And what is meant by his

taking a portion the first? He may say of which sin-offering or trespass-offering he desires to partake. And he can take one of the two loaves. He can also take four or five of the loaves of the showbread. Rabbi said: He always took five loaves, because it is written [Lev. xxiv. 9]: "And it shall belong to Aaron and to his sons." We interpret it thus: Half should belong to Aaron (or the high-priest) and half to the children of Aaron (priests). Does not this Boraitha contradict itself? First it is said, he takes one of the two loaves—that means, the half—and this is according to Rabbi, who maintains that the high-priest always takes the half. Now the middle part, which says that he takes four or five, must be according to the rabbis, who say he does not take the exact half; and in the conclusion it is said, Rabbi says he always takes five. It seems, then, that the first part and conclusion are according to Rabbi, and the middle part according to the sages? Said Abayi: The first part and the middle part are according to the rabbis, but they admit that out of two loaves the high-priest could not but receive one, as it was not becoming to give him half a loaf.

MISHNA: He is attended by some elders of the Beth Din, who read to him [out of Lev. xvi.] concerning the ceremonial of the day (of Atonement), and say to him: My lord the high-priest, say it aloud, lest thou hast forgotten, or not studied this. On the morning of the day preceding the Day of Atonement, he is placed at the eastern gate, and bulls, rams, and sheep are passed before him, that he should get a knowledge of the service.

During all the seven days he is free to eat and drink, but on the eve of the Day of Atonement, at dusk, he is not permitted to eat much, as it would induce drowsiness.

GEMARA: It is right that they should say to him, Perhaps thou hast forgotten. But that they should say to him, Perhaps thou hast not studied, is an ignorant man made a high-priest? Have we not learned in a Boraitha: It is written [Lev. xxi. 10]: "And the priest that is highest of his brethren." That signifies, that he must be highest among his brethren in physical strength, in personal beauty, in wisdom, and in wealth.

An anonymous teacher said: Whence do we know that, if he is not rich, his brethren the priests must make him rich? Because it is written: "That is highest of his brethren," that signifies, his brethren must contribute to make him highest.

Said R. Joseph: It presents no difficulty. That was the case

during the time of the first Temple, and this in the time of the second Temple. As R. Assi said: A whole measure of dinars, Martha daughter of Bithas gave to the king Janai, that he should make Joshua b. Gamla high-priest.

"On the morning of the day preceding the Day of Atonement."

We have learned a Boraitha: The he-goats were also passed before him. But why does not our Mishna mention it? Because (it holds that they were not passed), as the he-goats are only for the atonement of sin, he would have become dejected. If so, why were the bullocks passed, they are also for sins? Because the bulls were to atone for his sins and those of the priests, his brethren; he would not have become dispirited, because if they had sinned, he would have been told, and he would have induced them to repent. But the he-goats were to atone for the sins of all Israel: so he could not know who had sinned. Said Rabhina: This is what people say. Even if your sister's son is a (publican), you should not pass him in the street, for, since he knows your affairs, he will take from you more than from others.

"During all the seven days," etc. We have learned in a Boraitha: R. Jehudah b. Naqusa said: They gave to him to eat bread of the best flour, and eggs that it should be digested more easily (that he should not find himself compelled to interrupt his service on the Day of Atonement for a human necessity). The sages said to him: This heats yet more. We have learned in a Boraitha: Symmachos said: They gave him as food no citron, no eggs, no old wine. According to others, he received no citron, no eggs, no fat meat, no old wine. Still others say: Even white wine he did not receive, because white wine brings a man to uncleanness.

MISHNA: The Elders of the Beth Din left him to the attendance of the Elders of the priesthood, who took him up to the house of Abtinas, made him swear, took farewell, and went away. They said: My lord the high-priest, we are delegates of the Beth Din, and thou art our delegate and the delegate of the Beth Din; we conjure thee by Him who has made His abode in this house, that thou shalt not alter one thing about which we have spoken to thee. He took farewell weeping, and they parted weeping.

If he was a teacher, he lectured; otherwise, the scholars lectured before him. If he was practised in reading, he reads; if not, they read to him. From which books of the Scriptures?

From Job, Ezra, and Chronicles. Zechariah b. Kabutal says: Many times I read to him out of Daniel.

GEMARA: We have learned in a Boraitha: Teaching him the service consisted in teaching him to take a handful of incense (which had neither to be spilled nor any left on the top of the hand). R. Papa said: The high-priest had two chambers, one that of Palhedrin, to sleep in, the other that of Abtinas, to learn the service. One was in the north, one in the south. One in the north, as we have learned in Midoth (V., 3): Six chambers were in the court: three in the north, three in the south. Those of the south were the chambers of salt, of Parva, and that where the entrails were washed. The chamber of the salt was where the salt was kept for the sacrifices; that of Parva, where the skins of the sacrifices of the sanctuary were salted, and on its roof was a bath-house for the high-priest on the Day of Atonement. The washing chamber was where the entrails of the sacrifices of the sanctuary were washed. Thence a stone staircase led to the roof of the chamber of Parva. The three in the north were: a chamber for wood, the chamber of Exile, and the chamber of Gazith (hewn marble stones).

About that of wood, said R. Eliezer b. Jacob, I forget for what purpose it was used. Abbu Saul says, the chamber of the high-priest was behind the first two of the above-mentioned ones; the roofs of them all were on the same level. In the chamber of Exile there was a well, which those returned from the Exile had dug; over it was a wheel, whereby water was drawn, to supply the whole Temple. In the chamber of Gazith the Sanhedrin of Israel held session, and examined there the priests. Whatever priest was found to be legally unfit for service, used to dress himself in black clothes, enveloped himself in black, and went away. If he was found fit, he would dress himself in white, envelope himself in white, and enter the Temple to serve with his brethren. One other chamber was in the south, as we have learned in the following Mishna (Midoth V., 4): Seven gates were in the court: three at the north, three at the south, and one at the east. The south one was the Gate of Illumination, the other the Gate of the Sacrifices, the third the Gate of Water. At the east was the Gate of Nicanor; to this gate were adjoined two chambers, one at the right and one at the left. One was the chamber of Pin'has, the superintendent of the priests' wardrobe; the other was where barrels were manufactured. At the north was the Gate of Nitzutz. There was

a balcony and an attic over it, where priests were watching (the Temple) above, and the Levites beneath. Inside was the Choyl (a round walled and roofed place, in the Temple). The other was the Gate of Sacrifices. The third was the Gate of the Heating House, and we have learned in another Boraitha that on that day the high-priest took five legal bathings, and ten times sanctified his hands and feet from the laver. [See Ex. xxx. 18.] Both the bathing and the sanctifications he performed on the roof of the chamber of Parva, in the sanctuary, except the first one, which he did not take in the sanctuary, but near the Gate of Water. The bath-house was on one side of his chamber, only I don't know whether the Chamber of Palhedrin was in the north and that of Abtinah in the south, or *vice versa*.

"*Thou art our delegate.*" Shall we assume that in this Mishna is found an objection to R. Huna b. R. Joshua, who said that the priests are delegates of the Merciful One (not of Beth Din)? If they were our delegates, then are there things which we ourselves may not do, and our delegates may (as in the case with the priests)? They did not say to the high-priest that he is their delegate, but that they conjured him to act according to their opinion and to that of Beth Din.

"*He wept, and they wept.*" He wept for being suspected of being a Sadducee, and they wept because they probably suspected an innocent man, as R. Joshua b. Levi said: "He who suspects an upright man is smitten by God in his body." (See Sabbath, p. 191.) Why had he to be conjured? It was feared lest he prepare the incense on the censer outside of the Holy of Holies, and then enter with the censer, as did the Sadducees. The rabbis taught: It happened to one Sadducee, who prepared outside, and entered the Holy of Holies with it, when he came out, he was rejoicing greatly. When his father met him, he said to him: My son, though we are Sadducees, yet we must fear the Pharisees. He replied: All my years I was anxious to fulfil the verse [Lev. xvi. 2], "For in the cloud will I appear upon the mercy seat," and I said to myself, When will come the day when I might do it? And to-day, when I have had opportunity, should I not have done it? It was said, it did not take long before he died, and lay amidst rubbish, and worms crept out of his nose.

"*Zechariah b. Kabbutal,*" etc. R. Hanan b. Rabha taught to Hiya the son of Rabh in the presence of Rabh: Said R. Zechariah b. Kavutal: Rabh made to him a sign with the hand that he

should say Kabutal. Why did he not say it to him? Rabb read Sh'ma' at that time. Is it permitted to make signs when Sh'ma' is read? Did not R. Itz'hak b. Samuel b. Martha say: He who reads Sh'ma' must not wink his eyes, whistle with his lips, nor make signs with his fingers? And in a Boraitha we have also learned: R. Eliezer Hasma has said: He who reads Sh'ma', and winks, or whistles, or makes signs with his fingers, of him the verse says [Isaiah xliii. 22]: "On me hast thou not called, Jacob." It presents no difficulty; in the first part of the Sh'ma' one may not do so, but during the recital of the second one may.

MISHNA: If he began to slumber, the young priests snapped with their fingers Tzreda, addressing him: My lord the high-priest, rise, and cool thyself once on the [marble] floor. He was kept occupied until the time for slaughtering the daily offering.

GEMARA: What is meant by the word Tzreda? Said R. Jehudah, the thumb. R. Huna showed this performance, and the sound went to all ends of the college.

"Cool thyself once on the floor." Said R. Itz'hak: They said to him, show to us Kidah (supported only on his thumbs and great toes, to kiss the floor).

"Until the time for slaughtering." We have learned in a Boraitha: He was not occupied by a violin or harp, but by voices: they sang to him. What? From Psalm cxxvii.: "Unless the Lord do build a house, in vain labor they that build it." The respectable men of Jerusalem forbore to sleep the whole night, and talked among themselves, that the high-priest might hear the sound of voices, and not fall asleep. We have learned in a Boraitha: Abbu Saul says: Even in the countries where the temple was hot, they did it, in honor of the temple, but they came to sin on these occasions. Said Abayi, according to others, R. Na'hman b. Itz'hak: By what Abbu Saul said of the other countries, he meant Nahardea. Elijah said to R. Jehudah, the brother of R. Sala the Pious: You think to yourselves why Messiah does not come. To-day is the Day of Atonement, and many virgins have been lain with to-day in the City of Nahardea. Said to him R. Jehudah; What says the Holy One, blessed be He, to this? Elijah replied: He said in reference to this the verse in Genesis [iv. 7]: "Sin lieth at the door." He asked: What says Satan to this? Elijah answered: On the Day of Atonement he has no right to bring forward accusations.

MISHNA: Every day the altar is cleared of the ashes at the time of the crowing of the Geber (cock), a little while before or after it; but on the Day of Atonement it is done soon after midnight, and on the other holidays after the first watch of the night. And before the cock's crowing the fore court used to be filled with Israelites.

GEMARA: What is meant by Geber? Said Rabh, a *man* (*Geber* signifies "man" also). But the disciples of R. Shila say, a cock. It happened once, that Rabh was at the place where R. Shila was the chief of the college. R. Shila had no interpreter (as he lectured). Rabh assumed the function of his interpreter. When they came to this Mishna, "the cock's crowing," Rabh interpreted, "man's heralding." Said to him R. Shila: Let the Master say, "the cock's crowing." Rabh answered: A song good for educated men is not good for tanners. I have interpreted it thus for R. Hiya; he did not censure me, and you it does not please. Said R. Shila: Is the Master Rabh? Then, leave off. It is not fit that you should be my interpreter (sit on my chair, and I will interpret for you)? Rabh replied: The world says, If one has hired himself to a man, even if he tells him to brush wool (a work only for women) he should do it. According to others, he answered to him: In matters of holiness one increases, but does not decrease.

We have learned in one Boraitha according to Rabh, and in another according to R. Shila. We have learned according to Rabh: Gabini the Herald used to herald: Rise, priests, to your service; and Levites, to your chanting; and Israel, to your standing.* And his voice was heard at the distance of three *parsaoth*. It happened once that Agrippa the king being on the road, he heard Gabini's voice at the distance of three *parsaoth*. When he returned home, he sent him presents. Nevertheless, the voice of the high-priest surpassed in strength that of Gabini the Herald. Because the Master said, when he used to say on the Day of Atonement, "I pray Thee, O Lord," his voice was heard at Jericho, and Rabba bar bar Hana said in the name of R. Johanan: Between Jericho and Jerusalem is the distance of ten *parsaoth*, and although on the Day of Atonement one is weak from fasting, and though his voice was heard by day, whereas Gabini heralded only by night.

And we have learned in a Boraitha according to R. Shila: "He

* See Shekalim.

who walks on the road before the "Kriath Hageber" (cock's crowing), his blood is on his head. R. Joshiah says: Before the second cock's crowing. And according to others, before he crows the third time. Of what sort of cock is this said? Of a moderate cock (not a hasty or tardy one). R. Jehudah in the name of Rabh said: "When Israel used to come on the three pilgrimages, they stood crowded. But when they prostrated themselves, they had much space, and stationed themselves eleven ells behind the mercy-seat." What does he mean? Although they were eleven ells behind the mercy-seat, and were crowded, yet when they prostrated themselves they had much room, and this was one of the ten miracles that occurred in the Temple. (See Aboth, V., 2.)

Were there only ten miracles? Did not R. Ushia say that when Solomon built the Temple, he planted there all kinds of golden fruit-trees, and they bore fruits at the proper times, and when the wind blew on them, they fell down and were ripe? As it is written in Psalm lxxii. 16: "Its fruits shall shake like the trees of Lebanon." And when the Gentiles had entered the Temple, the fruit-trees became withered (blighted), as it is written [Nahum i. 4]: "The flowers of Lebanon wither," and the Holy One, blessed be He, will restore them. As it is written [Is. xxxi. 2]: "It shall blossom abundantly and rejoice; yea, with joy and singing, the glory of the Lebanon shall be given unto it." (So we see there were miracles besides the ten?) In the Mishna are counted only the perpetual miracles, but those happening on certain times only have not been reckoned.

The Master says elsewhere that in Jerusalem were two perpetual miracles: the rain never extinguished the fire on the outer altar, and the smoke was always straight in spite of the winds, in whichever directions they might blow. But we have learned in a Boraitha: Five things have been said of the fire on the *altar*: It had the form of a lion, it was clear as the sun, it was palpable, it consumed moist things as dry ones, and never emitted any smoke. (There is, then, a contradiction, since there was no smoke at all?) The smoke was that of the fire kindled by men. As we have learned in a Boraitha: It is written [Lev. i. 7]: "And the sons of Aaron the priest shall put fire upon the altar." Infer from this, that although the fire descended from heaven, it was a merit to kindle an earthly fire also. (There is another contradiction?) You say it had the form of a lion. We have learned in a Boraitha, R. Hanina the Segan of

the priests said: I have seen it, and it had the form of a dog? It presents no difficulty: in the time of the first Temple it was like a lion, and of the second, like a dog.

But in the second Temple there was no heavenly fire at all, as R. Samuel b. Inia said: It is written [Haggai i. 8]: "That I may take pleasure in it, and be glorified"; it is written "Veikabed," and it is read "Veikabdah." Why is the "h" missing? This is to hint that five (the numeral value of "h") things were missing in the second Temple. What are they? The ark, the mercy-seat, the cherubim, the heavenly fire, the Shekhina, the Holy Spirit, and the Urim and Tumim. So we see there was no heavenly fire in the second Temple at all? We may say, it was there, only it did not assist in consuming.

It is said above, that no wind could divert the smoke. But this is not so? Did not R. Itz'hak b. Abdimi say: At the expiration of the Feast of Tabernacles, all looked on the smoke of the *altar*: when it was inclined to the north, the poor rejoiced, and the wealthier were dejected, for it showed there would be too much rain, and the fruit would rot: but when it was inclined to the south, the poor were out of spirits, and the rich were glad, for this was a sign there would be little rain, and the fruit would remain well-preserved, and fetch a high price. When it was bent eastward, all rejoiced, and westward, all were deploring it (thus we see that the smoke *was* swayed by the wind?). It was made by the wind oblique, but not crooked.

CHAPTER II.

CONCERNING THE LOTS THE PRIESTS DREW, WHAT PRIESTS SHOULD GO TO THE ALTAR, AND HOW MANY PRIESTS WERE NEEDED FOR EACH SACRIFICE.

MISHNA: Formerly, whoever desired to clear the altar of the ashes did so. When there were many of them (priests), they ran on the staircase (leading to the top of altar). Whoever first came within four ells, merited it. When two were on a par, the superintendent said to them (all priests): Put forth your fingers. Which did they put forth? One or two, but not the thumb in the Temple (which were counted instead of the persons they belonged to, and the service was given to the last).

Once an accident happened: one of two who were running up the staircase pushed his companion, so that he fell, and broke his foot. Seeing that it is attended by accidents, the Beth Din made the reform, that the altar should be cleared by lot. There were four lots: this is the first lot.

GEMARA: Why had not lots been used formerly? Previously it was thought that since it is done by night and not considered an important service by the priests, they would not come in considerable number, but when it was seen that the case was otherwise, this reform was made.

Was this reform only for this purpose? We know that he who cleared the ashes also arranged the pieces of wood on the altar, and brought the two measures of wood, and that was considered an important service? Said R. Ashi: Two reforms were made: at first, when it had been thought they would not come in considerable numbers, no lot was used at all; then, when it was observed that they came and accidents happened, the use of the lot was introduced. Then the priests ceased to come, since they were not sure of drawing the lot at all. It was then reformed, that he who clears the ashes should arrange the pieces of wood and bring the two measures also, that the priests might come to draw the lot, since it would be for important services.

"Put forth your fingers." We have learned in a Boraitha:

"He said to them thus. Put out your fingers, that they be counted." Why did he not count the persons themselves? This can be a support to what R. Itz'hak has said: "Israel must not be counted, even for religious duties." As it is written [1 Sam. xv. 4]: "And Saul ordered the people to assemble, and he numbered them by means of lambs." * Said R. Elazar: Whoever numbers Israel, trespasses a negative commandment, because it is written [Hosea ii. 1]: "Yet shall the number of the children of Israel be like the sand of the sea, which may not be numbered." R. Na'hman b. Itz'hak says: He trespasses two commandments, as it is written, which cannot be measured nor numbered. R. Samuel b. Na'hman, in the name of R. Jonathan, found a contradiction in the same passage: It is written that the number of Israel will be like that of the sand (then a definite number is given), and then it is said, it cannot be counted—that is, has no number. It presents no difficulty: When Israel shall do the will of God, they will be without number; but when they do not do God's will, they will be of a definite number. Rabbi in the name of Abbi Joseph b. Dustai says: There is no contradiction in it. Men cannot count the sand, but in Heaven they can count it.

R. Huna said: How secure and careless should the man feel that knows that the Lord helps him: Saul committed only one sin; he lost his royalty: David committed two sins, and yet retained it. Saul's sin was, that he spared Agag. But he massacred the priests of Nob? That which is written [1 Sam. xv. 11], "I repent that I have set up Saul as king," was said already on the occasion of the sin of Agag [which was the first, chronologically]. What are David's two sins? That of Uriah and his numbering of Israel. But there is a third one? That of Bath-Sheba? For that of Bath-Sheba he was punished, as it is written [2 Sam. xii. 6]: "For the ewe he shall pay fourfold." What were the four punishments? The death of Bath-Sheba's child, the death of Amnon, the misfortune of Tamar, and Absalom. But for numbering Israel he was also chastised? As it is written [2 Sam. xxiv. 15]: "And the Lord sent a pestilence in Israel from the morning even to the time appointed." In that case all Israel was chastised, but not he himself. But in those instances it was also his children on whom the wrath was visited, not on

* The Talmud translates *Telaim* lambs, but the ordinary versions regard it as a proper name.

himself? Nay, he was personally punished, too. As R. Jehudah says in the name of Rabh: For six months David became leprous, and the Sanhedrin separated themselves from him, and the Shekhina. As it is written [Ps. cxix. 79]: "Let those that fear thee return unto me, and those that know thy testimonies." And it is written [ibid. li. 14]: "Restore unto me the gladness of thy salvation." (The first refers to the Sanhedrin, and the second to the Shekhina.) But did not David also believe calumnies? (of Ziba). For this he was also punished, for R. Jehudah said in the name of Rabh, when David said to Mephibosheth [2 Sam. xix. 30], "I have said, Thou and Ziba shall divide the field," a heavenly voice was heard, proclaiming that Rehoboam and Jeroboam should divide the kingdom.

It is written [1 Sam. xii. 1]: "One year old was Saul in his reign." * Said R. Huna: That means, he was innocent of sin as a child of one year. R. Jehudah said in the name of Samuel: Why did not Saul's dynasty last long? Because there was no stain on his whole family. And R. Johanan in the name of R. Simeon b. Jehozadak said: A man must not be made the head of a congregation unless he has a whole heap of reptiles (family disgraces) at his back, in order that, if he should become haughty, people should be able to say to him: Look around, behind your back. R. Jehudah in the name of Rabh said: Why was Saul punished? Because he was willing to dispense with honors. As it is written [1 Sam. x. 27]: "But the worthless men said, in what can this one help us? And they despised him, and brought him no presents. But he acted as though he were deaf." And soon after this is written: "Then came up Nachash the Ammonite," etc.

R. Johanan in the name of R. Simeon b. Jehozadak said again: A scholar who is not revengeful and remembers not injuries as a serpent, cannot be called "Talmud Hakham" (a teacher). But it is written [Lev. xix. 18]: "Thou shalt not avenge nor bear any grudge"? There precautionary matters are spoken of (but in regard to bodily pain or honor it is different). As we have learned in the following Boraitha: "What is called revenge, and what is called bearing a grudge? Revenge is such a case: When one comes to the other, and asks him to lend a sickle to him, he says: Nay. On the morrow, the second comes to the first, and wants to borrow an axe. He answers:

* Literally it is thus, but translators have it, "When he had reigned one year."

I do not wish to lend to you, as you have not lent to me. This is called revenge. What is bearing a grudge? When one comes to another, and asks him to loan him an axe, and does not get it. On the morrow the second comes to the first, and wants to borrow a shirt. He answers: I lend it to you, because I am not like you, who did not want to lend me yesterday. This is called bearing a grudge." But in case of bodily pain, has not the Torah forbidden vengeance? Have we not learned in the following Boraitha: "Those who are wronged and not wronging, bear their shame and do not reply, do good deeds out of love, and rejoice not at afflictions, of them says the verse [Judges v. 31]: 'Those that love him are as the rising sun in his might.'"

Reply they should not, bear a grudge in their hearts they may (and if *another* party avenges them, they need not interfere). Is that so? Did not Rabha say: He who leaves his injuries unavenged, will have his sins forgiven in Heaven? That means, if the offender comes to propitiate him, he should pardon.

"Which? One, or two?" If two, why is it said at all, one (or two)? This applies to those who have a disease, that they cannot stretch forth one finger, without stretching out the other also. We have learned in the following Boraitha: They used to put out one finger when healthy, but when diseased, they could stretch out two.

"Once an accident," etc. The rabbis taught: It once happened two priests were running, and were on a par. When they came to the top, one outstripped the other by four ells; he took a knife and stuck it into the other one's breast. R. Zadok stood on the staircase of the porch, and said: Brethren of Israel, hear! It is written [Deut. xxi. 1]: "If there be found a slain person in the land . . . shall take a heifer." For whom shall we bring the heifer? For the city, or for the Temple? The whole people began to weep. Then the father of the young man arrived, and found him yet agonizing. He said: "May he (the dead) be an atonement for your sins; and as he shows yet signs of life, the knife has not become unclean (since he still lived)." We may infer from this, that the defilement of the knife was considered by them as a yet greater misfortune than bloodshed.

The rabbis taught: It is written [Lev. vi. 4]: "He shall put off his garments, and put on other garments, and carry forth the ashes." We might think that, as on the Day of Atonement, he should strip himself of his holy garments and put on profane

garments, for removing the ashes. Therefore it is written in both cases "garments," that from the analogy of expression we should understand that both are holy garments. And by "other," older ones are meant. R. Eliezer, however, said: From the expression "other garments, and carry forth," we can infer that even a blemished priest may carry forth the ashes. Said Resh Lakish: As R. Eliezer and the first Tana differ about the carrying forth of ashes, so do they differ about the lifting up of the ashes from the altar. R. Johanan, however, said: They differ only about the carrying forth of the ashes, but about the lifting up all agree that it is a respectable service, which only an unblemished priest may perform. What is the reason of Resh Lakish, who says they differ on this point too? The reason of Resh Lakish is: If it were a real service, could it be performed only in two garments [ibid. 3]? And what will R. Johanan say to this? He says: The Torah only specifies these two, but all four are meant.

Rabh said: For performing the following four services a layman deserves capital punishment: namely, sprinkling, offering of incense, officiating at the water-offering and the wine-offering. And so also Levi taught in his Boraitha; also as to the lifting of the ashes. What is the reason of Rabh's decree? Because it is written [Num. xviii. 7]: "And thou and thy sons with thee shall keep your priesthood concerning every matter of the altar, and for that within the vail, where ye shall serve; as a service of gift do I give you your priesthood; and the stranger that cometh nigh shall be put to death." Service of gift, but not of removing. Levi says: It is written, "Every matter of the altar," which includes all things. Rabha propounded a question: How about a service of removing from an altar in the Temple (inner)? Is this considered by Rabh like a service of gift, or like a service of removal? Rabha decided later, it is written [ibid.], "and for that within the vail"; but it is written, "and within the vail": that makes the service like to a service of removing. We have learned in one Boraitha according to Rabh, and in another according to Levi. According to Rabh we have learned as follows: "The services for which the layman is guilty of death are: Sprinkling of blood, inside or in the Holy of Holies (on the Day of Atonement); sprinkling the blood of a sin-offering of a bird; wringing-out of a bird's blood which is a burnt-offering [Lev. i. 15]; and officiating at the offering of three *lugs* of water or three *lugs* of wine." We

have learned according to Levi as follows: "The services for which a layman is guilty of capital punishment are: Removing the ashes; performing the seven sprinklings within, and on a leper; and offering on the altar something either fit or unfit."

Wherefore was the drawing of lots repeated? Said R. Johanan: To cause more excitement in the Temple, as it is written [Ps. xv. 15]: "So that we took sweet secret counsel together, and walked unto the house of God in a great company."

In what garments were the lots drawn? R. Na'hman says, in ordinary garments; R. Shesheth says, in holy ones. R. Na'hman says, in ordinary clothes, because some of the priests being strong men, they could snatch the lot by force, and go to perform the service, if they had the holy garments on. R. Shesheth says, in holy garments, because, if they had the ordinary ones on, they might by absence of mind perform the service in them, since they were very eager to perform the service.

MISHNA: The second lot (determined) who should slaughter, who sprinkle, who should clear of ashes the inner altar and who care for the lamp, who should take up members to the staircase of the altar: the head, the leg, the two forelegs, the tail (tip of tail), the (left) leg (hind), the chest, the windpipe, the two flanks, the entrails, the fine flour, the things made in pans [1 Chron. ix. 31], and the wine.

Thirteen priests are privileged to do all this. Ben Azai, however, said, in the presence of R. Aqiba, in the name of R. Joshua: It (the animal) was offered as it had walked. (See Gemara.)

GEMARA: The schoolmen propounded a question: Were the lots drawn for each service separately, or at once for all services? Come and hear: R. Hiya taught, the lots were not drawn for each service separately; but the priest who had drawn the lot of the daily offering, obtained the service for the other twelve following him.

"*The second lot*," etc. The schoolmen propounded a question: Who received the blood into the basin, the priest that slaughtered or the priest that sprinkled? Come and hear! We have learned that Ben Katin made twelve cocks for the laver, that twelve priests might sanctify their hands at once. If the priest that slaughtered received the blood, then thirteen cocks would have been needed. Hence infer that the sprinkler did it.

"*Ben Azai said*," etc. The rabbis taught: What is meant

by "it had walked"? In the following order: The head and the leg, the chest, the stomach, the windpipe, the two forelegs, the two flanks, the tip of the tail, and the other hind leg. R. Jose says: As it has been stripped, so it was offered. How had it been stripped? The head, the leg, the tail, the other leg, the two flanks, the two forelegs, the chest, the windpipe.

R. Aqiba says: As it has been cut to pieces. How had it, then, been cut to pieces? The head, the leg, the two forelegs, the chest, the windpipe, the two flanks, the tail, and the other leg. R. Joseph the Galilean says: According to the excellence of the members. How is that? The head, the leg, the chest, the windpipe, the two flanks, the tail, the other leg, and the two forelegs. Said Rabba: Our Tana and R. Jose both agree that the members are to be offered in the order of their excellence. One, however, says, according to the size of the members; the other, according to the fatness. Why the head and leg together, according to all? Because the head contains too many bones, the leg, which contains more flesh, is added.

MISHNA: The third lot was drawn by new (priests) who had not yet fumed incense; the fourth, by new and old ones, (to determine) who should take up the members (parts) from the staircase to the altar.

GEMARA: We have learned in a Boraitha: No man has repeatedly offered incense. What is the reason? Said R. Hanina: Because the offering of incense renders rich. Said R. Papa to Abayi: Whence do we deduce this? Shall we assume this, because it is written [Deut. xxxiii. 10], "They shall put incense before thee," and in the next verse, "Bless, O Lord, his substance"? Then it should not be due to incense alone, since at the end of the tenth verse it is also written, "and whole burnt sacrifice upon thy altar." He answered him: A burnt-offering is frequent (besides being a daily sacrifice, it was offered by many individuals, and all could not get rich), but incense is not frequent.

Rabba said: You will not find a young scholar who decides questions in Law, who should not be of the tribe of Levi or Issachar. Levi, as it is written [ibid.]: "They (the tribe of Levi) shall teach thy ordinances unto Jacob; and Issachar, because it is written [1 Chron. xii. 32]: "And of the children of Issachar, those who had understanding of the times." But why not also Jehudah? As it is written [Ps. lx. 9]: "Judah is my lawgiver." I mean, to deduce the traditional

sayings from the written Law (this can only do those of Levi and Issachar).

R. Johanan said: For the evening daily offering, lots were never drawn; he who had drawn the lot for that of the morning performed this service also.

MISHNA: [The parts of] the daily sacrifice are offered [according to circumstances] by nine, ten, eleven, twelve—no less and no more. How so? Itself by nine. During the Feast [of Booths] one carries a pitcher of water; thus it is ten. Toward evening by eleven, itself by nine, and two carrying two measures* of wood. On Sabbath by eleven, itself by nine, and two having in their hands two spoonfuls of frankincense for the showbread. On the Sabbath which occurs in the middle of the Feast [of Booths], one carrying a pitcher of water [added to the eleven].

GEMARA: Said R. Abba, according to others Rami b. Hama or R. Johanan: Water must be offered during the Feast of Tabernacles only with the morning daily offering, but not with that of evening. This we deduce from the Mishna which states: When the Sabbath occurs during the festival, one is added for carrying water. If water had to be offered with the evening offering also, then it would occur on another day of the festival than a Sabbath, as two carry measures of wood, and a third would be needed for carrying the water (and twelve were needed).

We have learned in a Boraitha: R. Simeon b. Jochai said: Whence do we deduce that the daily evening offering requires two measures of wood, carried by two priests? Since it is written [Lev. i. 7], "And (they shall) lay the wood in order," and as this cannot occur in case of the morning daily offering, as it is written [ibid. vi. 5], "The priest shall burn wood upon it every morning, and he shall lay in order upon it the burnt-offering," we must suppose, then, that what has been said before, applies to the daily evening offering.

R. Hiya taught: The lots amounted sometimes to thirteen, sometimes to fourteen, or fifteen, or sixteen (fourteen on the Feast of Tabernacles, for the pitcher of water; fifteen on the Sabbath; sixteen for the Sabbath during the Feast of Taber-

* The Hebrew term is Gizrin—גִּזְרִין. After Jost, we have translated it in Shekalim, VI., f., p. 28, "cords"; but as it is too heavy for two men to carry two cords of wood, we have here translated only "measures," and according to all commentators on the Mishna it is a certain measure of wood for the altar, unknown to us.

nacles). But did we not learn, seventeen? That Boraitha is not according to R. Eliezer b. Jacob, but according to R. Jehudah.

MISHNA: A ram was offered by eleven: the flesh by five; the entrails, fine flour, and wine by two, respectively. A bull is offered by twenty-four: the head by one, the hind leg by two, the tail by two, and the [left] hind leg by two; the chest by one, the windpipe by three, the two forelegs by two, the two flanks by two; the entrails, fine flour, and wine by three, respectively. This refers to public sacrifices. A private sacrifice could be offered, if one chose, by one. In respect of skinning and cutting to pieces, both [sacrifices] are equal [private or public, both may be skinned, etc., by a stranger].

GEMARA: We have learned in a Boraitha: The flaying and cutting into pieces may be performed by a layman. Said Hezekiah: Whence do we deduce this? Because it is written [Lev. i. 7]: "And the sons of Aaron the priest shall put fire upon the altar." Hence only the fire must be put by priests, but the flaying may be done by others. But this verse is needful for its own sake, how can it be deduced from it? Said R. Simeon b. Ashi: I once heard how Abayi explained it to his son as follows: It is written [ibid. 5]: "*He* shall kill." A layman is meant. How is this known? Because it is written [Num. xviii. 7], "And thou and thy sons with thee shall keep your priesthood," one might say, that the slaughtering is also meant. Therefore it is written: "And he shall kill the young steer before the Lord, and the sons of Aaron the priest shall bring near the blood." From this we see that all that precedes the bringing near of the blood may be done by a layman. And it is also written [Lev. iii. 2]: "And he shall lay his hand . . . and kill it." From this it can be deduced that the layman who has laid his hand upon it may kill it.

[Rashi explains, that all this is stated in a Mishna elsewhere, and Abayi explained to his son that what Hezekiah had said is in accordance with that Mishna.] Now let us see: We have concluded that from the sprinkling of the blood onwards all must be performed by priests; and the fire is put upon the altar later. Why is it then necessary to say that Aaron's sons should do it? This is to exclude the flaying and cutting into pieces, which, though they come after the sprinkling of the blood, may be done by a layman.

It was taught: R. Assi in the name of R. Johanan said: If a layman has put the two measures of wood on the altar, he is

liable to capital punishment, as it is a service belonging to the following day (and not the final service of the night). Rabba opposed: According to this supposition (that it is a service of the day), a lot had to be drawn? Rabba has forgotten what we have learned above, that he who drew the lot to lift the ashes, also obtained the privilege to arrange the measures of wood. Said Mar Zutra, according to others R. Ashi: How can it be said it is a service of the next day? Did we not learn further in the Mishna: "Go and see whether it is time to slaughter"? If the arranging of the wood was also a service of the next day, why was not this mentioned likewise (for if it were done when it was yet night it would be invalid)? This is no difficulty. If the animal was slaughtered before the time, it was invalid, but if the wood was put on before the time, it could be removed and replaced by a priest after daybreak.*

* In the text there is still another interpretation, that R. Johanan means to say that the service in question is but the final service of the night and does not belong to the day; and again, questions and answers are raised and made, and it is so complicated that both Rashi and Tosaphoth could not explain it without additions and omissions, and the result seems to be, after all, that the service belongs to the day. We have therefore, contrary to our method, omitted it.

CHAPTER III.

REGULATIONS CONCERNING THE TIME OF SLAUGHTERING THE DAILY OFFERING, THE ENTERING OF A LAYMAN INTO THE COURT OF THE TEMPLE, AND THE ORDER OF THE HIGH-PRIEST'S SERVICE ON THE DAY OF ATONEMENT.

MISHNA: The Superintendent used to say to them: Go out and see whether the time for slaughtering has come. If it had come, the one who saw it said: "*(Barqai)* It becomes light." Matthew b. Samuel says: He used to ask: "Is the whole east bright, as far as Hebron?" and he answered: "Yea."

[Why was all this necessary? Because on one occasion the moonlight was bright, and they mistook it for dawn. They slaughtered the daily sacrifice, and removed it to the place of burning (finding it unfit).] The high-priest used to be then taken down to the bath. This was the rule in the temple: After necessary human needs a bath had to be taken, and after making water one had to wash his hands and feet.

GEMARA: We have learned in a Boraitha: R. Ishmael said: He said: "*Baraq barqai.*" And R. Aqiba said: "*Ala' barqai* (The light has risen)." Ne'huma b. Aphaqshyon said: He said: "It has become light even at Hebron. But R. Jehudah b. Bathyra said: He said: "The whole east is bright, as far as Hebron." Then each went to do his work. When each went to his work, it was full day. Did they wait so long? It is meant, those who needed laborers went to look for them. Said R. Sophra: The Mincha prayer of Abraham was when the walls begin to be blackened by shadow. Said R. Joseph: Have we to imitate Abraham? Said Rabha: The Tana learns from Abraham, why shall we not? As we have learned in the following Boraitha: It is written [Lev. xii. 3]: On the eighth day shall the flesh of his foreskin be circumcised." But those who are devout do this religious duty early in the morning. As it is written [Gen. xxii. 3]: "And Abraham rose up early in the morning." Therefore says Rabha: How can we learn of Abraham? He was an older

man, who taught the public,* and his actions are not to be applied to common men.

"*Matthew b. Samuel says,*" etc. Who used to say, "Yea"? If you wish, I will say, he who stood on the roof used to say: "The east is bright," and as the one who stood beneath asked him: "As far as Hebron?" he would reply: "Yea." And if you wish, I can say: He who stood beneath used to say: "Is the east bright?" The one on the roof would then say: "As far as Hebron?" He would reply: "Yea." (Rashi explains: It is written elsewhere: Why Hebron? To remind of the merit of the patriarchs.)

"*Why was all this necessary?*" How could they have made this mistake? Did we not learn in a Boraitha: Rabbi said: The beams of the moon are not like to those of the sun. For those of the moon rise straight like sticks, whereas those of the sun diverge in all directions. The disciples of R. Ishmael taught: That time it was a cloudy day, and the moon's rays were multiplied in all directions as those of the sun.

R. Na'hman said: The heat during a clouded day is worse than the solar heat itself. A similar instance I can show: A barrel of vinegar smells more strongly when one hole is made in it than when it is wholly opened. A mixed light (of the sun and fire) is more unendurable (by the eye) than the solar light itself. A similar case: It is more difficult to stand under a shower, than to enter wholly into water. The thoughts about women are more exhausting than the sin itself. A similar case: The smell of wasted meat is more irritating than the meat itself. The heat of the end of summer is worse than that of the summer itself (because it is easier to catch a cold, because the body has been inured to heat during the summer). A similar case is: When an oven is heated four or five times a day, then even a couple of pieces of wood render it hot. Fever is much worse in the winter than in the summer. A like case is: In a cold oven much wood is necessary to heat it; hence if one has a high temperature in the winter, the fever must be great. To study old subjects is much more difficult than a wholly new subject. A like case: It is easier to make clay of new sand than of sand which had once been part of a building.

* Here follows a passage to prove that whenever "old man" is used in the Bible, one who teaches in a college is meant; but as it is mentioned elsewhere we omit it.

R. Abahu said: What is the reason that Rabbi says that the solar rays are in all directions? Because it is written [Ps. xxii. 1]: "To the chief musician upon the hind of dawn." As a hind has her horns diverging, so are the sun's rays.

R. Elazar said: Why are the prayers of the upright compared to a hind? As the horns of a hind diverge as long as they grow, so the more prayers they will offer, the more they are heard.

"*They slaughtered the daily sacrifice.*" To what does this refer? If all the year (they mistook the passage beginning with "The high-priest" to be connected with the foregoing), why was the high-priest taken to the bath? During the whole year he does not sacrifice? If it refers to the Day of Atonement, then there is no moon in the middle of the night (as it is the tenth day in the month). The answer is, the two passages have no connection. When it was bright, they took him to the bath.

"*This is the rule,*" etc. The feet he had to wash, since it was possible they had been defiled while performing the function; but the hands? Said R. Abba: Hence it can be inferred, that it is a merit to clean with one's hand the feet in such a case. And this is in support of what R. Ammi had said: A man may not go out into the street when his feet have been thus defiled, lest it be said that he is suffering from a certain infirmity [Deut. xxiii. 2, end]—lest it be said his children are bastards.

MISHNA: No one may enter the forecourt [even of Israelites, not priests] to do service, even when he is clean, before he has bathed. On this day the high-priest bathes five times, and washes his hands and feet ten times. All these ablutions are taken within the sanctuary, over Beth Haparva, except the first. A screen of linen [byssus] was placed between him and the people.

GEMARA: B. Zorna was asked: What was the bathing needed for? He said: If one passes from one holy place to another, and from a place which it is *Karath* to enter, to a similar place, still one must take a bath; how much more when one passes from the forecourt, which is not a holy place, and which it is not *Karath* to enter, to the sanctuary. R. Jehudah says: The bathing is not obligatory. It is only used as a reminder. If he was once unclean, and forgot to bathe, he will now remember it, and will wait after bathing till sunset. On what point do they differ? In case he entered without having bathed, according to R. Zorna, he has committed a sin, and rendered the service invalid; according to R. Jehudah, he has not.

Abayi asked R. Joseph: Ought there to be nothing between his body and the water in this bathing, as in other bathing? Or if it is only as according to R. Jehudah, that does not matter? He answered: All that the rabbis have ordered must be done as if it were biblical. He asked him again: If only a part of his body (as head, foot, hand) is introduced into the sanctuary, is a bathing also necessary? He replied: The thumbs and great toes of a leper, which must be besprinkled by the priest with blood [Lev. xiv. 14], he yet introduced into the sanctuary, while standing in the gate of Nicanor, as we have learned in a Boraitha. We see, then, that this was not considered entering, as he could not enter himself.

"Bathes five times." The rabbis taught: Five times the high-priest bathed, and washed his hands and feet ten times, all this in the sanctuary over the Beth Haparva, except the first, which was not in the sanctuary, but over the Gate of Water, and near the high-priest's chamber.

"A screen of byssus," etc. Why one of byssus? That is according to R. Kahna, as he says further, to remind him that the service of this day is in the linen clothes (not golden). So we say it is meant in this case.

MISHNA: He undressed, went down, and dived. After he had come out again, and wiped himself (dried himself with a sponge?), the garments of cloth of gold were brought to him, which he put on, and then washed his hands and feet. They brought to him the daily sacrifice; he made an incision, and another completed the slaughtering in his presence. He took up the blood, and sprinkled it, went in to fume the morning (matinal) incense, and to trim the lamps, as well as to offer the head, the members, the things made in pans, and the wine.

The morning incense was offered between the blood and the members; that of evening, between the members and drink-offerings. If he was an aged or delicate high-priest, the cold water of the bath was mixed with water warmed previously.

GEMARA: Our Mishna, which says that after bathing he put on the garments of cloth of gold without having washed his hands and feet previously, is not in accordance with R. Meir, who maintains that the hands and feet must be washed twice at each time of his putting on the garments. As we have learned in the following Boraitha: A screen of linen was placed between him and the people. He undressed himself, went down, dived, came out, wiped himself. They brought him the garments of

cloth of gold, he put them on, he washed his hands and his feet. R. Meir, however, said: He undressed himself, washed his hands and feet, and then went down, and dived. He came up, dried himself. They brought him the garments of cloth of gold, he put them on, then washed his hands and his feet. It is right, according to R. Meir, who says that for each diving two washings of the hands and feet are needed; that ten times he should wash his hands and feet, as in the Mishna. But according to the rabbis, who say only once, there will be but nine? The rabbis can reply, that the last time he washed his hands and feet, was when he stripped himself of the holy garments and had to put on his week-day clothes, after the whole service.

We have learned in a Boraitha: Rabbi Jehudah said: How is it known that the high-priest has to dive five times, and wash his hands and feet ten times? Because it is written [Lev. xvi. 23]: "And Aaron shall then go into the tabernacle of the congregation, and he shall take off the linen garments, which he had put on when he went into the holy place, and he shall leave them there. And he shall wash his flesh with water in a holy place, and put on his garments, and come then forth, and offer," etc. From this we infer that between one service and the other he had to dive. So also said Rabha, with the addition: Because it is written [ibid. 4], "These are holy garments," that proves that all holy clothes are equal. This day there were five services: The daily morning offering, in garments of cloth of gold; the service of the day, in linen clothes; his ram and the people's ram, in garments of cloth of gold; the spoon and the censer, in linen clothes; the daily evening offering, in garments of cloth of gold. (For the five services, were five divings.) How is it known that for each diving two times have the hands and feet to be washed? Because it is written [ibid.]: "He shall take off his garments . . . and shall wash, . . . put on . . ." The phrase "shall wash" applies to the taking off and the putting on of the garments. From this we see only that when he takes off the linen garment, and puts on cloth of gold, he must wash himself. How do we know that when he takes off the garments of cloth of gold, and puts on the linen ones, he must wash himself? The disciples of R. Ishmael have taught: This can be inferred by a reasoning *a fortiori*. If when he puts off the linen clothes, whose atonement is not great, still he must have a bathing, how much more when he puts off the cloth of gold, whose atonement is great?

But it may be asked, Is the atonement of the linen clothes not great? Did not the high-priest enter in them the Holy of Holies? It is written [ibid. 4]: "These are holy garments, therefore shall he wash his flesh in water (and both the cloth of gold and linen garments are holy.)"

"*He made an incision.*" How much? Says Ulla: The greater part of the windpipe and the gullet. So also have said R. Johanan and Resh Lakish. Abayi ordered the services according to a tradition he had, and it agrees with that of Abbu Saul. The (first) great arrangement of wood preceded the second arrangement of wood on the southwestern corner of the altar (as will be explained in Tamid). This preceded the two measures of wood, and they preceded the removal of the ashes from the inner altar, and this preceded the trimming of the five lamps. This preceded the sprinkling of the blood of the morning daily offering, and this preceded the trimming of the two lamps; and this preceded the offering of the incense, which came before the offering of the members; this was before the meal-offering, and this was before the things baked in pans. This preceded the drink-offering, and this preceded the additional offerings (for Sabbath or festival), and these were before the spoonfuls of frankincense, that preceded the daily evening offering, as it is written [Lev. vi. 5]: "He shall burn thereon the fat of the peace-offerings." From the word *Hashlamim* (peace-offerings) can be inferred that they should complete the service of the day (this word means, also, *completion*).

The Master says: "The first great arrangement of wood preceded. The second," etc. How is it known? Because it is written [Lev. vi. 2]: "It is the burnt-offering which shall be burning upon the altar all night. And after that it is written: "And the fire of the altar shall be burning upon it." By this the other arrangement of wood is meant. How is it known that this precedes the two measures of wood? Because it is written [ibid. 5]: "The priest shall burn wood on it every morning." On it, and not on the other fire. From this we infer there is another fire. Which? That of the two measures of wood. How is it known the two measures of wood precede the clearing of the inner altar? Although in both places it is written, "every morning," yet we understand that preparation for service precedes the mere removal of ashes. Whence do we deduce that this precedes the trimming of the five lamps? Says Abayi: I have it so by tradition, but I know no reason. Rabba says:

I know it is according to Resh Lakish, who says when one meets an opportunity to perform a meritorious act, one should not pass by it. When the priest enters, he meets first the altar, then the lamps. And what is the reason that this precedes the blood of the daily morning offering? And this precedes the two lamps? Says Abayi: Since it is written of the measures of wood "every morning" twice, (in Hebrew) superfluously, let it apply to the five lamps and to the two lamps, the one to precede the blood of the morning sacrifice, the other to follow it. How do we know that these two lamps precede the incense? Because it is written [Exod. xxx. 7]: "When he dresseth the lamps, (then) shall he burn it." How is it known that the incense comes before the members? Of the incense [ibid.] it is said "*every morning*," but of the daily sacrifice only "*morning*." [The first precedes the second.] Why do the members come before the meal-offering? Because we have learned in a Boraitha as follows: Whence do we deduce, that before the daily morning offering has been sacrificed nothing else shall be offered? Because it is written [Lev. vi. 5]: "He shall lay in order upon it the burnt-offering." In addition to this Boraitha, said Rabba: By the word *the* burnt-offering is meant the first burnt-offering; that is, the daily offering. How is it known that the meal-offering precedes the things made in pans? Because they are mentioned [Lev. xxiii. 37] in this order. How is it known the things made in pans precede the drink-offering? Because they are also a meal-offering, and added to the daily sacrifice [Num. xxviii. 5]. And why do these precede the additional sacrifice? Because in that verse [Lev. xxiii. 37] they are mentioned in this order. And why do these precede the spoonfuls of frankincense? Did we not learn in a Boraitha that they succeed the frankincense? About this, Tana'im differ. (Pesachim, p 107.) Said Abayi: It seems to me the Halakha prevails, that the additional sacrifices ought to precede the frankincense. Because we have seen that of which it is said "*every morning*" precedes that of which it is said "*morning*." [See Lev. xxiv. 7 and 8.] Here of the additional sacrifice is said "*every and each day*," hence—not *morning*.

"*The morning incense was offered between the blood and members.*" According to whom is this? If according to the rabbis, it should have been between the blood and lamps; and if according to Abbu Saul, it should have been between the lamps and the members? The whole Mishna is according to the rabbis,

but about the order the arranger of the Mishna has not been particular.

“*That of evening, between the members and drink-offerings.*” How do we know this? Because it is written [Num. xxviii. 8]: “As the meat-offering of the morning, and the drink-offering thereof, shalt thou prepare it.” As in the case of the meat-offering the incense precedes the drink-offering, so in the evening the incense shall precede the drink-offering.

The rabbis taught: It is written [ibid. 7]: “The drink-offering thereof shall be the fourth part of a hin.” “Thereof,” of the evening sacrifice [ibid. 4]. We deduce concerning the morning sacrifice from the evening sacrifice. Rabbi, however, said: On the contrary, we deduce concerning the evening offering from the morning offering. It is right, according to the rabbis, since that of the evening is mentioned last. But what is Rabbi’s reason? Said Rabba b. Ulla: Because it is written [ibid. 7], “for the one sheep,” and [ibid. 4] “the one sheep,” hence in both cases the same morning offering is meant.

“*If he was an aged or delicate high-priest.*” We have learned in a Boraitha: R. Jehudah said: Iron plates were heated on the eve of the Day of Atonement, and were on the Day of Atonement plunged into the cold water, to warm it for the high-priest. But the iron gets tempered thereby (which is forbidden as a work)? R. Bibi answers: The iron had not been heated so much as to become tempered. Abayi, however, says: It does not matter, since it is not intentional, and therefore not forbidden.

MISHNA: They brought him to Beth-Haparva, which was in the sanctuary; a linen screen was spread out between him and the people; he washed his hands and feet and stripped himself. R. Meir says: He undressed, and washed his hands and feet. He went down and dived, came up and dried himself, white garments were brought to him, which he put on, and he washed his hands and feet.

In the morning, he put on linen of Pelusium, costing twelve MINAS. In the evening, Hindoo linen, of 800 Zuz [8 Minas]. This is according to R. Meir. The sages say, in the morning he put on garments worth 18 Minas, in the evening of 12 Minas—together amounting to 30 Minas. This from public money [*another version*, taken from the holy funds?]; but if he chooses, he can have them more costly out of his private means.

GEMARA: Why is it called Parva? Said R. Joseph: Because it was built by one Parva, one of the magi.

"*In the morning he put on linen of Pelusium.*" Wherefore does he tell us the price? He comes to teach us that linen less costly were invalid. Let us see: All agree that what he put on in the morning was more costly than that in the evening. Whence is this deduced? Said R. Huna, the son of R. Ilai: Because [Lev. xvi. 4] linen is mentioned four times in that verse; in reference to the morning garments, they are to be of the best linen.

R. Huna b. Jehudah, according to others R. Samuel b. Jehudah, taught: After the service of the congregation was finished, if the high-priest possessed a linen coat made by his mother at her own cost, he might put it on, and perform the services appertaining to an individual (not congregation: carry out the spoons from the Holy of Holies, and the censer; the first had been used for frankincense, the second for incense), provided that when he puts it on, he shall bestow it on the congregation. It was said of R. Ishmael b. Phabi: His mother had made him a linen coat worth 100 Minas; he used to put it on, perform the services of an individual, and bestow it (in his mind) on the congregation. Of R. Eliezer b. Harsum it was said: His mother had made him a linen coat worth 20,000 Minas. His brethren the priests did not permit him to put it on, as in it he seemed to be naked (so delicate was its texture). How could this be, if it is said to have been thick, the threads six times twisted? Said Abayi: As wine is seen through a glass, however thick it be.

The rabbis taught: In the world to come, when a poor man, a rich man, and a wicked man come before the judgment, when the poor is asked, "Why hast thou not studied the Law?" if he answers: "I have been poor, I had to earn my bread, and had no time," they answer him: "Wast thou poorer than Hillel the Elder?" Of Hillel the Elder it was said: Every day he went to work, and earned a Tarpeik (a *Stater* coin of 4 Dinars). Half he gave away to the porter of the college, to let him in, and on the other half he and his family lived. Once it happened he did not earn anything, the porter did not let him in. He ascended the roof where there was an opening, and listened to the words of the living God, from the mouth of Shemaia and Abtalian. It was said: That day was a Friday, and in the season of Tebeth (winter), and he was besnowed. When it dawned, Shemaia said to Abtalian: "Every day it becomes light at this time, and now it is dark. Is it such a cloudy day?" They raised their eyes, and saw the figure of a man. When they went

up, they found on him a layer of snow three ells thick. They took him down, washed him, dressed him with oil, placed him before a fire, and they said: "Such a man deserves that Sabbath should be violated for his sake (by the making of fire)."

When the rich man is asked: "Why hast thou not studied the Law?" if he answers: "Because I was a rich man, and had many estates, and had no time to study," they answer him: "Wast thou richer than R. Elazar b. Harsum?" Of him it was said: His father had bequeathed to him a thousand towns on land, and a thousand ships on the sea, and he himself used to take a bag of flour on his shoulder, and wander from town to town and land to land to study the Law. Once his own slaves found him, and put him to hard labor. He said to them: "I pray you, let me go to study the Torah." They replied: "We swear, by R. Elazar b. Harsum's life, we will not let you go before you work." Thus, as long as he lived, he did not attend to his affairs, but studied all day and all night the Law.

When the wicked man is asked: "Why hast thou not studied the Law?" if he replies: "I was handsome, and was absorbed by my sins," they answer him: "Wast thou more handsome than Joseph?" It was said of Joseph the Righteous, that every day Potiphar's wife used to try to seduce him by her talk. The clothes she used to put on in the morning (to attract his attention) she did not put on in the evening, and *vice versa*, and her refrain was always: "Listen to me; do what I ask of you." He answered: "No." She said: "I will imprison you." He replied [Ps. cxlvi. 7]: "The Lord looseneth the prisoners." She then said: "I will bend your loftiness." His reply was [ibid.]: "The Lord raiseth up those who are bowed down." She said to him: "I will blind you." He answered [ibid. 8]: "The Lord causeth the blind to see." She gave him a thousand talents of silver. He was averse to her, or "to lie with her, or to be with her" [Gen. xxxix. 10]. "To lie with her" in this world, "to be with her" in the world to come.

From this we see that Hillel makes the poor man guilty, R. Eliezer b. Harsum the rich, and Joseph the wicked.

MISHNA: He went to his bullock, which stood between the porch and the altar, his head due south, but his face due west. The high-priest stood on the east, his face due west. He put his two hands on him and confessed himself in the following terms: I beseech thee, Jehovah, I have committed iniquities, have transgressed, and have sinned before thee, I and my house.

I beseech thee, Jehovah, forgive, pray, the iniquities, the transgressions, and the sins, which I have committed, transgressed, and sinned before thee, I and my house, as it is written in the Torah of Moses thy servant, "For on that day shall he make an atonement for you," etc. [Lev. xvi. 30]. They respond after him: "Blessed be the name of His kingdom's glory for ever!"

GEMARA: "*His head due south, but his face due west.*" If his head was turned to the south, how could his face be turned to the west? Said Rabb: His head was turned aside. Why? Says Abayi: It was apprehended, lest he should excrete. The rabbis taught: How were the hands imposed on his head? The sacrifice stood in the north, his face turned westward; he who imposed his hand stood in the east, his face westward; he placed both his hands between the two horns, provided that there was nothing between his hands and the head of the sacrifice; then he confessed himself. On the sin-offering he confessed the sins for which a sin-offering has to be brought; on a trespass-offering, the sins corresponding to it; and on a burnt-offering, sins of preventing the poor to gather, not forgetting for the poor, and not leaving corners [Lev. xix. 9]. So said R. Joel the Galilean.

The rabbis taught: How did the high-priest confess? He said: "I have committed iniquities, transgressed, and sinned." So he confessed over the goat [Lev. xvi. 21]: "And confess over him all the iniquities of the children of Israel, and all their transgressions, in all their sins." (The order of the terms is the same.) So also by Moses is it written [Ex. xxxiv. 7], "Forgiving iniquity and transgression and sin." So says R. Meir. The sages, however, say: By iniquities are meant intentional transgressions, for it is written [Num. xv. 31]: "That person shall be cut off, his iniquity is upon him." By transgressions are meant rebellion. As it is written [2 Kings iii. 7]: "The King of Moab hath rebelled." (The term in Hebrew is the same.) By sin is meant unintentional wrong, as is written [Lev. iv. 2]: "If any person sin through ignorance." Now, is it possible that after he has confessed the intentional and rebellious sins, he will confess the errors? Therefore we must say that he used to say differently: "I have sinned, committed iniquities, and transgressed, I and my house." And so it is written by David [Ps. cvi. 6]: "We have sinned together with our fathers, we have committed iniquity, we have done wickedly. . . ." And so also Solomon says [1 Kings viii. 47]: "We have sinned, we have committed iniquity, we have acted wickedly." So also

Daniel [Dan. ix. 5]: "We have sinned, and have committed iniquity, and have done wickedly, and have rebelled." Why, then, is it said by Moses: "Forgiving iniquity, and transgression, and sin." Moses said to the Holy One, blessed be He: "Lord of the Universe, when the children of Israel will sin before thee, and then repent, mayest thou consider their intentional sins as sins done through ignorance." Said Rabbi b. Samuel in the name of Rabh: The Halakha prevails according to the sages. Is not this self-evident? R. Meir is an individual, the sages are a majority, and we know that the decree of an individual is prevailed over by that of the majority? Lest one say, In this case the Halakha ought to prevail according to R. Meir, as he takes in his support what Moses said. He comes to teach us that here also the Halakha is according to the majority.

One of the scholars prayed for the people in the presence of Rabba, and followed R. Meir's decree. Said Rabba to him: Thou departest from the rabbis, and doest as R. Meir says. He replied: I hold with R. Meir, for it is written in the Bible that Moses said so.

"*They respond after him.*" We have learned in a Boraitha: Rabbi said: It is written [Deut. xxxii. 3]: "When I call on the name of the Lord, ascribe ye greatness unto our God." So said Moses to Israel: "When I mention the name of the Holy One, blessed be He, ye shall add greatness to it." Hananiah the son of R. Joshua's brother said: From the following verse [Prov. x. 7]: "The memory of the just is blessed." That means, the prophet says to Israel: "When I mention the Just One of the Worlds, ye shall add a blessing."

MISHNA: He came to the eastern part of the forecourt, to the north of the altar, the Segan of the high-priest on his right, and the head of the family ministering during the week [Rosh-Beth-Ab] on his left. There were two he-goats; and a box was there wherein were two lots. Of box-tree they were. [The high-priest] Ben Gamla made them of gold, for which his memory was praised.

[The high-priest] Ben Katin made twelve cocks to the laver, which had had only two. He also made a machine to the laver [to take it down into a well at will], that its water should not become unfit by being kept over night [in free air]. The king Monobaz made all the handles of the utensils used on the Day of Atonement—of gold. Helen, his mother, made a golden can-

delabrum over the temple-gate. She likewise made a tablet of gold, whereon was inscribed the section about a woman who goes aside [Num. v. 12]. Miracles happened to the gates which Nicanor brought. Therefore all these persons' memory was praised.

GEMARA: "*The Segan on his right.*" R. Jehudah said: One who goes on the right of his Master is a boor. An objection was raised from this Mishna: It is written that the Segan was on his right. And we have learned in a Boraitha, that when three walk, the Master ought to be in the middle, the greater of two on his right, and the other on his left. And so we find that of the three angels that came to Abraham, Michael was in the middle, Gabriel on his right, and Raphael on his left. (How, then, is he a boor?)

R. Samuel b. Papa explained before R. Adda, that it is meant, he should walk on his right, but a little behind, and not side by side. Did we not learn in a Boraitha that he who precedes the Master is rude, and he who walks behind his Master is too ostentatiously humble? He should fall a little back—not precede, and not follow.

"*And a box was there,*" etc. The rabbis taught: It is written [Lev. xxi. 8]: "And Aaron shall put lots upon the two goats." Hence, lots of any kind. Should we assume, that he must place two on each goat? Therefore it is written: "One lot for the Lord, one lot for Azazel." Therefore one ought to be for the Lord, and one for Azazel. Should we assume that he should place both lots on one goat, and then draw them and then place them on the other goat, and draw again? Therefore it is written, "one lot." What, then, means the word "lots"? This signifies that they should be equal: one should not be made of gold, the other of silver; one large, the other small. It is said in the Boraitha, lots of all kinds. This is self-evident? It must teach us this because of another Boraitha: Because the plate on the high-priest's brow, on which the name of the Lord was written, was of gold, one might think this lot must also be so. Therefore it is written, "one lot," twice, to teach that they may be of many kinds, of olive-tree wood, of nut-tree wood, of box-tree wood.

"*Ben Katin made twelve cocks,*" etc. We have so learned in a Boraitha, to the end that the twelve priests engaged in the service of the morning daily offering might wash their hands and feet at the same time. We have learned again in a Boraitha: In

the morning, when the laver was full, the high-priest washed his hands from the upper cock; but in the evening when he departed, when it was not full, he did it from the lower cock.

"*He also made a machine.*" What machine? Says Abayi: He made a sort of wheel, which brought it down into the well.

"*Helen his mother,*" etc. We have learned in a Boraitha: When the sun rose, from the golden candelabrum emanated rays, and all knew it was time to read Shema.

"*Miracles happened to the gates,*" etc. The rabbis taught: What miracles have happened to his gates? It was said, when Nicanor had gone to Alexandria, and was returning with the gates, the waves of the sea threatened to drown him; they took one of the gates and cast it into the sea. The sea was not appeased. They desired to cast the second gate overboard also. He took it on his body, and said: "Fling me together with it." Thereupon the sea became quiet. He grieved for the other gate. When he came to the coast at Accho, the gate appeared by the ship. According to others, some beast of the sea had swallowed the gate, and afterward spit it out. Therefore all gates of the Temple were gilt, except Nicanor's, because miracles had happened to them, and they were therefore left as they were. Others say, because their bronze was brilliant. R. Eliezer b. Jacob says: It was polished bronze, and glittered like gold.

MISHNA: And the memories of the following were mentioned with blame; those of the house of Garmo, they were unwilling to teach the art of making the showbread; those of the house of Abtinias, who did not want to teach the art of preparing the incense; Hogros b. Levi, who knew something in music which he was unwilling to instruct others in; Ben Kamtsar did not want to teach the art of writing. Of the first it is said: "The memory of the just is blessed" [Prov. x. 7]; but of the rest is said: "But the name of the wicked shall rot."

GEMARA: The rabbis taught: "The house of Garmo were skilled in making the showbread, and did not want to teach it to others. The sages sent for workers from Alexandria, and they could bake as well, but could not take it out from the oven [it got broken]. They heated the oven from outside, and baked it there, and took it from there, while the house of Garmo heated it inside and baked it inside (and removed it from there). Also the showbread of the Alexandrian bakers used to become mouldy, and that of the former never became so. When the sages heard this, they said: All which the Lord hath created, He created

only for His glory. As it is written [Is. xliii. 7]: "Every one that is called by my name, I have created for my glory." So the Beth Garmo had to be invited again to resume their post. The sages sent for them, they did not come: so their wages had to be doubled. They used to receive 12 Minas daily, and henceforth 24. R. Jehudah says: They had received 24, and thenceforth 48. Then the sages inquired of them: "Why are you unwilling to instruct others?" They replied: "Our family knows by tradition that this Temple will one day fall, and then, if we will have taught it to an improper person, he may go and serve thereby other idols." And for this thing their memory was praised: their children were never seen to use bread of pure flour, that it should not be suspected they took it from the flour for the showbread. They did it, to fulfil what is written [Num. xxxii. 22]: "And ye be thus guiltless before the Lord, and before Israel."

"*Those of the house of Abtinas,*" etc. The rabbis taught: The house of Abtinas were skilled in the preparing of incense, and were unwilling to teach it. The sages sent for workers from Alexandria. These could prepare the incense, but could not make it so that the smoke should not bend. The smoke of the incense prepared by the house of Abtinas rose straight, like a rod, and the smoke of the others' incense bent hither and thither. When the sages heard of this, they said, etc. [the same as previously; the reason they gave for not teaching was also the same]. For the following thing they were mentioned with praise: Never a bride of their house went out perfumed, and even when one of their house married a woman of another family, it was on the condition that she should not be perfumed, that it be not said: "They take it from the incense." To fulfil what is written, etc. [as before].

We have learned in a Boraitha: R. Ishmael said: I once was in the road, and met one of their grandchildren. I said to him: Your ancestors wished to increase their own glory, and diminish that of the Lord; now the Lord's glory persists, and yours has ended in nothing. R. Aqiba said: R. Ishmael b. Luga has related to me: I and one of their grandchildren once went out into the field to gather grass. I observed that he wept and rejoiced. I inquired of him: Why weepest thou? He replied: I recall the honor my ancestors once had enjoyed, and weep. And why did he rejoice? "Because I feel sure that the Holy One, blessed be He, will restore it to us." He asked him: Why hast thou

been reminded of it just at present? He said: Because I see the grass we used to put in to make the smoke straight. He said to him: Point it out to me. He replied: We are under an oath not to show it to anyone. Said R. Johanan b. Nuri: It happened once I met an old man, who had a scroll on which was a list of the names of the spices composing the incense. I asked him: Whence art thou? He replied: I am descended of the house of Abtinah. "And what do you hold in your hand?" He said: The scrolls of the spices. I said to him: Show it to me. He said: As long as our family was in life, they did not show it to any man. But now, when they have all died, and the Temple itself no longer exists, I can give it to thee, but be cautious with it. When I related all this to R. Aqiba, he said: From this time one need not blame them any longer. To this said Ben Azai: "By thy name thou shalt be called and to thy position thou shalt be restored, and thine thou wilt always receive, as so it is recorded Above." It is a rule, one man cannot touch what is destined for another [as they were recalled and paid double wages].

"*Hogros b. Levi*," etc. We have learned in a Boraitha: When he had to render his voice melodious, he placed his thumb in his mouth, and the index in his mustache. When all his fellow-priests heard his voice, they bent to the ground (from ecstasy).

The rabbis taught: Ben Kamtsar did not want to teach the art of writing. It was said of him: He used to take four quills between his four fingers, and when he had to write a word of four letters, he wrote it at once. (Jehovah's name is of four letters.) When they inquired of him: Why dost thou not teach it to others? he found no answer. Therefore of the first it is said: "The memory of the just is blessed"; and of Ben Kamtsar and his tribe it is said: "The name of the wicked shall rot." What is meant by "rot"? How can a name "rot"? Said R. Elazar: Their name shall contract such a rottenness that children shall not be named after them.

Rabbina said to one of the scholars who arranged for him the Agada: How do we know that the rabbis have said: "The name of the just is blessed"? He replied: Why rabbis—it is in the Bible, in the Proverbs? He said: Nay. How is it known from the Pentateuch? It is known from the following verse [Gen. xviii. 17]: "Shall I hide from Abraham what I am about to do?" And the next verse is: "Abraham shall surely become a

great nation." And how is it known from the Pentateuch that the name of the wicked shall rot? Because it is written [ibid. xiii. 12]: "And pitched his tents close to Sodom." And the next: "The men of Sodom were wicked and sinners." R. Elazar said: From the blessings awarded to the righteous, one can infer what curses are bestowed on the wicked; as it is written [ibid. xviii. 19]: "For I know him, that he will command," etc. And the next verse is: "The Lord said, Because the cry against Sodom and Gomorrah is great." And from the curses given to the wicked the blessings reserved for the righteous can be inferred, as it is written [ibid. xiii. 13]: "The men of Sodom were wicked and sinners." And the next verse says: "And the Lord said unto Abram, Lift up now thy eyes and look," etc.

R. Elazar says again: Even for one just man is a whole world created. As it is written [Gen. i. 4]: "And God saw the light, that it was good." And good is only a just man, since it is written [Is. iii. 10]: "Say to the just, that he is good."* R. Elazar says again: Whoever forgets something of his study, causes exile to his children, as is written [Hosea iv. 6]: "As thou hast forgotten the law of thy God, so will I myself also forget thy children." R. Abahu says: He is degraded from his high station, as it is written [ibid.]: "Because thou hast rejected knowledge, so will I also reject thee from officiating before me."

R. Hiya b. Abba said in the name of R. Johanan: A righteous man does not depart from the world, till another righteous man like him has been created, as it is written [Eccles. i. 5]: "The sun rises, the sun goes down." Before the sun of Eli had been extinguished, the sun of Samuel of Ramah already shone. The same said again: The Holy One, blessed be He, perceived that righteous men are few: He planted them in every generation, as it is written [1 Sam. ii. 8]: "For the Lord's are the pillars of the earth, on which He hath set the world." And the same said once more, on the same authority: Even when there is only one just man in the world, the world can exist through his merit, as it is written [Prov. x. 25]: "The righteous is the foundation of the world." R. Hiya says, on his own authority, as it is written in a different verse [1 Sam. ii. 9]: "He ever guardeth the feet of his pious ones." But they are spoken of in the plural? Says R. Na'hman, it is read in the plural, but it is written in the singular. R. Hiya b. Abba says again, in the

* The Talmud translates it thus, literally.

name of R. Johanan: When a man has lived the greatest part of his life without having sinned, he will sin no more, for they will guard him Above, and this he infers from the above passage. The disciples of R. Shila have said: When a man has had occasion to commit a sin once and twice, and he escapes committing it, he will be guarded Above from sinning. They infer it from the same verse. Resh Lakish said: It is written [Prov. iii. 34]: "The mockers He will mock, but to the modest He will give grace." From this we can infer: If one wishes to defile himself (to sin) the door is opened to him; but he who comes to purify himself, he is assisted. The disciples of R. Ishmael have told a parable in reference to this: When one sells both naphtha and perfumes, when one arrives to buy naphtha, he saith to him: "Measure the quantity you need"; but if one arrives to buy perfumes, he says: "Wait, we will both measure it, and contract the odor." The same disciples taught: A sin stops up a man's heart, as it is written [Lev. xi. 43]: "And ye shall not make yourselves unclean with them, that ye should be defiled thereby." Do not read **וְנִטְמָאתֶם** but **וְנִטְמַטֶם** (stop up).

The rabbis taught: This verse signifies that when a man defiles himself a little here below, Above he is defiled much; and if he defiles himself in this world, he is defiled in the world to come. And it is written [ibid. 44]: "Ye shall sanctify yourselves, and be holy." When a man sanctifies himself a little here below, he is sanctified much Above, and when he sanctifies himself in this world, he is sanctified in the world to come.

CHAPTER IV.

REGULATIONS CONCERNING THE TWO GOATS OF THE DAY OF ATONEMENT : HOW THEY WERE SLAUGHTERED, SENT AWAY, ETC.

MISHNA: He shook the box, and took out two lots. On one is written, "to Jehovah"; on the other is written, "to Azazel." The Segan is at his right, and the head of the family [see above] on his left. If that of Jehovah was taken up by his right hand, the Segan says to him, "My lord the high-priest, raise thy right hand." If that of Jehovah was taken up by his left hand, the head of the family addresses him: "My lord the high-priest, raise thy left hand." He placed them [the lots] on the two he-goats, and uttered: "To Jehovah a sin-offering." R. Ishmael says: It was not necessary for him to say "sin-offering," but "to Jehovah" sufficed. They responded: "Blessed be the name of His kingdom's glory for ever."

GEMARA: Why had he to shake the box? That he should not have intentionally taken that for Jehovah in his right hand (as it was a good omen if he took it up by chance). Rabh said: The box was of wood, and was not sacred, and could contain only the two palms of the hand. Rabbina opposed: It is right that it had only capacity for the two palms, that he might not intentionally take the lot for the Lord; but if it was profane, he should have sanctified it? The answer is: If he had sanctified it, it would have been a wooden sacred vessel, and in the Temple wooden sacred vessels were not used. Let them have made it of silver or gold? Because the Torah wished to spare the wealth of Israel. The Mishna is at variance with the Tana of the following Boraitha: R. Jehudah says in the name of R. Eliezer: The Segan and the high-priest both placed their hands in the box. When that for Jehovah was picked up by the high-priest, the Segan said to him: "My lord the high-priest, raise thy right hand." But if it was picked up by the Segan, the chief of the family said to him: "Speak thy words." Why not the Segan himself? The lot came into the hand of the Segan, and

not of the high-priest; therefore the spirits of the latter would have been depressed. On what point do they differ? One thinks, the right hand of the Segan is better than the left hand of the high-priest, and therefore both should put into the box their right hand; whereas the other thinks that the left hand of the high-priest is as good as the right hand of the Segan, and therefore he ought to place both his hands in the box. And who is the Tana who differs from R. Jehudah? That is R. Hanina, the Segan of the priests. As we have learned in the following Boraitha: R. Hanina the Segan of the priests said: Why did the Segan ever walk on the right of the high-priest? In case the high-priest became unfit for service, the Segan should enter at once to do the service.

The rabbis taught: In the time of the forty years during which Simeon the Upright was high-priest, the lot for Jehovah always came into the high-priest's right hand, but thereafter it sometimes fell into his right, sometimes into his left hand. And the tongue of crimson wool, during the time of Simeon the Upright, always became white. But after Simeon the Upright, sometimes it became white, sometimes it remained red. In Simeon the Upright's time the western light ever burned, but after him it sometimes burned and sometimes went out. The fire of the altar ever waxed in strength, and except the two measures of wood prescribed they had not to add any wood, in Simeon the Upright's time; but after him, sometimes the fire persisted and sometimes wood had to be added. In his time a blessing was sent into the Omer, the two loaves of bread, and the show-bread, and every priest who received only the size of an olive became satiated, and some was left over; but after him, these things were cursed, and every priest got only the size of a bean. And the delicate priests refused to take it altogether, but the voracious ones accepted and consumed. It once happened, one took his own share and his fellow's: he was nicknamed "robber" till his death.

The rabbis taught: The year when Simeon the Upright had to die, he told the sages: "Children, know ye that this year I am going to die." They asked him: "How dost thou know?" He said: "Every year when I entered and left the Holy of Holies, I was accompanied by one old man, dressed in white and enveloped in white; but this year it was an old man attired in black and in a black turban, and he entered with me but did not go out with me." And after the festivals, he got sick, and died.

And thenceforth priests ceased to bless Israel with the name of Jehovah, but used "Adonai" (the Lord).

The rabbis taught: Forty years before the Temple was destroyed, the lot never came into the right hand, the red wool did not become white, the western light did not burn, and the gates of the Temple opened of themselves, till the time that R. Johanan b. Zakkai rebuked them, saying: "Temple, Temple, why alarmest thou us? We know that thou art destined to be destroyed. For of thee hath prophesied Zechariah ben Iddo [Zech. xi. 1]: 'Open thy doors, O Lebanon, and the fire shall eat thy cedars.'"

"*He placed them on the two he-goats.*" The rabbis taught: Six times the high-priest pronounced God's name, as it is written (Jehovah), during the Day of Atonement: three times in the first confession and three times in the second confession, and the seventh time when he had drawn the lot. It happened, when the high-priest said, "I beseech thee, Jehovah," his voice was heard in Jericho, ten *Parsas* distant from Jerusalem, according to Rabba bar bar Hana. And the sound of opening the Temple gates was heard at the distance of eight legal limits of Sabbath (16,000 ells). The goats that were in Jericho used to sneeze at the incense offered at Jerusalem. A bride in Jerusalem had never to perfume herself, as the odor of the incense imbued them all with aromatic smells. R. Joel b. Diglai said: My father had goats on the mountains of Michmar. They sneezed at the incense. R. Hiya b. Abbin said in the name of R. Joshua b. Kar'ha: A certain old man has related to me, that since the time when he was walking in Shiloh, he still felt the smell of its formerly offered incense.

R. Janai said: To take out the lots from the box was obligatory, but to place them on the goats was not so. R. Johanan says: Even taking them out was not obligatory. An objection was made from the following Boraitha: The disciples asked R. Aqiba, If the lot came into his left hand, might he not put it into his right hand? He replied: Do not give the Sadducees opportunity to rebel (by declaring it unbiblical). Now here the reason is only that the Sadducees should not rebel; but otherwise, we would say, he may transfer it from one hand to the other. How, then, can R. Janai say that it was obligatory? Then the lots would not be changeable. Said Rabba: They mean to say, not that he may transfer the lot in his left hand to his right hand, but that when the lot has been placed on the

goat for Azazel, whether he may transfer him to his right, and design him for the Lord? The answer to this was: Although one may use a thing appointed to a less holy purpose for a more holy, yet the Sadducees will rebel.

MISHNA: He tied a tongue of crimson wool to the head of the goat that was to be sent away [the scapegoat], and placed him opposite to the gate through which he was to be transferred; and the one to be slaughtered, opposite to the place of its slaughtering. He went to his bull a second time, putting his hands on him, and confessing in these terms: "I beseech thee, Jehovah, I have committed iniquities, transgressed, and sinned before Thee, I and my house, and the sons of Aaron, Thy holy people: I beseech Thee, Jehovah, forgive the iniquities, transgressions, and sins which I have committed, transgressed, and sinned, I and my house, and the sons of Aaron, Thy holy people, as it is written in the Torah of Moses Thy servant: 'For on that day shall he make atonement for you, to cleanse you from all your sins, that ye may be pure before Jehovah.'"

They respond after him: "Blessed is the name of His kingdom's glory forever."

GEMARA: The schoolmen propounded a question: The Mishna states: He was placed opposite to the gate, and the one to be slaughtered opposite to the slaughtering-place. Were they to be tied in their places, or only placed there? Come and hear! R. Joseph taught: He tied a tongue of crimson wool to the head of the goat that was to be sent away, and placed him opposite to the gate, and the one to be slaughtered opposite to the slaughtering-place, for the purpose that they should not be confounded with one another, as with other goats. Now, if the Mishna means they were tied there, it is right; but if only placed, this can only prevent their being confounded with each other, as the one has the tongue of red wool tied to it, but with other goats the other may be confounded? It is meant, then, that they should be tied in their places.

R. Itz'hak said: I have heard a Halakha about two tongues of wool, one for the red cow and the other for the scapegoat, that one must be of a prescribed quantity and the other need not, and I do not know which it is. Said R. Joseph: Let us see. The wool for the goat which was sent away must be divided into two parts: one part tied to its horns, and one to the rack; therefore it seems that it must be of a prescribed quantity. But the wool for the red cow, which need not be divided, need be of no prescribed quantity. Rami b. Hama opposed: Even that for

the red cow must have a certain weight (as will be explained). Rabha answered him: Concerning the weight, the opinions of the Tanaim are different; consequently, no prescribed quantity is needed. When R. Dimi came from Palestine, he said in the name of R. Johanan: I have heard of three tongues of wool: one for the red cow, one for the scapegoat, and one for lepers. I have heard, one must be of the weight of 10 Zuz, one must have the weight of 2 Selas, and one of 1 Shekel, but I cannot explain which. When Rabbin came from Palestine, he explained this in the words of R. Jonathan: That for the red cow must weigh 10 Zuz, for the scapegoat 2 Selas, and for lepers 1 Shekel. (For the red cow, which must have a certain weight, it is 10 Zuz; that of the goat, which must be divided, 2 Selas; and the leper's, which need be neither, it is a Shekel.)

R. Itz'hak said: I have heard about the two slaughtering, of the red cow and of the high-priest's bull, one, if done by a layman, is valid, and the other is, in such a case, invalid; but I cannot explain which it is. It was taught: Concerning the slaughtering of the red cow and the high-priest's bull, Rabh and Samuel differed. One said, if the red cow was slaughtered by a layman, it is valid, and the bull, invalid; and the other says the reverse.

It may be ascertained that Rabh is the one who says that the red cow slaughtered by a layman is invalid, because (when Rabh heard) R. Zerah said that the red cow slaughtered by a layman is invalid, Rabh said: The reason is, that in connection with the red cow is mentioned Elazar (a priest) and "statute."

It was taught: Concerning the slaughtering of the red cow by a layman, R. Ammi said: It is valid; R. Itz'hak of Naph'ha said: It is invalid; Ulla said: It is valid; and others say: It is invalid. R. Joshua b. Abba objected to the statement that it is valid, and wanted to support Rabh from the following Boraitha: It is certain to us that the sprinkling of the water of the red cow is invalid, if a woman has done it instead of a man, or when it was not sprinkled in the daytime. But whence do we deduce further that the slaughtering of it, and receiving of the blood, and sprinkling of the blood, and burning it, and the putting in of the cedar-wood, hyssop, scarlet string, is invalid in such cases? Therefore it is written, "The law."

Shall we assume that to them shall be added the gathering of the ashes, and the drawing of the water, and the *sanctification*? Therefore it is written: "*This*" is the statute [Num. xix. 2].

But what is the reason of including those, and excluding these ? Because we find here an extension and a limitation, we will say that we may deduce all the ceremonies from the sprinkling of the water. As the sprinkling of the water must be done by a male, not by a female, and is valid only in the daytime, we may add to it the slaughtering, the receiving and sprinkling of the blood, the burning, putting in of cedar-wood, hyssop, a scarlet string; as it is certain to us that all these things are invalid when done by a female, so we conclude it is valid only in the daytime; and we will exclude the gathering of the ashes, the drawing of the water, and the *sanctification*, as they may be done by a female, so we will conclude they may be done also in the night-time. What is the objection ? If you will say: "Because it is prohibited to a female, it is also prohibited to a layman," you can infer from the sprinkling of the water, which is invalid when done by a female, but nevertheless is valid when done by a layman. Said Abayi: The objection is this, What is the reason that a female may not sprinkle it ? Because it is written "Elazar," and we say Elazar, but not a woman. In the same manner, we say Elazar (*i.e.*, a priest), but not a layman. Said Ulla: If you will read carefully the whole section about the red cow, you will see that one case cannot be compared with the other. Some apparently analogous inferences are yet in reality contradictory. And there are apparently analogous inferences which are really analogous. (Therefore care must be taken in making inferences.) Said R. Assi: (It is so), for when R. Johanan and Resh Lakish learned the section of the red cow, they carried away in their heads no more than a fox does earth when it runs across a ploughed field, for some apparently analogous inferences are really so, and some not.

One Tana taught in the presence of R. Johanan: All slaughtering may be done by a layman, except that of the red cow. Said R. Johanan to him: "Go and teach it outside of the college; for we find no single kind of slaughtering invalid when done by a layman." And R. Johanan not only disregarded this Tana's teaching, but even his own Master's; for R. Johanan said in the name of R. Simeon b. Jehozadak: "The slaughtering of a red cow by a layman is invalid." But I say it is valid, because we do not find any kind of slaughtering invalid when done by a layman.

"*He went to his bull.*" Why did he not say in the first confession, "The sons of Aaron, Thy holy people," but does so in

the second? The disciples of R. Ishmael taught: So is it right according to the law, for it is better that one guiltless should atone for the sinners than that one not yet purified from sins himself should atone for other sinners. (Before the first confession, he was not atoned for himself.)

MISHNA: He slaughtered it [the bull], and received in a basin its blood, giving (presenting) it to him who stirred (mixed) it, on the fourth row of marble stones in the Temple, that it should not become congealed. He took the censer, mounted the top of the altar, and cleared the coals on either hand: taking a censerful of the inner glowing coals, then he came down again, and placed it [the censer] on the fourth row of stones in the forecourt.

Every day he scooped up with a silver censer, and emptied into a golden vessel. On this day he filled a golden censer, and also carried it in. Every day he used to scoop [the coals] up in one measuring 4 Kabs, and poured them into one of 3 Kabs; but on this day he filled one of 3 Kabs, and also carried them in it. R. Jose says: Every day he filled one of a Seah [6 Kabs], and emptied it into one of 3 Kabs; but on this day he filled one of 3 Kabs, and carried them in it.* On all days it was a heavy (massive) one, but on this day he took a light one. Every day its handle was short, on this day long; all days its gold was yellow, but on that day red. This is according to R. Mena'hem. On all days he used to offer half a Mina [50 Dinars in weight] of incense in the morning, and one half in the evening; but on this day added a handful more. Every day it was pounded finely, but on this day it was the finest [Lev. xvi. 12]. On all days priests went up on the eastern staircase [of the altar], and descended on the western. On this day the high-priest went up on the middle one, and came down on the same. R. Jehudah says: The high-priest ever mounts and descends on the middle one. All days the high-priest washed his hands from the laver, and on this day from the golden pitcher [cyathus]. R. Jehudah says: The high-priest ever washes his hands and feet from a golden pitcher. All days there were four fires [on the altar]; on that day five: this is according to R. Meir. R. Jose says:

* The reason is, because the coals must be live coals, so as to give a flame. As the top ones become somewhat dull, he drops them on the floor and only the middle ones are used. They differ, however, as to the measure of coals extinguished. According to the rabbis, no more than one quarter of the amount extinguishes, while according to R. Jose about one half extinguishes.

Every day three, and on this day four. R. Jehudah says: Every day two, on this day three.

GEMARA: The Mishna states: He gave it to one who stirred it, on the fourth row of the marble stones. Is it not written [Lev. xvi. 17]: "And there shall not be any man in the tabernacle"? Said R. Jehudah: Read not "of the Temple," but "from the Temple"—the fourth row of stones away from the Temple.

The rabbis taught: It is written: "There shall not be any man in the tabernacle." Shall we assume, that one may not be in the corridors either? Therefore it is written, "in the tabernacle" (but outside one may). All this has been said of the tabernacle in Shiloh. How is it known that it applied also to the Temple in Jerusalem? Therefore it is written [ibid.], "in the holy place." All this is said of the time when he offers the incense. How is it known that when he sprinkles the blood no man should be in the holy place either? Therefore it is written, "when he goeth in." But how is it known that no man is to be found there till he comes out? Because it is written, "until he come out." After that it is written, "shall he make an atonement for himself, and for his household, and for the whole congregation of Israel"; from this is seen that first he must atone for himself, then for his household, then for the priests, and then for Israel.

The Master says: It only applies to the time when he offers the incense. Whence is this inferred? Said Rabba, and so said also R. Itz'hak b. R. Dimi, and also R. Elazar: It is written: "He shall make an atonement for himself, for his household, and for the whole congregation of Israel." What atones for all these at once? Only the incense. But how is it known that incense atones at all? Yea, for R. Hanania has taught: How is it known that incense atones? Because it is written [Num. xvii. 12]: "And he put on the incense, and made an atonement for the people." And the disciples of R. Ishmael have taught: For what does the incense atone? Slander. Why? Slander is (quietly) done, so incense is (quietly) offered.

"*Every day he scooped up with a silver censer,*" etc. What is the reason (why not a golden one)? Because the Torah has been sparing of Israel's wealth.

"*On this day he filled a golden censer,*" etc. Why did he not do on this day as on all days? Because of the high-priest's weakness (from fasting).

"*One measuring four Kabs,*" etc. We have learned in a Boraitha: If one Kab of coals was spilled on the ground, he swept them into the trench. In one Boraitha we have learned one Kab, and in another, two Kabs? It is right, *one*. This is according to the rabbis, who say he emptied one of four Kabs into one of three; but this is neither according to the rabbis nor R. Jose (according to whom *three* Kabs were left over). Said R. Hisda: The Boraitha is according to R. Ishmael the son of R. Johanan b. Beroqa of the following Boraitha, who says that he carried them into the Holy of Holies only in a censer of *two* Kabs. R. Ashi says this Boraitha can be according to R. Jose, and can be explained thus: Every day he used one of a *Seah* of the desert, which is one-sixth less than a *Seah* of Jerusalem, and emptied it into one of three Jerusalem *Seahs*.

"*It was a massive one,*" etc. We have learned in a Boraitha: On all days its sides were thick, but on that day thin. Every day the handle was short, and this day long? That the high-priest should not need to make such an effort to hold it.

In another Boraitha we have learned: Every day the censer was without a bell, and on this day with a bell ("His sounds shall be heard when he goeth in into the holy place" [Exod. xxviii. 38], since he carried it in in his white garments devoid of bells), so said the son of the Segan.

"*The gold was yellow,*" etc. Said R. Hisda: Seven kinds of gold there are: Gold, and good gold, gold of Ophir, best gold [Muphaz], beaten gold [Sha'hut], pure gold [Sagur], and gold of Parvaim. Gold and good gold, as it is written [Gen. ii. 12]: "And the gold of that land is good"; gold of Ophir, which comes from Ophir; best gold, which is scintillating [1 Kings x. 18]; beaten gold, which is ductile like wire; pure gold—when this gold is exhibited all other wares are locked up; that of Parvaim is like blood of bulls in redness. R. Ashi says: There were only five, only there was gold of each kind of good and bad quality; hence "gold" and "good gold" are deducted. We have learned also in a Boraitha: All days the gold was yellow; this day it was of Parvaim, which is red like the blood of a cow.

"*Finely pounded, but this day finest.*" The rabbis taught (whence do we deduce this?): Because it is already written [Ex. xxx. 36]: "Thou shalt pound some of it fine." Why has it to be repeated, "finely pounded"? That means, on this day it must be finest.

"*Washed his hands from the laver, on this day from the golden pitcher.*" Why so? For the honor of the high-priest.

"*All days there were four fires,*" etc. The rabbis taught: All days were two, this day three; namely, one, the ordinary large fire, the second for the incense, one for this special day (for the extra incense of the Holy of Holies). So says R. Jehudah. R. Jose says: All days were three, this day four; namely, those enumerated by R. Jehudah, and one to keep the fire perpetual, as it is written: "A perpetual fire shall be burning upon the altar, it shall not go out" [Lev. vi. 6], and one specially for this day. Rabbi says: "On all days four, this day five." The four above mentioned, and one for the unconsumed sacrifices which had not yet been burned in the evening.

Now, we see that all agree that this day a special fire was made. Whence do they deduce this? From the expression, "and the fire" [ibid. 5]. And even he who does not deduce it from the "*and*," deduces it from "*and the*." What? As we have learned in the following Boraitha: It is written, "a perpetual fire, it shall not go out." This is to teach that the second fire shall be on the outer altar. But how do we know there had to be fires for the censer and lamps? Therefore it is written, "perpetual fire shall be burning on the altar, it shall not be extinguished." This signifies, the perpetual fire of the lamps which, I have taught you, shall be taken only from the outer altar. From this we know that on the altar must be kept fire for the lamps, but whence do we deduce that fire for the incense must be kept also? Therefore it is written [Lev. xvi. 12]: "He shall take a censer full of burning coals of fire from off the altar, from before the Lord." When do we find an altar which was partly before the Lord, and partly away *from* the Lord? We must say that was the outer altar, which was in part outside in the forecourt.

R. Elazar said in the name of Bar Qapara: R. Meir said, if members of the burnt-offering were left from the day before, he made a separate fire, and had them consumed, even on Sabbath. What does he come to teach us? We have learned in the Mishna that there were four fires? Said R. Abhin: He informs us, that even the members of a burnt-offering which had become invalid, were burnt by a separate fire, provided that they had been already attacked by the fire of the day before, but not those not touched by the fire. This we have also learned in the Mishna; namely, this day five? Says R. A'ha b. Jacob: He had to teach this to

us. We might think all this applies to a Day of Atonement which falls on a Sunday, as we had learned somewhere else, that the fat left over from Sabbath should be burnt on the Day of Atonement next to it; but we might think, if it fell on other days of the week he had not to do so. Therefore he tells us.

Says Rabba: Who is this man, that hears not what he speaks? In the Mishna it is said: "Every day." So it is all days of the week. The objection remains.

It was taught: If one extinguishes the fire of the censer, and of the lamps, Abayi says he is culpable. Rabba says: He is guiltless. If he has taken it from the altar to light it and has dropped it on the ground, and it is extinguished, all agree, he is not culpable; but if he took it from off the altar, and extinguished it there, Abayi says he is culpable, since it is the fire of the altar, of which it is written, "It shall not go out." Rabba says he is guiltless: the moment he has removed it from the altar, the fire is not regarded any more as that of the altar. Now, what R. Na'hman has said in the name of Rabba b. Abahu, that he who has taken a coal from the altar, and extinguished it, is culpable, will be neither according to Abayi nor to Rabba? What comparison is there? In that case he took it for a religious purpose, to light the lamp, or so, and it was extinguished, but in this case he removed a coal and extinguished it wantonly.

CHAPTER V.

REGULATIONS CONCERNING THE REMAINING SERVICES OF THE HIGH-PRIEST ON THIS DAY IN THE TIMES OF THE FIRST AND SECOND TEMPLES.

MISHNA: They brought to him a [golden] spoon and censer: he took two handfuls [of incense] and filled the spoon with it. If he had a large hand, it was much; otherwise, it was a little: he used the hand as the measure. He took the censer in his right hand, and the spoon in his left hand.

GEMARA: In a Boraitha we have learned: They brought him an empty spoon from the chamber of the utensils, and a censer full of incense from the chamber of Beth Abtinah.

"*He took two handfuls.*" What was the spoon needed for on the Day of Atonement? It is written [Lev. xvi. 12] merely, "both his hands full of incense, and bring it within the rail"? He could not dispense with a spoon. If he had carried in the censer first, and thereafter the incense, he would carry in twice, and it is written "bring in" only once? If he should take the incense in both his hands, and put the censer upon them, and carry them in at once, what should he do then? Take off the censer with his teeth, and put it down? If it would be unbecoming to do so in presence of a human king, how much more in presence of the King of Kings, the Holy One, blessed be He? Therefore it is impossible, and he is to do as the princes [Num. vii. 14], "One spoon . . . full of incense."

"*He took the censer in his right hand,*" etc. Shall the citizen be seated on the ground, and the stranger on the heaven of heavens? ("The spoon of incense in his *left* hand," etc.) The spoon is small, and more easily carried in the left hand, while the large censer is borne in the right hand. And if they should be equally heavy, as occurred to R. Ishmael b. Qim'hith, who is said to have taken two handfuls of four Kabs of incense, even he had to take the censer in his right hand, as the censer was hot (and he had to be more careful).

It was said of R. Ishmael, the son of Qim'hith: It once hap-

pened on the Day of Atonement he spoke in a public place with an Arab, whose saliva was sprinkled on the high-priest's clothes. He became unclean (as the Arab might be so). Then his brother Jeshohab entered and took his place, so his mother saw two high-priests of her sons the same day. Another day it happened that he spoke with a Gentile nobleman, and the same happened. Then Joseph his brother took his place. And the rabbis taught: Seven sons had Qim'hith, their mother, and all officiated as high-priests. When the sages asked her: How hast thou deserved it? She replied: The ceiling of my house never looked on my hair. The sages answered: Many did so, and it did not profit them.

The rabbis taught: It is written [Lev. vi. 8]: "He shall lift up from it his handful." We might think, his hand might be overfilled; it is therefore written, "his hand *full*," not more. We might think, he may take some with the tips of his fingers. Therefore it is written, "hand *full*." He should bend his three middle fingers on his palm, and remove with the extreme finger and thumb the incense found outside of the three. This was one of the difficult services in the Temple.

R. Johanan said: R. Joshua b. Uza'ah propounded a question, What is the matter with the incense between the middle fingers? Is it considered as belonging to the handful, or the overflow? He himself, said R. Johanan, decided later that it is doubtful. What, then, shall he do therewith? Says R. Hanina: First he should offer the handful, and then this; for if he offered this first, perhaps it is superfluous: and elsewhere we have learned that if the remains of a meal-offering have been lost before the handful was offered, the handful must not be brought.

R. Papa propounded a question: These handfuls, were they exactly measured according to the hand, or too full? Said R. Abbi to R. Ashi: Come and hear the following Boraitha: The handfuls were not exactly according to the measure of the hand, nor overfull, but middling.

R. Papa propounded another question: When the incense happened to be spilled by him, how is the law? Shall it be said, his hand is like the neck of an animal, and the incense is invalid (if the blood has been received from the throat, it is valid, but not if spilled on the ground), or shall we say his hand is like other utensils of the Temple, and if it had been spilled, it may yet be offered? This question is not decided.

The schoolmen asked R. Shesheth: If he had taken the blood

with his left hand, and placed it on the altar, is it valid, or invalid? He answered: We have learned it in our Mishna, that he took the spoon in his left hand (and yet it was offered). An objection was raised: We have learned in a Boraitha: "A layman, a mourner on the first day, a drunkard, and one who has a blemish, if one of these has received the blood, or carried it to the altar, or sprinkled it, he makes it invalid. The same is the case if he did it sitting, or with his left hand." This objection remains.

R. Papa propounded a question: If his companion took two handfuls, and emptied them into the priest's hands, how is the law? Shall we say, he has two handfuls, and it is valid, or shall we say, since it is written, "he shall take, and bring," it is invalid? This question is not decided. R. Joshua b. Levi propounded a question: When he had filled his hands with incense, and suddenly died, how then? Can another take it out from his hands and bring it in, or is other incense required? R. Hanina said: Come and see what kind of questions our predecessors have asked. Was R. Joshua b. Levi older than R. Hanina? Did not R. Joshua b. Levi say that R. Hanina had given me the permission to drink a beverage of *cress* on Sabbath? (See Sabbath, Mishna, p. 226.) He means, R. Hanina asked a profound question like to those asked by the ancestors. How is the law? Come and hear: "That was the measure." From this we must infer, that as the measure was outside, so it must be inside (that priest has a different hand, hence other incense is to be taken).

Perhaps the Mishna means to say that he may use his hand as a measure, or that he may not add to it or take away from what he has grasped? Come and hear: How did he do it (empty the frankincense from the spoon into his hands, both of which were occupied)? He took the handle of the *spoon* with his fingertips—others say, in his teeth—and moved his thumbs up the handle (being thus able not to spill the frankincense) till the handle fell, near his armpits, and the *head* of the spoon was above his palms. He then overturned the spoon, thus emptying the frankincense thence into his hands, and heaped the frankincense on the censer, that the smoke might be retarded; some say, he spread it out that it should smoke more rapidly.

This was one of the most difficult services of the difficult services that were in the Temple. Hence we see, he took of the frankincense once two handfuls, and then once more.

The schoolmen propounded a question: If he died while

slaughtering, might the blood be sprinkled? Shall we say, that since it is written "with a bullock," it is meant, the blood of the bullock alone, or the whole bull (so that the substitute cannot use him)? R. Hanina says, the entire bullock; Resh Lakish says, the blood alone. Said R. Papa: The hide and the flesh and the dung, all agree, are only parts of the bull; about the blood they differ. One says, the blood is not the bull; the other thinks the blood only is the bull. Says R. Ashi: It seems to me, the one who says that the blood is considered as one with the bull is in the right. Because it is written [Lev. xvi. 3], "With this shall Aaron come into the holy place: with a young bullock," is it meant that he should lead him by the horns? and not simply that he should bring the blood; hence the blood is considered as one with the bullock. And what can the other reply to this? His answer is: It is written, "for a sin-offering"; the word "come" refers, not to the bullock, but to the sin-offering. Let him who says that the blood is one with the bull, give the reason that a sin-offering whose owner has died cannot be used for any purpose, and is only put to death.

Said Rabbin b. R. Adda to Rabba: Thy disciples have said in the name of R. Amram that this bullock is considered a sin-offering for the congregation (who are considered its owners, because he comes to atone for himself and for his fellow-priests), and such is not put to death.

MISHNA: He walked through the Temple till he reached the place between the two vails which separated the sanctuary from the Holy of Holies—one ell wide. R. Jose says: There was but one vail, as it is said [Ex. xxxi. 33]: "And the vail shall divide unto you between the holy place and the most holy."

GEMARA: Did not R. Jose say very correctly to the rabbis? The rabbis may say: This was only the case in the tabernacle, but as in the second Temple there was no ell for the entrance at all (because a partition only an ell thick could not support itself, for the walls of the Temple were a hundred ells high) and only in the first, it was doubted whether this ell of the entrance belonged to the Holy of Holies or the sanctuary. Therefore they made two vails.

The rabbis taught: He walked between the altar and the lamps, so said R. Jehudah. R. Meir says, between the table and the altar. Others say, he walked between the table and the walls. Who are the others? That is R. Jose, who says the

door of the Temple was in the north. R. Jehudah says the door was in the south.

R. Jose says that he walked between the table and wall, which is a public entrance, because the Israelites are a people beloved by God, and need no delegate to pray for them (as it is written [1 Kings viii. 38]: "When they shall be conscious every man of the plague of his own heart, and he shall then spread forth his hands"), therefore their delegate to God needed no private entrance, but could do it in sight of the public.

R. Nathan said: The ell of the entrance was a matter of doubt to the sages, whether it was holy as the Holy of Holies or the sanctuary, and that is what R. Johanan has said: Joseph the man of Hutzal has propounded a question: It is written [1 Kings vi. 19]: "And the Debir in the house *within* did he prepare, to set therein the ark of the covenant of the Lord." They did not know what is meant: whether the place inside of the Debir was prepared for the ark, or that the Debir was itself inside.

MISHNA: The outer one was raised and looked to the southern [wall] and the inner one to the northern. He walked between them, till he reached the northern [wall]: having arrived thither, he turned his face to the south, he walked back with his left hand to the curtain, reaching the ark [which was on his right in the Holy of Holies, reaching the place where the inner curtain was]. Coming there, he placed the censer between the staves, heaped the incense on the top of the coals, so that the whole house was filled with smoke. He departed in the same manner as he had come [facing the Holy of Holies, walking backward], and said a short prayer in the outer sanctuary, but not making it a long one, so as not to alarm the Israelites [about his absence, lest he had been killed by God].

GEMARA: Of which Temple is it spoken? In the first Temple there was a partition, not a curtain, before the ark; if the second, there was no ark in it? As we have learned in the following Boraitha: Since the ark was concealed, with it were hidden the flask of manna [Ex. xvi. 33] and the flask of anointing oil, Aaron's staff, its almonds and buds, and the box the Philistines sent as a gift to the God of Israel with the golden vessels. And who concealed them? King Josiah. Why? Because it is written [Deut. xxviii. 36]: "The Lord will drive thee and thy king whom thou wilt set over thee," he concealed it; as it is written [2 Chron. xxxv. 3]: "And he said unto the Levites that

instructed all Israel, who were holy men unto the Lord: Set the holy ark in the house which Solomon the son of David the King of Israel did build; ye have not to carry it any more upon your shoulders: now serve the Lord your God, and His people Israel." And R. Eliezer said to this: From the analogy of expression—namely, that of the ark—it is said "there" [Ex. xxx.], and of the flask of manna also "there" [ibid. xvii.]; and there are also mentioned "generations" and "for preservation." R. Eliezer infers that Josiah concealed them. There was then no ark? The second Temple is meant; and not the ark, but the place where it had to stand, is meant. But it is said, "between the two staves." The place they would occupy is meant.

"*Heaped the incense on the top of the coals.*" Our Mishna will agree with him who has said in a Boraitha: Heap it, that the issue of the smoke be retarded (made slow). In one Boraitha we have learned: He heaps it inside, away from him. In another Boraitha: He heaps it outside, toward himself. How will they agree? Says Abayi: There is a difference of opinion between two Tanaim; one says one way, the other, otherwise. Abayi says again: It seems to me the Halakha is according to him who says that he must heap it inside, away from himself; because, as we have further learned in a Mishna, they teach him not to heap near his face, lest he burn himself.

The rabbis taught: It is written [Lev. xvi. 13]: "He shall put the incense upon the fire, before the Lord." "Before the Lord": he must not prepare it outside, but inside, in the Holy of Holies. This is to contradict the Sadducees, who said that he must prepare outside. Why? Because, they say, it is written [ibid. 2]: "For in the cloud will I appear upon the mercy-seat." Cloud is interpreted, the cloud of the incense. When he prepares outside, he enters with a cloud of incense. The sages said to the Sadducees: Is it not written: "He shall put the incense upon the fire *before the Lord*"? So it has to be prepared inside. They rejoined: What will you make of the "cloud"? The rabbis say: From this we deduce that he must put in the herb which straightens the smoke. How is it known that that herb has to be put in? Because it is written [ibid. 13]: "That the cloud of the incense may envelop." Without that herb, how will the mercy-seat be enveloped? If he has omitted to put in this herb or any ingredient, he is liable to capital punishment. Why give this reason, when, if he come in without the incense being entirely prepared, he enters the Holy of Holies

gratuitously, which involves capital punishment? Says R. Shesheth: The case is, he had omitted one ingredient intentionally, but entered unintentionally. R. Ashi says: Even if he did both things intentionally, but entered with two kinds of incense, one kind prepared as is lawful and the other not, for entering he is not culpable, but for having prepared incense lacking some ingredient he deserves capital punishment.

"He departed in the same manner as he had come." Whence do we deduce this? Said R. Shama b. Na'hmain in the name of R. Jonathan: It is written [2 Chron. i. 13]: "Then came Solomon from the high place that was at Gibeon to Jerusalem" (literally, *at*). How comes Gibeon to be in Jerusalem? His return from Gibeon to Jerusalem is compared to his entering Gibeon from Jerusalem. As when he entered Gibeon from Jerusalem his face was turned to the high place, so when he left it, his face was still turned to the high place. So did also the priests after service, the Levites after their song, and the Israelites after they had been standing. When they left, their countenances were turned to the Temple. So also a disciple, leaving his Master, should do. So R. Elazar, when he used to part from Johanan. When R. Johanan desired to leave first, he bent himself in his place till Johanan was out of his sight; when R. Elazar was to leave first, he walked backwards till he could see him no longer. Rabba, leaving R. Joseph (who was blind), used to walk backwards till his feet struck against the threshold, so as to cause them to bleed. When this was related to R. Joseph, he said to Rabba: May God's will be that you shall raise your head above the whole city. R. Alexandri said in the name of R. Joshua b. Levi: Who prays, should make three steps backwards, and then say, "Maketh peace," etc. Said R. Mordecai to him: If he has made three steps backwards, he must stop there a while. It is like a disciple who has taken farewell of his Master, and then returns to him on the instant, which is like a dog returning to his vomit. If he has failed in doing so, he would better not have prayed at all. In the name of Shemaia it has been said: When he says these words, he should first bow to the right, then to the left; as it is written [Deut. xxx. 2]: "From his right hand a fiery law." Rabha saw Abayi, who said "He maketh peace" first on the right, and then on his left. He said to him: Thinkest thou, thou must say this to the right side of thyself? nay, of the Holy One, blessed be He, who is opposite to thee and whose right side thus corresponds to thy left side. R. Hiya the son of R. Huna

said: I saw Abayi and Rabha making the three steps backwards with one bow.

"*And said a short prayer.*" What was the prayer? Rabba and Rabbin the sons of R. Adda both said in the name of Rabh: May it be Thy will, Lord our God, that if this year will be a hot one, Thou mayest give plenty of rain. R. A'ha the son of Rabha said in the name of R. Jehudah that the high-priest used to conclude the prayer as follows: May no ruler cease from the house of Judah, and may Thy people Israel not depend for livelihood on each other (not be paupers), and mayest Thou not heed the prayers of travellers who ask for the cessation of rain.

R. Hanina Dasa happened to be on the road. It began to rain. He said: Lord of the Universe, the whole world enjoys, but Hanina is afflicted. The rain ceased. When he reached home, he said: The whole world is in anxiety because no rain comes, only Hanina is contented (having no fields). Rain began to come again.

Says R. Joseph: What availed the prayer of the high-priest against the prayer of R. Hanina Dasa?

The rabbis taught: It happened that one high-priest made his prayer very long. When the priests became alarmed, they went to see whether he had died, and met him returning. They inquired of him why he had made his prayer so long. He said: Is this displeasing to you, when I prayed the Lord that the Temple might not be destroyed? They said to him: Do not thou repeat it, as we have learned in the Mishna, "He should not make the prayer long, lest he alarm the congregation."

MISHNA: When the ark had been taken away, there was a stone from the time of the first prophets, "Shethia" [foundation] it was called, three-finger high above the ground. Thereupon he placed [the censer]. He took the blood from the one who stirred it, went to the place whither he had gone, and stopped where he had stopped [in the Holy of Holies], and sprinkled from his position once upward and seven times downward [Lev. xvi. 14], without being intent on sprinkling it either upward or downward, but holding the palm open, either turned outward or toward himself [meaning doubtful]. Thus he was counting: one [upward], one and one [downward], one and two, one and three, one and four, one and five, one and six, one and seven. He departed, and placed it [the basin] on the golden stand in the Temple. They brought to him the he-goat, he slaughtered it, and received in a basin its blood. He went to

the former place, stopping where he had stopped, and sprinkled thereof once upward, and seven times downward, without taking care to sprinkle upward or downward, but holding his palm open, turned in or out, and counting thus: one, one and one, one and two, etc. He came out, and placed it on the second stand that was in the Temple. R. Jehudah saith: There was but one stand there. He took up the bull's blood, and put down the he-goat's blood. He sprinkled thereof at the curtain which was opposite to the ark outside, once upward, and seven times down, without taking care, etc., and thus counting, etc. He lifted the blood [-filled basin] of the he-goat, and put down that of the bull's blood; he sprinkled of it on the curtain opposite to the ark outside, once upward, seven times down, etc. He emptied the bull's blood into the he-goat's blood, and transferred (the contents of) the filled basin into the empty one.

GEMARA: The Mishna says, "When the ark was taken away," not *concealed*; it holds, therefore, that it was removed to Babylon. As we have learned in a Boraitha, R. Eliezer said: The ark was taken into exile in Babylonia. As it is written [2 Chron. xxxvi. 10]: "And with the expiration of the year did King Nebuchadnezzar send, and had him brought to Babylon, with the precious vessels of the house of the Lord" (precious; that is, the ark). R. Simeon b. Jochai infers this from another passage [Is. xxxix. 6]: "No thing shall be left": no word (for "thing," "word," and "commandment" the same Hebrew word is here used) will be left, none of the ten commandments (or the ark which contained them). R. Jehudah, however, says: The ark was concealed in its place (Temple), as it is written [1 Kings viii. 8]: "And they had made the staves so long, that the ends of the staves were seen out in the holy place in the front of the Debir, but they were not seen without; *and they have remained there until this day.*" And he who says that R. Simeon b. Jochai thinks that the ark was taken into exile, differs from Ulla, who says as follows: R. Mathia b. Heresh had asked R. Simeon b. Jochai in Rome: We see that R. Eliezer infers from two verses that the ark was taken into exile. One verse is quoted above; the other is [Lam. i. 6]: "There is gone forth from the daughter of Zion all her splendor." Thereby the ark is meant. What hast thou to say thereto? He replied: I say, the ark was concealed on the spot, and the proof is the verse quoted above. Said R. Na'hman b. Itz'hak: We have also learned it in a Mishna in Shekalim [VI., *b*]: "Once a priest was engaged there, and he

noticed that one of the paving stones on one place appeared different from the others. He went out to tell others of it; but he had not yet finished speaking, when he gave up the ghost. Thereby it was known to a certainty that the ark of the covenant was hidden there." What was he engaged in? Says R. Helbo: He was busy sporting with his axe. The disciples of R. Ishmael have taught: There were two blemished priests who picked out the wood, which was not mouldy. The axe of one fell down on the place where the ark was concealed; a fire issued, which consumed him.

"*A stone, Shethia.*" We have learned in a Boraitha: The word *Shethia* means, that the universe has been created from it, as *Shethia* means *foundation*. This is according to him who says, that from Zion the world began to be created, as we have learned in the following Boraitha: R. Eliezer said: The world was created from the very middle, as it is written [Job xxxviii. 38]: "When the dust is poured out as molten metal, and the clods are made to cleave fast together" (first the central piece was made, then the other parts adhered to it). R. Joshua says: The world was created beginning with the extremities, as it is written [ibid. xxxvii. 6]: "For to the snow he saith, Be thou earth. Likewise to the pouring rain, and to the pouring rains of his strength." Four times the word "rain" is repeated here (in Hebrew, but "rain" means in Talmudic dialect "matter"). There were then four pieces of matter, and of them was composed the world. R. Itz'hak says: The Holy One, blessed be He, threw a stone into the sea, and therefrom a world was made. As it is written [ibid. xxxviii. 6]: "Upon what are her foundation-pillars placed at rest? or who threw her corner-stone"? The sages, however, said: The world was created beginning with Zion. As it is written [Ps. l. 1, 2]: "The God of Gods, the Lord Speaketh," etc. "Out of Zion, the perfection of beauty." That signifies, from Zion began to be the beauty of the whole world. In another Boraitha we have learned: R. Eliezer the Great said, It is written [Gen. ii. 4]: "These are the generations of the heavens and the earth when they were created, on the day that the Lord God made earth and heaven." The luminous stars, etc., were created from the heavens, and all earthly-things from the earth. But the sages say: Everything was created from Zion. As it is written [Ps. l. 1]: "A Psalm of Assaph. The God of gods," etc. "The perfection of beauty," *i.e.*, the beauty of the whole world.

"*Holding the palm open.*" What is meant by this? Said R. Jehudah: As one uses a lash first from the right to the left, and then downward.

"*He took the blood from the one who stirred it,*" etc. We have learned in a Boraitha: When he sprinkled, he did not sprinkle on the top of the mercy-seat, but opposite; and not that the blood should fall on it, but on the ground. When he sprinkled on the top of the mercy-seat, he bent the palm downward, that it should not fall on the mercy-seat, and when he sprinkled beneath it, he held his palm bent upward, that it should not fall on the mercy-seat, but on the ground. Whence do we deduce this? Because it is written [Lev. xvi. 15]: "He shall sprinkle it above the mercy-seat, and before the mercy-seat." This had not to be written, as it has already been written in the case of the bullock [ibid. 14]. It is meant to make the "before" and "above" equal; as by "before" the mercy-seat, it is meant that it should not be sprinkled at it, but opposite to it; so also by "above" is meant, not upon it, but opposite to it.

The rabbis taught: It is written: "And he shall sprinkle it above the mercy-seat." From this we know only once above (*it*, in case of the goat). How many times had he to sprinkle downward? This we have to infer from the bullock: as it is written of him seven times, so we infer in regard to the he-goat. We know that it is equal in case of the bullock and goat, downward; but we do not know how many times he is to sprinkle downward in case of the bullock? We apply to the bullock the law in reference to the goat: as in the case of the goat, so in the case of the bullock—once downward, seven times upward.

"*One, one and one,*" etc. The rabbis taught: He counted one, one and one, one and two, etc., up to seven. So said R. Meir. R. Jehudah says: One, one and one, two and one, three and one, four and one, five and one, six and one, seven and one. They do not differ. Each said according to the custom in his part of the country (in the one place they said, *e.g.*, twenty-one, in the other one and twenty). Now we see that all agree that the first time of sprinkling had to be counted along with each of the other seven? What is the reason? Said R. Elazar: He should make no mistake in the number of countings. R. Johanan says: Because it is written again [ibid. 14]: "Shall he sprinkle," superfluously, it is to teach us that the first he ought to count with all the others. What is the point of their difference?

R. Elazar says: If he has failed to do it, but made no mistake, it is valid; but according to R. Johanan, it is not.

"He departed, and placed it on the golden stand." One of the scholars read the prayer in the presence of Rabha, and read, "He departed, and placed it on the second stand"; and after this he read, "He took the he-goat's blood, and put down the bullock's blood." Said Rabha to him: The first thing thou readest according to the rabbis (who say there were two stands), and the second according to R. Jehudah (who says there was but one stand, and therefore he took down the bullock's blood when he came with the goat's blood), you thus contradict yourself. You should say: He put down the goat's blood (on the second stand), and took up the bullock's blood (from the first stand).

The rabbis taught: It is written [ibid. 16]: "So shall he do for the tabernacle," etc. Wherefore had this to be written? It comes to teach us, that as in the Holy of Holies he had to sprinkle once and seven times, both from the bullock's blood and the goat's, so he had to do in the sanctuary.

"That abideth among them in the midst of their uncleanness." This signifies, even when they were unclean, the Shekhina continued to be among them. A certain Sadducee said to R. Hanina: At the present time, when the Temple is destroyed, ye are certainly unclean, as it is written [Lam. i. 9]: "Her uncleanness on her skirts." He replied to him: Come and see. It is written: "That abideth among them in the midst of their uncleanness."

We have learned in a Boraitha: When he sprinkled on the vail, he sprinkled not upon it, but opposite to it (that the blood fell on the ground). R. Eliezer b. R. Jose, however, said: I have seen on the vail in Rome the marks of the drops of blood of the bullock and goat of the Day of Atonement.

What is the law, when the bloods of the bullock and goat got mingled? What shall he do therewith? Says Rabha: He sprinkled thereof once upward, and seven times downward, and this sufficed for both. This Halakha has been communicated to Jeremiah in Palestine: He said: Ye Babylonians are stupid. Because ye live in a dark land, ye say dark Halakhas. In this manner, he will sprinkle the he-goat's blood before the bullock's, and it is written [Lev. xvi. 20]: "When he hath made an end of atoning for the holy place." "The end"—hence everything must be in its proper turn. What, then, shall he do? Says

R. Jeremiah: Once he sprinkles it as the bullock's, and then a second time as the he-goat's blood.

How if the bloods got mixed, when he has already sprinkled the bullock's blood upward? Said Rabha: He should sprinkle it seven times downward as the bullock's, and then upward and downward as the he-goat's, blood. How if he has confounded the basins? What shall he do then? He should sprinkle three times, once for the bullock, then for the he-goat, and the third time for the he-goat (lest the he-goat's blood had preceded the bullock's when he sprinkled the first time).

"He emptied the bull's blood into the he-goat's." Our Mishna will be according to him who maintains that the bloods must be mixed, for the purpose of putting it on the corners of the altar. Because it was taught: R. Joshiah and R. Jonathan said, one of them that they had to be mingled, and the other that they ought not to be mingled, but put separately on the corners of the altar. It seems that R. Joshiah was the one who said they had to be mingled, as we have heard elsewhere, though it is not written "together" [Lev. xvi. 18]; yet since it is written "and," it is as good as though it had been written "together."

We have learned in another Boraitha: It is written: "He shall take from the blood of the bullock and the blood of the he-goat." That signifies, they should be mixed together. But whence do ye know that it means that they should be sprinkled together, not separately? Therefore it is written [Ex. xxx. 10]: "And Aaron shall make an atonement upon its horns once in a year": *once*, not repeatedly. We see that the anonymous Boraitha is according to R. Joshiah.

"He transferred (the contents of) the filled one into the empty one." Rami b. Hama propounded a question of R. Hisda: If he had placed one basin in the other, and therein received the blood, how is it? Should we say, as they are of one kind, that forms no invalidation? or that though of one kind, it is an invalidation? R. Hisda answered him: We have learned it in our Mishna: He has transferred the filled one into the empty one. Shall we not assume that it means, he placed the full basin in the empty one? Nay. It means, he poured the contents of the full basin into the empty one. But this is already mentioned in the beginning of the sentence? He transfers the mixed blood again into an empty vessel, to mix the two kinds of blood the better.

MISHNA: He then went out to the altar which is before the Lord, which is the golden altar, and began to cleanse it, downward. Whence does he begin? From the northeastern corner [horn] to the northwestern, southwestern, southeastern. Where he begins to cleanse the outer altar, at that spot he finishes cleansing the inner. R. Eliezer says he remains where he stands, and thence cleanses [the altar being one ell square]. Everywhere he sprinkled from below upward, except at the spot where he stood, whereat he sprinkled from above downward.

He sprinkled on the clean place of the altar [where the gold was to be seen] seven times, and what remained of the blood he poured at the western base of the outer altar, and what remained of the blood of the outer altar he poured at the southern base. Both kinds of blood mingled in the trench, and flowed out into the brook Kidron. And it was sold to gardeners as manure, but one offends by [using without paying for] them.

GEMARA: We have learned in a Boraitha: Why is it necessary to repeat here, "before the Lord"? Said R. Nehemiah: Because we find that when he held the bloods of the bullock and he-goat he stood inside of the altar, and sprinkled the blood on the vail, we might think that at the same time he should sprinkle on the golden altar: therefore it is written [Lev. iv. 7], "the altar of the incense of spice, before the Lord," to let us know that the altar was before the Lord, but not the priest. What, then, should he do? He had to come out to the outside of the altar, and thence sprinkle.

"*Began to cleanse it, downward.*" The rabbis taught: He began to cleanse from above downward. And whence did he begin? From the southeastern to the southwestern, northwestern, northeastern. So is the decree of R. Aqiba. R. Jose the Galilean said: From the northeastern to the northwestern, southwestern, southeastern. So that at the place where, according to R. Jose, he begins, according to R. Aqiba he finishes, and *vice versa*. Now we see that, according to all, he does not begin with the corner he meets first, but some definite corner. What is the reason? Said Samuel: Because it is written, "He went out to the altar," till he has come out from the place inside of the altar, and comes outside. (What is the point of difference between the two Tanaim?) The following: R. Aqiba thinks he has to walk round the altar, and R. Jose that he ought only to cleanse the altar at all corners, making its round with the *hand*. We have learned in a Boraitha: R. Ishmael said: Two high-

priests remained of the first Temple. One said, he had passed round the altar with his hand; and the other, he had walked round it with his feet. And both gave their reasons. The one said: As it is written, "round." The inner altar was like the outer, which was large, and had to be walked around; while the other said: It was small, and with his hand one could reach all corners, as it was only in size like one corner of the outer altar: hence it was not necessary to walk round it.

"*He sprinkled at the clean place of the altar.*" What is meant by the clean place? Said Rabba b. R. Shila: Where the altar was not covered, as it is written [Ex. xxiv. 10]: "Like the color of heaven in clearness." We have learned in a Boraitha: Hanania says, he sprinkled on the northern side, and R. Jose says, southern. On what point do they differ? The one says the door of the sanctuary was at the north, the other says, at the south; but all agree, that where he finished to put the blood on the corners, at that side he sprinkled on the top. What is the reason? Because it is written [Lev. xvi. 19]: "He shall cleanse it and hallow it." That signifies where he had hallowed it, there he shall cleanse it.

"*What remained of the blood,*" etc. This is because it is written [ibid. iv. 7]: "All the (remaining) blood of the bullock shall he pour out," and when he comes out, he meets the western base of the outer altar first.

"*Of the outer altar, he poured at the southern base.*" The rabbis taught: By the base of the altar, the southern base is meant.

And another Boraitha states that, according to R. Ishmael, it was the western. The disciples of R. Ishmael, however, taught in the name of R. Ishmael, as the disciples of R. Simeon b. Jochai, that it was the southern (that is, R. Ishmael revoked what he said).

"*One may offend,*" etc. The rabbis taught: One becomes guilty, when he uses the blood for his benefit. So is the decree of R. Meir and R. Simeon. The sages, however, said: The blood may be used. They are at variance only as to whether it is rabbinically an offence or not; but all agree that, biblically, one cannot offend (for if they thought it was biblical, they would not sell it to gardeners. *Tosphath.*) Whence do we deduce this? Says Ulla: It is written [Lev. xvii. 11]: "I have appointed it for you upon the altar to make an atonement for your souls": for *you*, it should belong to you. The disciples of R. Simeon taught: To make an atonement, but not an offence.

R. Johanan says: In the same verse it is written, "For the blood it is that maketh an atonement for the soul." It is (after the atonement) as it had been before the atonement.

MISHNA: It holds true of all the rites on the Day of Atonement, whose order is prescribed by the Bible (and stated in the above Mishnas), that if they are performed in a wrong order, one has done nothing. Had he used the blood of the he-goat previously to that of the bull, he should sprinkle once more some of that he-goat's blood after that bull's blood, and if while he had not completed the offering of the gifts in the inner part [Holy of Holies], the blood was spilled, it is incumbent upon him to fetch other blood, and once more sprinkle it inside, and the same is the case in the Temple, and also of the golden altar, because all [rites] are separate atonements. R. Elazar and R. Simeon say, however: From where he had been mistaken, he should begin anew.

GEMARA: The rabbis taught: It holds true of all ceremonies of the Day of Atonement whose order is stated in the Mishna, if one of them has been performed earlier than that which should precede it, it is as nothing. R. Jehudah, however, said: This is only true of the rites performed in the white garments in the Holy of Holies, but of the ceremonies performed in the white garments outside (*e.g.*, the lots, emptying the remaining blood, or confessions), it is true that if he has done them out of the right order, they are still valid. R. Nehemiah said: The case is simply, all ceremonies performed not in the right order in the white garments, whether in the Holy of Holies or outside, are invalid; but the rites performed in the golden garments outside must not be done again. Said R. Johanan: Both have deduced it from the same verse. It is written [Lev. xvi. 34]: "And this shall be unto you as a statute for everlasting, to make an atonement for the children of Israel for all their sins once a year." R. Jehudah holds, what is meant by "once a year"? Where the atonements are made once a year, and that is in the Holy of Holies. R. Nehemiah holds, that not the place where once a year the rites are performed is meant, but the rites done for atoning once a year, and that is inside and outside.

How can R. Jehudah say, the place is meant? It is only written "once a year." We must say, the reason of R. Jehudah is this: It is written, "and *this* shall be," and then "*once* a year." Hence two limitations, one excluding what is performed in the white garments outside of the Holy of Holies, the other

excluding what is done in the golden garments. And R. Nehemiah says: The one expression excludes what is performed in the golden clothes, and the other the remainders of the blood, which, if not emptied at all, involves no transgression.

R. Hanina said: If he has taken the handfuls of frankincense before the bullock has been slaughtered, he has done nothing. This cannot be according to R. Jehudah, for according to R. Jehudah it is only the rites performed in the Holy of Holies, but this is done outside? Nay; even according to R. Jehudah it would have been invalid. Why? Because it is a preparatory service for a service performed in the Holy of Holies (it is equal to such a service).

Ulla said: If he has slaughtered the goat before the bullock's blood had been sprinkled, he has done nothing. An objection was raised: It is said in our Mishna, if he has sprinkled the he-goat's blood before the bullock's, he should sprinkle once more. If it were as Ulla says, it should have been said: he should slaughter a second time. Ulla explained the Mishna: That is the case with the offerings in the sanctuary, but in the Holy of Holies the bullock's blood must be sprinkled first, then the he-goat must be slaughtered. And so has also R. Ephes explained.

"The same is the case in the Temple," etc. The rabbis taught: It is written [Lev. xvi. 33]: "He shall make an atonement for the sanctuary of holiness, and for the tabernacle of the congregation and for the altar shall he make an atonement; and also for the priests and for all the people of the congregation shall he make an atonement." The sanctuary of holiness—that is, the Holy of Holies; by the tabernacle the Temple is meant—the altar, literally; "shall he make an atonement"—by this is meant the court where the priests might walk; "the priests," literally, "the people of the congregation," Israel; "make an atonement" once more—that means the Levites.

All are then equal in their atonement; that is, all are atoned for by the scapegoat for all sins except uncleanness. So said R. Jehudah. R. Simeon, however, said: As the blood of the he-goat, sprinkled inside, atones for Israel only the uncleannesses of the Temple and all sacred things, so the blood of the bullock atones for the priests only the sins of uncleanness. And as the confession over the scapegoat atoned for Israel's other sins, so also the confession over the bullock atoned for the other sins of the priests.

In a Boraitha we have learned: Rabbi has said: My Master, R. Jacob, has taught me this difference of opinion of R. Elazar and R. Simeon in our Mishna is only in relation to the *logs* offered by lepers.

R. Johanan said: The trespass-offering of a leper, if slaughtered for a wrong purpose, is where the same difference of opinion of our Mishna exists. According to R. Meir, who says that if he has made a mistake, he must begin anew, he must in this case also bring another trespass-offering. But according to R. Elazar and R. Simeon, who say that he must begin where he had made the mistake, there is no mending of this mistake; for it has been slaughtered already (and if he should slaughter another, he will offer *two*, while it is written *one*). The following Boraitha is according to R. Johanan: If a leper's trespass-offering has been slaughtered for another purpose, or some of its blood was not put on the thumbs and great toes of the leper, it may be offered on the altar, and requires a drink-offering; but another trespass-offering has to be offered.

The rabbis taught: All things mentioned in our Mishna—bullocks, he-goats—that have become invalid, defile the garments of him who burns them, and they must be burned in the place where the real sacrifices are burned. [See Lev. xvi. 27, 28.] So is the decree of R. Eliezer and R. Simeon. The sages, however, say: They are not to be burned, because only those which have been used the last, because used for the atonement, must be burned there. Rabha asked R. Na'hman: (If the he-goats have become invalid, two others are required) how many shall he despatch as scapegoats? R. Na'hman answered him: Shall he send a whole flock? R. Papi says in the name of Rabha: He sends the first. R. Simi says in the name of the same: The last. It is right according to R. Simi, because the other of the couple has been used for the atonement; but what is the reason of Rabha, according to R. Papi's saying? He holds as R. Jose of the following Boraitha: If one separates his Paschal lamb and the same be lost, and after he purchases another one in its stead the first one is found, he may offer either one of them. So is the decree of the sages. R. Jose, however, says: There is a merit to offer the first one, unless the second was a better one.

CHAPTER VI.

REGULATIONS CONCERNING THE HE-GOATS OF THE DAY OF ATONEMENT AND THE SENDING TO THE DESERT, AND THE CONFESSION THEREAT.

MISHNA: It is a merit that the two he-goats for the Day of Atonement should be equal in color, stature, and price, and both (bought) at the same time; but if they are not equal, they may still be used. If one was bought to-day, and the other on the morrow, they are valid. If one of them died, then if this occurs before the lots are drawn, another is purchased to make up the pair; but if later, then a new pair should be acquired. Lots should be drawn again, and this should be said: If the Lord's he-goat has died, "The one on which the lot has fallen for the Lord may substitute him"; and if that of Azazel has died, "The one on which the lot has fallen for Azazel may substitute him." And the remaining one of the previous pair should be allowed to feed (graze) till it chance to get a blemish, when it is sold, and the money goes as a gift-offering, since an animal designed to atone for the congregation is not put to death. R. Jehudah says, it is (put to death). Also said R. Jehudah: If the blood [of the Lord's he-goat, when slaughtered] had already been spilled, the scapegoat should be put to death; if the scapegoat had died, the other one's blood should be poured out [and a new pair purchased].

GEMARA: The rabbis taught: It is written [Lev. xvi. 5]: "He shall take two goats." Why is it mentioned, *two*? If it were in the plural, we would know, not less than two. It is meant, then, the two should be equals. How, then, do we know that when they were unlike they were still valid? Because it is written twice "goats" [ibid. 9, 10]. That shows, that if they were not alike they were still valid. But if "goat" were not repeated twice, they would have been, according to you, invalid? Whence would you deduce this? At the first glance, we would say, because it is written thrice "two" [ibid. 5, 7, 8]; but if the repetition of "goat" makes it valid, wherefore is this

repeated thrice? Infer from this, it is a merit that they be, first, equal in color; secondly, in stature; thirdly, in price. We have also learned thus in a Boraitha of sheep offered by lepers: It is written "two sheep." *Sheep* would suffice? From this it is also inferred they should be like each other, as stated above. But how do we know that if they are unlike each other they are valid? Because it is written "one sheep." The same Boraitha states in relation to the burnt-offering of a leper; there it is also written "two birds." The *two* could be dispensed with; and from the word *two* it is inferred that they should be alike. If it is so, why should we not say the same of the daily offerings, about which it is also written "*two* sheep"? This *two* is needed for what is stated in the following Boraitha: It is written [Num. xxviii. 3]: "Two on every day." From this we infer that it must be before the day's arrival (daybreak). (This is explained in Tract Tamid.)

The rabbis taught: Should the two he-goats of the Day of Atonement have been slaughtered outside of the Temple, if this was done before the drawing of the lots, he is culpable for both; but if later, he is culpable only for that designed for the Lord (not that for Azazel. Why should he be culpable?) Before the lots have been drawn, what are as yet these simple he-goats fit for? Said R. Hisda: Because they are fit for the additional sacrifices of the Day of Atonement, which are sacrificed outside of the Temple. (But how is this to be understood?) Why are they not fit to be sacrificed inside? Because the lots have not been drawn. The same is the case with the additional sacrifices; since all the services preceding these have not yet been performed they are not fit for additional sacrifices either?

R. Hisda holds: The inappropriate time is not to be compared with the unfitness of the goat itself (before the lots are drawn).

"*If the Lord's he-goat dies.*" Said Rabh: The second of the first pair must be sacrificed, but the second of the second pair must be left to graze. R. Johanan says conversely. On what point do they differ? Rabh says: A living thing is not postponed. (The second goat of the first pair, being fit, should not be postponed in favor of another goat to be sought out), and R. Johanan says, that such are postponed. What is Rabh's reason? Because he deduces it from the too early time; as he was unfit only as long as he had no fellow, he is fit henceforth. What comparison is this? In that case the he-goat was not yet

fit for anything, but here he has been already postponed. Why not continue to be postponed? Therefore we must say: Rabh deduces it from a temporary blemish. After the blemish has passed away, he is fit; so here, his unfitness is considered temporary.

According to Rabh's theory (that a living thing is not postponed), why only the second of the first pair and not as well of the second pair, say, then, he can choose which he likes? Said Rabha: Rabh holds as R. Jose that it is a merit to use the first (as mentioned at the end of the preceding chapter). Rabha said: It seems to us, that our Mishna is in accordance with Rabh, and a Boraitha is in accordance with R. Johanan. In our Mishna, it is stated: If the Lord's he-goat dies, the one on which the lot has fallen for the Lord shall substitute him; from this we infer that the other one continues to be as it has been. A Boraitha is according to R. Johanan, as we have learned: It is said in the Mishna*: The second should be allowed to graze. We do not know whether the second of the first or second pair. As it is written [Lev. xvi. 10]: "Shall be placed alive." Placed *alive*, not the one whose fellow is dead. How can that be inferred? "*Shall be placed alive*," signifies that it shall be placed alive *now*. But the one whose fellow had died has been left alive already. An objection was raised from the following sentence in our Mishna: "R. Jehudah said also: If the blood of the Lord's he-goat had been spilled, the scapegoat should be put to death; if the scapegoat had died, the other one's blood should be poured out." It is right according to Rabh, who says that, according to the first Tana, living things are not postponed, and the second of the second pair is to be left to graze; and what R. Jehudah says of its being put to death refers to the second of the first pair. It is right according to Rabh, who says that according to the first Tana a living thing is not postponed, as it is said in the Mishna, "also said R. Jehudah." That is to say, he differs on two points: first, whether a sin-offering for the congregation is put to death (he says, it shall be put to death), and whether a living thing is postponed. R. Jehudah says, it is postponed, and shall be put to death, and the second of the first pair shall be put to death. But according to R. Johanan, who explains that the first Tana means to say the second of the second pair

* This is according to Rashi's explanation, although it is unusual for a Boraitha to mention a Mishna.

(shall be sacrificed), but of the first shall be put to death, because a living thing can be postponed, consequently R. Jehudah differs from the first Tana only on one point, on the congregational offering. Why does the Mishna say, "and also"? This difficulty remains. (From this we see, the Mishna is according to Rabh, not R. Johanan.)

"*If the blood has been spilled, the scapegoat should be put to death.*" It is right that if the blood has been spilled, the scapegoat should be put to death, because the duty with the blood has not been fulfilled yet; but if the scapegoat has died, why should the blood be poured out? The duty (of drawing the lots, and of slaughtering the first) has been fulfilled already. Why need the blood be poured out? Said the disciples of R. Janai: Because it is written [ibid.]: "Shall be placed alive before the Lord, to make an atonement for him." That means he (the scapegoat) shall be alive till the atonement with the blood (of the other goat) has been made (and when he has died before, the blood must be poured out).

We have learned in a Boraitha about the Mishna in Shekalim, II., a. "If the inhabitants of a town sent their Shekalim," etc., as far as, "and nothing is credited to next year's account" (pp. 7, 8). R. Jehudah, however, said, they may be credited to next year's account. What is the reason of R. Jehudah? Said Rabba: R. Jehudah holds, the duties to be paid this year may be paid the next year. Abayi objected: From the following Tosephtha: The bullock and the he-goat of the Day of Atonement, if lost, and the he-goats offered for idolatry, if lost, and substituted by others and then recovered, then all should be put to death. So says R. Jehudah. If the duties of this year can be paid the next year, they could be left for the next year? Rabh answered: You want to compare the he-goats for idolatry to congregational sacrifices. The latter are quite different. This is as R. Tebi said in the name of R. Joshiah: It is written [Num. xxviii. 14]: "This is the burnt-offering of the new moon for every month throughout the months of the year." The Torah says: Proclaim it a new month, and also bring a sacrifice from *the new products* (Rosh Hashana, p. 9). This would be right in case of the he-goat, for it comes from the congregational funds; but the bullock, which is from the high-priest's, what can be said to it? And, secondly, what R. Tebi said in the name of R. Joshiah is only a merit, but not a duty, as R. Jehudah said in the name of Samuel [ibid., ibid.], that if it was done it is acceptable?

Therefore says R. Zerah: The reason is, that the lot cannot determine during this year for the next year. Let him draw lots the next year? It is a precautionary measure, lest it be said that the lot does determine during one year for the next year. All this is right of the he-goat? But why should the bullock, for which no lots are drawn, be put to death? It is a precautionary measure, lest one should deal with the he-goat as one would with the bullock.

Shall he then be put to death for a precautionary measure against what itself is a precautionary measure? Therefore, says Rabha: It is a precautionary measure, lest there should be a mistake. What mistake can be made? That of sacrificing them (if left to graze). Then this apprehension ought to exist in all cases where animals are left to graze (till they get a blemish and are sold)? If that of shearing their wool, or using them for work, the same fear ought to exist in all cases where invalid sacrifices are left to graze? The mistake of sacrificing them is meant, but for others there is no intention to sacrifice them at any time, as they are left to graze until they get a blemish; therefore a mistake cannot come to pass. But here, as the he-goat must be kept until the Day of Atonement of the next year, and it may be sacrificed by mistake before (the owner will take care it should *not* get a blemish). And whether a precautionary measure is taken against a mistake or not, the Tanaim of the two following Boraithas differ: one states, that a paschal sacrifice that has not been sacrificed during Passover may be sacrificed during the second Passover (the succeeding month, when those unclean before, celebrate it); and when not during the second Passover, it may be reserved for the Passover of the next year. And in another Boraitha we have learned: It may not be sacrificed at all. They differ, then, about the apprehension of a mistake; the Tana of the last Boraitha fears a mistake, and that of the first does not.

MISHNA: He comes to the scapegoat, and puts both hands on him, and confesses, using the following expression: I beseech Thee, Jehovah, they have committed iniquities, transgressed, sinned before Thee, Thy people the House of Israel. I beseech Thee, for the sake of Jehovah, forgive the iniquities, transgressions, and sins that they have committed, transgressed, and sinned before Thee, Thy people the House of Israel, as it is written in the Torah of Moses Thy servant, thus: "For on that day shall he make an atonement for you, to cleanse you,

that ye may be clean from all your sins before Jehovah." And the priests and people who stood in the forecourt, hearing the expressed name [of God, *i.e.*, *Jehovah*] issuing from the mouth of the high-priest, used to kneel, prostrate themselves, and fall on their faces, and say: "Blessed be the name of His kingdom's glory for ever." They delivered him [the scapegoat] to the man who was his conductor. All were fit to perform this function. Only the high-priests fixed a usage, that Israelites should not be permitted to do it. Said R. Jose: It happened the conductor was Arsala of Tsipore, who was an Israelite [not a priest]. An elevated walk had been constructed for him [the he-goat], on account of the Babylonians [Babylonian Jews; according to the Gemara, Alexandrian Jews], who used to pull him [the he-goat] by the hair, saying: "Take [the sins] and go, take and go."

GEMARA: We see that in this confession the children of Aaron are not mentioned. According to whom is it? Said R. Jeremiah: This is not in accordance with R. Jehudah; as he said, the priests are also atoned for by the scapegoat. Abayi, however, said: This may be according to R. Jehudah. Are not the priests included in the general phrase, "Thy people Israel"?

"*They delivered him to his conductor.*" The rabbis taught: It is written [Lev. xvi. 21]: "A man appointed thereto." From the word "man," it is inferred a layman is also fit. "Appointed" means, appointed from the day before, even when the Day of Atonement falls on a Sabbath, and even if he is unclean. Wherefore does he tell us, even a Sabbath? If the he-goat has become sick, and cannot walk, he may take him on his shoulder, and carry him. Said Raphram: From this it is inferred, that the law of Erub and carrying applies to Sabbath only, but not to the Day of Atonement (else what difference between a Day of Atonement falling on a week-day and a Sabbath?)*

Why is it mentioned, even when unclean? What case of uncleanness can be here? Said R. Shesheth: Even if the conductor became unclean, he may enter the Temple and take the he-goat.

R. Eliezer was asked: When the he-goat had become sick, might he be taken on the shoulders? He replied: The he-goat was so healthy that it could bear away you and me together. They asked him again: When the conductor had become sick, may another be appointed? He replied: Let us be healthy; do not

* What Raphram said is declared in Tract Tamid to be unfounded.

ask us about a case of sickness. They asked him again: If after having been pushed down he did not die, shall he go down and kill him? He gave them as answer the verse in Judges v. 31: "Thus may perish all Thy enemies, O Lord." The sages, however, said: If he had become sick, he must be taken on the shoulders; if the conductor is sick, another should be appointed; if he had been pushed and has not died, he should go down and put him to death.

R. Eliezer was asked whether a certain man would enjoy the world to come. He replied: You inquire of me concerning *that* man (he named a different man).^{*} They asked of him again: May a shepherd rescue a sheep carried away by a lion? He replied: Do you ask me of a sheep? They asked him again: May the shepherd be rescued from the lion's mouth? He answered again: You ask me only of the shepherd. They asked him again: May a bastard be heir of his father? He asked them: May he espouse his dead and childless brother's wife? They asked him: If he possesses a house, must a memorial of the Temple's destruction be left, when his house is whitewashed (an ell is left bare)? He answered: I think you ask me whether his sepulchre is to be whitewashed? He answered thus, not because he wanted to repel them, but he never decided what he had not heard from his Master.

A wise woman asked R. Eliezer: What was done with the golden calf being equally forbidden, why were the penalties different, some being slaughtered with the sword, some dying by water, or by a plague? He answered: The wisdom of a woman relates only to the spindle, as it is written [Ex. xxxv. 25]: "All the wise women spun with their hands." It was taught: Rabb and Levi said—the one, that he who slaughtered to the golden calf and offered incense was slain by the sword; he who embraced and kissed it, died by the plague; and he who rejoiced in his heart thereat, died from dropsy. And the other says: They who did it in spite of warning by witnesses, were slain; they who were not warned but only witnessed, by the pest; and those whom witnesses had not seen, died by dropsy.

R. Jehudah said: The tribe of Levi was not idolatrous (in relation to the golden calf), as it is written [ibid. xxxii. 26]: "Whoever is on the Lord's side let him come unto me. And

^{*} Rashi and Tospath say, the question was about Solomon, and he answered, "Do they mean Absalom?" But it does not seem probable to them.

there assembled themselves unto him all the sons of Levi." Rabhina was sitting and repeating this saying. The children of R. Papa b. Abba objected to him: It is written [Deut. xxxiii. 9]: "Who said of his father and his mother, I have not seen him." * By this is meant, those who slew for worshipping the calf, inflicted penalty on their relatives. Whence we see some of the Levites were guilty. Rabhina replied: By *father* is meant the maternal grandfather, who was of Israel, by brother a half-brother of the mother, and by children, the daughter's children, whose father was an Israelite.

"*An elevated walk had been constructed,*" etc. We have learned in a Boraitha: R. Jehudah says: They were not Babylonian, but Alexandrian (Jews). Said R. Jose to him: May thy mind be appeased, as thou hast appeased mine (for he was a Babylonian himself).

"*Take and go.*" We have learned in a Boraitha: They used to say: Wherefore are they detaining the goat, the sins being so great?

MISHNA: Some of the prominent men of Jerusalem used to accompany him [the goat] as far as the first booth [of the ten, supplied with provisions for the conductor]. There were ten booths between Jerusalem and Tsuk [the rock of its destination], a distance of 90 Ris [$7\frac{1}{2}$ Ris are equal to one mile]. At each booth they said to him [to the conductor]: "Here is food, and here is water." And they [persons of the booth] accompanied him from booth to booth, excepting the last of them, for the rock was not reached by them; but they stood at some distance looking on what he [the conductor] did [to the scapegoat]. What did he do? He divided the tongue of crimson wool: the half of it he tied to the rock, and the second half between his [the scapegoat's] horns; he pushed him down backward. He went rolling and falling down; he did not reach halfway of the mountain before he became separated limb from limb. He [the conductor] returned to sit down under the last booth, till dark. And since when became his clothes unclean? After he had issued from the walls of Jerusalem. R. Simeon says: After he had pushed it down from the rock.

GEMARA: The rabbis taught: There were ten booths, and twelve *miles*: so says R. Meir. R. Jebudah says: There were nine booths, and ten miles. R. Jose says: Five booths, and

* We follow Leeser's translation in all our biblical quotations, which see.

ten miles. All were combined by an Erub. Said R. Jose: Elazar my son told me, if there were an Erub, two booths at ten miles would have been sufficient. Who is the Tana according to whom is what we have learned in our Mishna, that the last stood at a distance and looked? This is according to R. Meir, who says there were ten booths, and twelve miles.

"At each booth they said to him," etc. We have learned in a Boraitha: They never made use of it, but they were cheered by the consciousness that they could have it?

"The half of it he tied to the rock," etc. Why not the whole of it? Because he had not yet fulfilled the duty of pushing down the goat, and as soon as he had tied it to the rock, it might have become white: he would have rejoiced so much at the thought of the sins having been pardoned, that he might not have attended to the pushing him down. Why did he not tie it wholly to the horns? Because it might happen that the goat bent his head, so as to make him unable to perceive whether it had become white or not.

The rabbis taught: Formerly the tongue of crimson wool used to be tied to the door of the porch, outside (that all should see). When it became white, all were rejoiced; when not, all became out of spirits and ashamed. Therefore it has been reformed that it should be tied to the door of the porch inside. However, they used to take a look at it even then. It was then reformed that half should be tied to the rock, another half to the horns.

"Before he attained half way of the mountain," etc. The rabbis taught: It is written [Lev. xviii. 4]: "My ordinances shall ye do." This signifies, such things as, even were they not written, it would be wrong to do, as idolatry, adultery, bloodshed, robbery, and blasphemy. "And my statutes shall ye keep" [ibid.]. There are things that Satan laughs at, as abstaining from pork, from wearing mixed stuffs [Deut. xxii. 11], the taking off of the shoe of the husband's brother, purification of a leper, and the despatching of the he-goat. Lest it be said, they are nonsense, it is therefore written [Lev. xviii. 4]: "I am the Lord your God." I have commanded it; you have no right to question.

"Since when became his clothes unclean," etc. The rabbis taught: The conductor defiles his clothes, but not the person that sends him (the conductor). Shall we assume that as soon as

he comes out from the walls of the Temple court he becomes unclean? Therefore it is written [Lev. xvi. 26]: "He that takes away the goat to Azazel shall wash his clothes." What is meant by taking away? He who pushes him head downward, and he defiles his clothes.

MISHNA: He [the high-priest] went to the bull and to the he-goat destined to be burned. He ripped them, and tore out the parts to be burned upon the altar. He placed them on a charger (Magis), and kindled (for kindling) them upon the altar. He intermingled the limbs of the two animals, and they were removed to the place for burning. Since when are the clothes [of the porters] made unclean? When they came out behind the wall of the forecourt. R. Simeon says: When the fire is consuming most parts [of the animals].

GEMARA: *He intermingled.* Said R. Johanan, a sort of mingling. What is meant? We have learned in a Boraitha: He did not cut them as all burnt-offerings, in which the hide is flayed; but the bullock and he-goat, he cut the hide and flesh together. Whence do we deduce this? Because it is further written [Lev. iv. 11]: "His inwards, and his dung." How is it to be inferred from this? Said R. Papa: As the dung was in the inwards, so the flesh in the hide.

"*Since when are the clothes made unclean?*" The rabbis taught: It is written [ibid. xvi. 28]: "He that burneth them shall wash his clothes." He that burns, but not he who kindles, or he who lays the wood for the fire. Who is considered as the one that burns? He who assists at the burning, his clothes become unclean. Shall we say, that when it has been burned to ashes they still defile the clothes? Therefore it is written "them": he who burns *them*, but not the ashes. R. Eliezer b. R. Simeon says: When the flesh is still called flesh, it defiles; but when it has been dissolved, it no longer defiles. What is the difference between them? According to R. Eliezer, singed flesh ceases to be flesh, and does not defile; but according to the first Tana it is, and does.

MISHNA: The high-priest was told: "The goat has reached the desert." How was the fact known? Watches were stationed on high towers [meaning doubtful], who lifted up flags [to give signals]. Said R. Jehudah: They could have excellent evidence [by calculating the time]. From Jerusalem to Beth Hadudo was three miles. The prominent men had walked one mile, went back one mile, and had tarried as long as a mile is

gone over. Thus they could calculate that the he-goat had reached the desert.

R. Ishmael says: Why, they had another sign. A tongue of crimson wool used to be tied to the gate of the Temple, and as the he-goat had reached the desert, the wool used to become [by miracle] white; as it is said: "Though your sins be scarlet, they shall be as white as snow; though they be red as crimson, they shall become like wool" [Isaiah i. 18].

GEMARA: Said Abayi: From this we see that the Beth Hadudo was in the desert.

CHAPTER VII.

REGULATIONS CONCERNING THE PASSAGES READ BY THE HIGH-PRIEST AND WHAT GARMENTS HE MINISTERED IN AFTER, AND WHAT GARMENTS OTHER PRIESTS WORE.

MISHNA: The high-priest came to read. If he desired to read dressed in linen [white, byssus] garments, he did so; otherwise, he was reading in a white stole of his own. The Hazzan [servant, attendant] of the congregation takes the scrolls of the Torah, and presents them to the president of the congregation, the president presents them to the Segan, and the latter gives them to the high-priest. The high-priest rises, receives them, and reads standing. He reads the section, "After the death," etc. [*i. e.*, Lev. xvi.], and the section, "Also on the tenth," etc. [*i. e.*, Lev. xxiii. 26-32]. Then he rolls the scrolls together, and keeps them on his knees, and says: "More than what I have read to you, is written here." The section, "On the tenth," etc. [in the book of Numbers, xxix. 17], he reads by heart, and pronounces over it eight benedictions; namely, over the Torah, over the service, over the thanksgiving, the atonement of iniquity, the Temple by itself, and Israel by itself (and Jerusalem by itself, *in some versions*), the priests by themselves, and the rest of the prayer. He who sees the high-priest reading, does not witness the burning of the bull and the he-goat; he who witnesses the burning of the bull and the he-goat, does not see the high-priest reading: not because he is not allowed, but because there was a great distance, and both were done at the same time.

GEMARA: (Let us see:) If he might read in a white stole of his own, then we must assume that this is not a service for which the sacred garments are required; but at the same time, we see that he could read in the white garments. Hence we see they could be used even at other times than that of service. Infer from this, that the priestly garments he could use for his own benefit. Perhaps reading is different: though not itself a service, it is a preparation for service. Then the schoolmen pro-

pounded a question: May the priestly garments be used for personal purposes or not? Come and hear: The priest's garments, in the country, may not be used; but in the Temple, whether during service or not, they may be used, because it is allowed to derive a benefit from the priestly garments. Infer from this, that he may. You say, in the country it may not be used? Have we not learned in the following Boraitha: On the twenty-fifth of Tebeth is called the day of Mount Gerizzim, and no mourning is allowed on it. Why? Because on that day the Samaritans petitioned Alexander of Macedon to have our Temple destroyed, and he permitted them. When Simeon the Upright (the high-priest) was notified of it, he put on the priestly garments, and accompanied by the respectable men of Jerusalem, they all went with torches the whole night till dawn, both parties approaching each other. When it dawned, Alexander of Macedon perceived from a distance the Jews. He asked, Who are these men? And the Samaritans told him: They are the Jews, who have rebelled against thee. As they reached the town Antipatris, the sun had risen, and they faced each other. As Alexander saw R. Simeon the Upright, he descended from his chariot, and bowed to him. They said to him: Will such a great king as you bow to that Jew? He replied: His image I saw shining before me, whenever I gained a victory. He asked the Jews: Wherefore are you come? They said: The Temple wherein we pray for thee, and for thy empire, that it should not be destroyed, is it possible that thou shouldst be misled by the idolaters to bid its destruction? He asked: Who are those idolaters? They replied: These Samaritans who stand near thee. He said to them: I deliver them into your hands. Treat them as you please. They were soon fastened to the tails of their horses, and thus dragged as far as Mount Gerizzim, which was ploughed, and sowed, as they had intended to do with our Temple. This day was made a festival. (We see that Simeon the Upright went out even into the country in his priestly clothes.) If you wish, I will say, not the priestly clothes were meant, but clothes similar; and if you wish, I will say, this was in a case of urgency, and it is written [Ps. cxix. 126]: "It is time to act for the Lord: they have broken Thy law."

"*The Hazzan takes the scrolls,*" etc. Infer from this that honor is given to the disciple even in presence of the Master. Said Abayi: All this was only to honor the high-priest (that he might get it through many subordinate great officers).

"*The high-priest rises.*" It seems then implied that hitherto he was sitting. Have we not learned in a Mishna (in Sotah) that nobody might sit in the Temple, except kings who are descendants of David? Said R. Hisda: He was then in the women's court, and there all could sit. It is written: [Nehem. viii. 6]: "And Ezra blessed the Lord, the great God." Why is the epithet "great" employed here? Said R. Joseph in the name of Rabh: He then magnified him by calling him expressly "Jehovah." R. Gidel said: By saying as it is written [1 Chron. xvi. 36]: "Blessed be the Lord the God of Israel from everlasting even unto everlasting." Said Abayi to R. Dimi: Why not as R. Jose said in Rabh's name? R. Dimi answered: Because "Jehovah" must not be pronounced outside of the Temple.

Is that so? Is it not written [Nehem. viii. 4]: "Ezra the expounder stood upon an elevated stand of wood," and R. Gidel has said, he then pronounced the name "Jehovah"? This was only because on that occasion Ezra allowed himself to use it, as he deemed it necessary. It is written [ibid. ix. 4]: "They cried with a loud voice unto the Lord" What did they say? They cried: "Woe! Woe! The tempter to idolatry has destroyed the Temple, has killed all the just men, and exiled Israel from their land, and we see him yet among us. Why hast thou created the tempter? To reward us more for overcoming him. We wish neither him nor the greater rewards." Then fell down a billet from Heaven, whereon was written: "Emeth" (Truth). [Says R. Hanina: Infer from this that the seal of the Holy One, blessed be He, is "Truth."] They fasted three days and three nights. Then he (the evil spirit) was delivered into their hands. So they saw how a lion-cub of fire went out from the Holy of Holies. Then the prophet said to them: "Here is the evil spirit of idolatry." As it is written [Zechariah v. 8]: "This is the wickedness." They caught him. When a hair was torn out from his mane, he issued a cry which was heard at the distance of four hundred *parsas*. They said: If he cries so loud, what can we do to him? Lest he be pitied in Heaven, what shall we do that his voice be not heard? They were then advised to throw him into a leaden pot, as lead muffles the voice. They put him into a leaden pot, and covered it with a leaden lid, as it is written [ibid.]: "And he said, this is the wickedness. And he cast it into the midst of the ephah, and he cast the weighty lead cover upon the mouth thereof." (And since then idolatry ceased

among Israel.) They said: Since it is a time of favor (from Heaven), they would pray that the tempter to fornication be delivered to them too. They prayed, and he was delivered to them. It was said to them: "Take heed. If ye kill this spirit, the world will perish." They kept him imprisoned three days. They sought in all Palestine an egg laid on that day. They could not find. They said among themselves: What shall we do? If we will kill him, the world will perish. Shall we pray for the half (that desire should exist only in legal cases)? We have a tradition that a half is not given from Heaven; so they put out his eyes, and left him. The good result was, that since then he does not excite desire toward relatives.

In Palestine they learned it thus: R. Gidel says: "Great," because he pronounced the express name of God. R. Mathna says: What is written "the great," means that he said [Nehem. ix. 32]: "Our God the great, the mighty, and the terrible." But what R. Mathna had said, will be according to R. Joshua b. Levi, who said: Why was it called the Great Assembly? Because they restored the old crown. What is it? Moses had said [Deut. x. 17]: "The God, the great, the mighty, and the terrible." Then rose Jeremiah and said: The idolaters are destroying His Temple. Where is His terribleness? So he said only "the great, the mighty," omitting "terrible." Then came Daniel, and said: The idolaters keep as slaves His children. Where is His might? So he omitted "mighty." Then came the men of the Great Assembly, and said: On the contrary, this is His might, that He is patient toward the wicked. And this is His terribleness, that if men had not felt His terror, how could such a small people (as Israel) keep itself among so many peoples of idolaters? Therefore they introduced again the phrase, "the God, the great, the terrible, the mighty." And the rabbis (Jeremiah and Daniel), how did they dare to modify what Moses had established? Says R. Elazar: Because they knew the Holy One, blessed be He, loves truth. So they did not wish to lie to Him, to tell Him what they did not think.

"*More than what I have read to you,*" etc. To what purpose did he say so? That the scrolls he used should not be said maliciously to contain only that which he read (and be invalid).

"*He reads by heart.*" Why? Let him have found the place in the scrolls? In honor of a congregation, it is not made to wait till the scrolls should have been unrolled for that purpose. Let him have used other scrolls? This they did not, because if they

brought other scrolls, it might be said, the first scrolls were invalid. So says R. Huna b. Jehudah. But Resh Lakish says: In that case, a second benediction would have had to be pronounced (over the new scrolls). Do we fear lest it be said that the scrolls are invalid? Did not R. Itz'hak of Naph'ha say: That when the first day of the month Tebeth falls on Sabbath, three scrolls have to be taken out: one for the section of that week, one for Hannkah, the third for the first day of the month? When three persons read in these scrolls, it is not feared; but when one man reads in two, it may be said he does not read in the first because the first is invalid.

"Pronounces over it eight benedictions." The rabbis taught: Over the scrolls as in the synagogue, over the service, over the thanksgiving, the atonement of iniquity as it has been ordered in the prayer of the Day of Atonement, over the Temple by itself, over the priests by themselves, over Israel by itself, and over the rest of the prayer. The rabbis taught: What is meant by the rest of the prayer? Songs, prayers: "We supplicate before (to) Thee for Thy people Israel, who need help," and concluding, "Blessed be he who heareth prayer." After this, every one brought a scroll of the Torah from home and read it for himself. Why did they bring them? To show to the whole world that they had scrolls (and loved religion).

"He who sees the high-priest reading," etc. Is this not self-evident? We might think, lest one assume one may not pass from place to place in search of religious duties, he comes to teach us that it is not so. And what merit is there? Because it is written [Prov. xiv. 28]: "In the multitude of people is the king's glory."

MISHNA: If he read in linen garments, he washed his hands and feet, stripped himself, and went down to bathe, came out and dried himself with a sponge. Garments of cloth of gold were brought to him, he put them on, washed his hands and his feet, he went out and performed the rites on his ram, and the ram of the people, and the seven unblemished sheep, of one year—according to R. Eliezer. R. Aqiba says: They were offered with the daily sacrifice of the morning; and the bull for the burnt-offering and the he-goat used outside, were offered with the daily sacrifice of the evening. He washed his hands and feet, undressed, went down to bathe, came up and dried himself. White clothes were brought to him, he put them on, washed his hands and feet, he went in to fetch the spoon and the censer.

He washed his hands and his feet again, stripped himself, went down, bathed, came out and dried himself. Garments of cloth of gold were brought to him, he put them on, washed his hands and feet, and went in to offer the incense of the evening, and to trim the lamps. He then washed his hands and feet, stripped himself, put on his own clothes—which had been brought to him—and was accompanied to his own house. He then used to keep the day as a holiday with his friends, when he had come away from the Holy of Holies unhurt.

GEMARA: The disciples of Samuel taught: R. Eliezer said: He went out, and performed the rites on his ram, and the ram of the people, and the members of the sin-offering. But the bullock of the burnt-offering, and the seven sheep, and the he-goat that was used outside, were offered together with the daily evening offering. In a Tosephtha it was taught: R. Aqiba said: The bullock of the burnt-offering and the seven sheep were offered with the daily morning offering, as it is written [Num. xxviii. 23]: "Besides the burnt-offering of the morning, which is for a continual burnt-offering." And then he made the offerings of this day, and then the he-goat used outside, as it is written [Num. xxviii. 11]: "One he-goat for a sin-offering, besides the sin-offering of the atonement"; and then he offered his ram, and the people's ram, the members of the sin-offering, and then the daily evening offering.

We see that all agree, that there was but one ram for the people; and this would be according to Rabbi of the following Boraitha: Rabbi said, the one ram mentioned here [Lev. xvi. 5] is the same as is mentioned in Num. xxix. 8. And R. Elazar b. R. Simeon says: Two were needed: one mentioned in Leviticus, the other in Numbers. What is the reason of Rabbi's saying? Because it is written "one." What will R. Elazar b. R. Simeon say to this? That signifies, the only one (best) in his flock. Rabbi, however, says: There is no need to state it, as it has already been mentioned [Deut. xii. 11]: "Your choice vows." According to R. Elazar b. R. Simeon, both statements are needed, because there it is only spoken of voluntary offerings.

"*He washed his hands and feet.*" The rabbis taught: It is written [xvi. 23]: "And Aaron shall then go into the tabernacle of the congregation." Wherefore? To take out the spoon and the censer. Why? Because the whole section follows the order of his rites, except this verse. What is the reason of say-

ing that this verse applies to the taking out of the spoon and censer? Said R. Hisda: It is known to us traditionally, that five bathings and ten times of washing the high-priest performed that day. If thou wilt say, that this verse is not in a wrong place—namely, that no service done outside in the garments of cloth of gold would intervene between the day service (done in white) and the carrying out of the spoon and censer—then you would not find five and ten, but three and six. R. Zera opposed: Perhaps it was intervened by the he-goat used outside. Said Abayi: Because it is written [ibid. 24]: “And come then forth and offer his burnt-offering,” we infer that after the first coming forth he offered the burnt-offering (that goat). Then we must say that the spoon and censer he had not yet carried out, else it would be his second coming forth.

When the conductor of the scapegoat returned, if he met the high-priest still in the street, he said to him: “My lord the high-priest, we have done thy commission”; but if he came to his house (on the morrow), he used to say to him: “We have done the commission of Him who giveth life to all living.” Rabba said: In Pumbaditha, when the rabbis took leave, they said: “He who giveth life to all the living should give thee long good, and orderly life.”

It is written [Ps. cxvi. 9]: “I will walk before the Lord in the lands of the living.” (What is meant by the lands of the living?) Said R. Jehudah: The market-places (where food is purchased). Rashi explains this, as to a “long life.” This is mentioned, and as for the markets, David persecuted by Saul prayed to be able to go to the markets to buy food.

It is written [Prov. iii. 2]: “For length of days, and years of life, and peace, will they increase unto thee.” What means “years of life”? Are there any years not of life? Said R. Elazar: Those are the years of man when his circumstances change from evil to good. Said R. Brachia: It is written further [ibid. viii. 4]: “Unto you, O men,* I call.” By this scholars are meant, who are weak like women, and perform feats as men. R. Brachia said again: He who wishes to bring a drink-offering on the altar should let scholars drink wine (which will be just as good). The same says again: When a man sees that learning has forsaken his sons, he should marry a scholar's daughter. As it is written [Job xiv. 8, 9]: “If even its root become old in the earth, and

* Men is in Hebrew here **אִישִׁים** (not **אֲנָשִׁים**), as if the plural of **אִשָּׁה**—woman.

its stock die in the dust : yet through the scent of water will it flourish again, and produce boughs as though it were newly planted."

"*He then used to keep the day as a holiday.*" The rabbis taught : It happened to one high-priest going out from the Temple, and the whole world accompanying him, that they perceived Shemaia and Abtalian : the people then left the high-priest alone, and accompanied Shemaia and Abtalian. Later, Shemaia and Abtalian came to take leave of him. He answered them : May the children of the Gentiles (they were proselytes' descendants) go in peace. They replied to him : The children of the Gentiles may go in peace, because they do what Aaron the high-priest did ; but the children of Aaron may not have peace, who do not what Aaron did (love not peace).

MISHNA : The high-priest ministers in eight articles of dress ; a common priest in four : in a robe and breeches, a mitre and a girdle. To the high-priest's are added : a breastplate and an ephod, and a coat and a *tsits* [plate on the forehead, Ex. xxviii. 36]. The Urim and Tumim were inquired of only when he was thus attired ; but inquiries were not made for a common man : only for the king, the chief of the Beth Din, and for a person of whom the public had need.

GEMARA : The rabbis taught : The stuff, which should be made according to the prescription of the Bible, of linen, should be six times *twisted*. Where twisted linen is prescribed, it should be eightfold twisted. The material of the robe of the high-priest was twelve times twisted ; that of the vail, twenty-four ; and that of the breastplate and ephod, twenty-eight. How do we know that an ordinary thread is six times twisted ? Because it is written [Ex. xxxix. 27, 28] : " And they made the coats of linen . . . the mitre of linen, and the goodly bonnets of linen, and linen breeches of twisted linen thread." Five times " linen " is mentioned : once, to know that it is linen ; the second time, that it be twisted six times ; once, that it should be twisted ; and once, that even the articles of dress of which it is not said " linen " should be of linen ; the fifth time, to prohibit (those not of linen).*

How do we know that " Shesh " means " linen " ? Because it is written " bad " (in some places, as equivalent to " Shesh ") which signifies " only," and flax grows single from the reed in

* *Shesh* (linen) means also *six*.

the middle, not in branches. Perhaps wool found between the tree and bark is meant? That can be separated into threads, but flax can not. But flax can also be separated? Flax can be separated when it is beaten, but that material can be so spontaneously. Rabhina says: Because it is written [Ezek. xlv. 18]: "flaxen bonnets," and "flaxen breeches." Said R. Ashi to him: If thou adduce the proof from Ezekiel, how did they know it before Ezekiel? They had a tradition. Ezekiel wrote a verse. How do we know that "twisted linen" is eight times twisted? Because it is written [Ex. xxxix. 24]: "They made upon the lower hem of the robe pomegranates of blue, and purple, and scarlet yarn, twisted." Hence we deduce from an analogy of expression in another place (of the vail), by "twisted" twenty-four times is meant, so here, the thread of each kind being eight times twisted. How do we know that that of the robe should be of threads twelve times twisted? Because it is written [ibid. xxviii. 31]: "And thou shalt make the robe of the ephod altogether of blue woollen yarn." Here it is also inferred from an analogy of expression, as "blue" is mentioned speaking of the value also, as there every thread was six times twisted (since four kinds were twenty-four), so here, since it is written "altogether," it should be two times six. How do we know that the vail was of a material of threads twenty-four times twisted? Because it was of four kinds, and that each should not be less than six times twisted, it is unnecessary to deliberate upon. How do we know that that of the breastplate and ephod was of threads twenty-eight times twisted? Because it is written [Ex. xxviii. 15]: "And thou shalt make the breastplate of judgment of weavers' work; after the work of the ephod thou shalt make it: of gold, of blue, of purple, and scarlet yarn, and twisted linen, shalt thou make it." Four kinds, each sixfold, is twenty-four; and the gold four times, this makes twenty-eight. How is it known that the gold is four times? Perhaps also six times? Said R. Ashi: Because it is written [ibid. xxxix. 3]: "To work it in the blue and in the purple." Therefore it must be at least thinner than those threads.

Re'haba said in the name of R. Jehudah; He who tears the priestly garments, receives stripes, as it is written [ibid. xxviii. 32]: "That it be not rent."

R. Eliezer said: He who takes off the breastplate from the ephod, or the staves from the ark, receives stripes, as it is written [ibid. xxviii. 28]: "That it be not loosed," and [ibid. xxv.

15]: "They shall not be removed therefrom." We have learned also in a Boraitha: It is written [ibid.]: "In the rings of the ark shall the staves be." We might think they must be always there, and may not be moved. Therefore it is written [ibid. 14]: "Thou shalt place the staves into the rings." From the expression, "place the staves into the rings," we might think that as they are placed there, they may be removed thence also. Therefore it is written, "In the rings of the ark shall the staves be." How is it then? They may be drawn out, but not wholly taken out (as their heads were too thick). R. Huma b. R. Hanina said: It is written [ibid. xxvi. 15]: "The boards for the tabernacle of Shittim wood, standing up." What means standing up? They shall be standing up as they grow. Re'haba said in the name of R. Jehudah: Bezaleel made three arks: the middle one was wooden, nine spans high; the one inside was of gold, and eight spans high; that outside was also of gold, and ten spans and odd high—nine, like the middle one, and a span and a trifle over, to screen it. We have learned in another Boraitha that it was eleven and a trifle? It presents no difficulty. This is according to one who says, the gold on the top was a span thick; and he who says it was ten, says it was not a span thick. Why was the fraction needed? That it should seem like a small crown on the top of the ark under the mercy-seat.

R. Johanan said: There were three crowns: one of the altar, one of the ark, and one of the table. Of the altar, called "the Crown of Priesthood," Aaron was privileged to receive; of the table, that of royalty, David received; that of the ark, called "the Crown of Learning," is yet to be bestowed. Shouldst thou say it is not valuable? therefore it is written [Prov. viii. 15]; "Through me do kings reign."

It is written [Ex. xxv. 11]: "Within and without shalt thou overlay it" (the ark). Says Rabba: It can be inferred from this, That a scholar whose inside is not like his outside is no scholar. Abayi, according to others Rabba b. Ulla, says: Not only is he no scholar, he is even called "corrupt," as it is written [Job xv. 16]: "How much more abominable and corrupt the man who drinketh like water wrong-doing." R. Samuel b. Na'hmain in the name of R. Jonathan said: It is written [Prov. xvii. 16]: "Wherefore is the purchase-money in the hand of a fool to acquire wisdom, seeing he hath no heart." Woe to the scholars who study the Law, and have no fear of Heaven! Said Rabba to his disciples: I pray you, that ye may not inherit

two hells (he who studies and is yet wicked, has a hell on earth, and yet will have hell after his death). R. Joshua b. Levi said: It is written [Deut. iv. 44]: "This is the law which Moses set." If he has merited, it becomes to him a medicine of life; if not, it becomes to him a poison. And this is the same which Rabba has said above (about the two hells). R. Samuel b. Na'hmain in the name of R. Jonathan finds a contradiction of the following two passages: It is written [Ps. xix. 9]: "The precepts of the Lord are upright, rejoicing the heart," and [ibid. xviii. 31]: "The word of the Lord is tried." There is, then, a contradiction. Here it is said, it rejoices, and there, it is trying? If he has merited, it rejoices him; otherwise, it is a trial to him. Said Resh Lakish: This we may infer from the same passages: "He is a shield to all those that trust in him." If he merits, it tries him, to enable him the better to live; if he does not merit, his trials kill him. It is written further [ibid. xix. 10]: "The fear of the Lord is pure, enduring forever." Said R. Hanina: That signifies, a man who studies the Law when he is pure. What is meant by pure? When he has first married a wife, and then studies. It is written [ibid. 8]: "The testimony of the Lord is sure." Said R. Hiya b. Abba: The Torah is itself a trusted witness against the students (about the manner in which they had studied it).

"*The Urim and Tumim were inquired of,*" etc. When R. Dimi came from Palestine, he said: The clothes which the high-priest wore, the priest anointed for war could also wear. Whence is it deduced? Because it is written [Ex. xxix. 29]: "And the holy garments belonging to Aaron shall be for his sons after him." What is meant by "after him"? Next to him in office, and that was the one anointed for war.

R. Adda b. A'hba, according to others K'di objected: We have learned in a Boraitha: Shall we assume that the son of the priest anointed for war shall succeed to the office of his father, as the high-priest's son does? Therefore it is written [Ex. xxix. 30]: Seven days shall that one of his sons put them on who is to be priest in his place, who is to go into the tabernacle of the congregation. That means, he who is fit to enter the tabernacle of the congregation on the Day of Atonement, which is the high-priest. (If it be according to R. Dimi, that the eight garments of the high-priest may be used by the priest anointed for war during the whole year, and that hence he is also fit to enter the tabernacle of the congregation, why should

the Boraitha say it is only the high-priest?) Said R. Na'hman b. Itz'hak: This is meant. "Who is to go into the tabernacle of the congregation" means, him who has been anointed for this, whereas that one has been anointed for war.

An objection was raised: We have learned: The priest anointed for war may neither put on the four garments, like a common priest, nor the eight, like the high-priest. Said Abayi to R. Na'hman: Do you want to make of him a layman? The Boraitha means this: Like a high-priest he is not attired, to prevent rivalry; and not like a common priest, because of the rule: In holiness one increases, but does not decrease. As while anointed for war he had eight garments on, he cannot be degraded to the level of a common priest. R. Abahu was sitting, and said the Halakha of R. Dimi in the name of R. Johanan: R. Ami and R. Ashi turned away their faces from him (to indicate that R. Johanan had not said it). When Rabbin came from Palestine, he said; It has not been said that the priest anointed for war may put on the garments, but only when he goes to consult the Urim and Tumim. We have also learned the same in the following Boraitha: The garments in which the high-priest performs the service may be used by the priest anointed for war when he consults the Urim and Tumim.

The rabbis taught: How was the ceremony of inquiring of the Urim and Tumim? The inquirer turned his face toward the priest (who inquires), but the priest's face is turned toward the Shekhina. The inquirer asks, as *e.g.* in 1 Samuel xxx. 8: "Shall I pursue after this troop?" And the priest answers him: "So has said the Lord. Go, and thou wilt succeed." R. Jehudah, however, said: He need not say: "So has said God." He has only to say: "Go, and thou wilt succeed."

One must not ask in a loud voice, as it is written [Num. xxvii. 21]: "And he shall ask of *him*"; no one else need hear. He should not have the question merely in his mind either, because it is written: "He shall ask of him before the Lord." (How shall he speak?) He shall ask as Hanna prayed [1 Sam. i. 13].

Two inquiries should not be made at once; and if he has made two inquiries, only one is answered, and the first. As it is written [ibid. xxiii. 11, 12]: "Will the men of Ke'ilah surrender me into his hand? Will Saul come down?" etc. And the Lord said: "He will come down." But you have said, Only the first question is answered? David asked them in a wrong

order, and he was answered in the right order. Then, when David perceived this, he asked the second question: "Will the men of Ke'ilah surrender me and my men?" And he was answered: "They will surrender." When, however, two questions must be asked at once, else it cannot be clearly understood, then the two questions are both answered. As it is written [ibid. xxx. 8]: "Shall I pursue after this troop? shall I overtake them?" And the reply is: "Pursue, for thou wilt surely overtake them, and certainly recover." And although the decision of a prophet can be revoked, the decision of the Urim and Tumim cannot be changed, as it is written [Num. xxvii. 21]: "The judgment of the Urim."

Why were they called Urim and Tumim? *Urim*, because they illuminate their words; *Tumim*, because they give a *complete* answer. It will be asked, Why were the Israelites beaten by the Benjamites of Gib'ah, though bidden to go to the battle by the Urim and Tumim? Because those people did not think to ask whether they would be victorious or defeated. They were answered, "Go," and they were beaten; but later, when they understood how to inquire, they received a right reply, as it is written [Judges xx. 28]: "And Phinehas the son of El'azar, the son of Aaron, stood before it in those days, saying: Shall I yet continue to go out to battle with the children of Benjamin my brother, or shall I forbear? And the Lord said: Go up, for to-morrow will I deliver him into thy hand."

How did the priest receive the reply? R. Johanan says: The letters constituting the reply became more prominent. Resh Lakish says: Nay, the letters composing the words came near each other. In the Urim and Tumim were only the names of the tribes, hence there was not the letter Tsadhe. Said R. Samuel b. R. Itz'hak: The names of "Abraham," "Itz'hak," and "Jacob" were also written there. But there was not the letter Teth? There were likewise the words "Shibtei Jeshurun" ("The Tribes of Israel": hence there was a *t*). An objection was raised: We have learned that a priest on whom the Shekhina does not rest, and is not inspired by the Holy Spirit, need not be inquired through. (How, then, is it said, the letters projected, or arranged themselves together?) Why? We see that when Zadok inquired he was answered, and Ebiathar received no reply, as it is written [2 Sam. xv. 24]: "And Ebiathar went up, until all the people had finished passing out of the city." "Went up." He resigned. The Holy Spirit enabled him to

perceive the letters that projected, which he could not do otherwise.

"Inquiries are not made except for a king." Whence do we deduce this? Said R. Abahu: As it is written [Num. xxvii. 21]: "Before Elazar the priest shall he stand, and he shall ask of him after the judgment of the Urim before the Lord . . . he and all the children of Israel with him." "He" means the king, and all Israel "with him" means, the priest anointed for war; and all the congregation means, the Sanhedrin.

CHAPTER VIII.

REGULATIONS CONCERNING THE FASTING ON THE DAY OF ATONEMENT, WHAT MAY BE DONE THEREON, AND WHAT MAY NOT BE DONE.

MISHNA : On the Day of Atonement it is forbidden to eat and to drink, to wash, to anoint, to lace on shoes, and to hold sexual intercourse. A king and a bride may wash their faces; and a lying-in woman may lace on shoes. Such is the decree of R. Eleazar. But the sages forbid it. Whosoever eats food to the size of a large date—that is, the date with the kernel—or drinks a mouthful, is guilty. All kinds of food are reckoned together to the size of the date, and all liquids to the mouthful; but food and beverages are not reckoned together.

GEMARA : In the Torah it is written, *Karoṭh* is the penalty; and you say, merely, it is forbidden? [Lev. xxiii. 29]. Said R. Ila, according to others R. Jeremiah: What is said in the Mishna, “forbidden,” applies to half of the prescribed quantity. This would be right according to him who says that half of the prescribed quantity is biblically forbidden, but of him who says that it is biblically allowed, what can you say? Then it was taught: A half of the prescribed quantity, R. Johanan says, is prohibited biblically; and Resh Lakish says: It is allowed biblically. Then the Mishna would be according to R. Johanan. But of Resh Lakish what can be said? Resh Lakish avows, that rabbinically it is prohibited. When it is said in the Mishna “forbidden,” it is meant, forbidden rabbinically.

When *Karoṭh* is the penalty, is not the term “prohibited” employed? We have learned in the following Boraitha: Although the sages have said that it is prohibited in all regards, *Karoṭh* is due only for eating, drinking, and work. We see, then, that even when *Karoṭh* is the penalty, the term “prohibited” is employed? The Boraitha meant to say as follows: When the Mishna says “prohibited,” it is meant for the half of the prescribed quantity; but if he has eaten the prescribed quantity, *Karoṭh* is due for eating and drinking, and work; but

not for the other actions. If you wish, I can say, when it is stated in the Mishna "prohibited," the *other* actions only are meant (hence *Karoth* is not due). Rabba and R. Joseph taught from the books of the Pentateuch other than Leviticus, as follows: Whence do we deduce that on the Day of Atonement one must not wash, anoint, lace on the shoes, and have sexual intercourse? Because it is written [Lev. xvi. 31]: "A Sabbath of rest, and ye shall afflict yourselves." What is meant by rest? Desisting from washing, anointing, etc. The text above states: Half of the prescribed quantity is biblically forbidden, according to R. Johanan? Why? Because if he will eat twice the other half, he will have eaten the whole. Resh Lakish says: The Merciful One has said "eat," and this is not called "eating."

The rabbis taught: It is written [ibid. 29]: "Ye shall afflict yourselves." Shall we assume that he should go and sit in the sunshine or in the cold, to cause himself suffering? Therefore it is written: "No work shall ye do." As about the work the prohibition is negative, so the affliction is meant to be only negative; *i.e.*, abstinence. But perhaps it is meant thereby, if he sits in sunshine or in shade, and feels too hot or too cold, they should not say to him: "Remove from this place," that he might suffer? The affliction is compared to the work: as in case of the work it matters not in which place it is, so in case of the affliction.

The disciples of R. Ishmael have taught: It is written here, "affliction," and it is written further, "affliction" [Deut. viii. 3]: ("He afflicted thee and suffered thee to hunger"). As there by affliction hunger is meant, so here. If he deduces it from an analogy of expression, let him deduce it from the expression [Gen. xxxi. 50]: "If thou shouldst afflict my daughters." It is deduced from an affliction suffered spontaneously (as hunger), but not from affliction inflicted by men.

It is written [Deut. viii. 16]: "Who hath fed thee in the wilderness with manna, which thy fathers knew not, in order to afflict thee." What was the affliction? R. Ami and R. Assi said—the one, that not to have bread ready in one's basket is an affliction, whereas the manna had to be hoped for every day; and the other says, not to see what one eats (the manna) is an affliction. (The manna had all flavors at will, but not the *appearance* of all foods whose flavors it had.) Said R. Joseph: Infer from this, that the blind are never satiated. Says Abayi: He who has to eat, therefore, should eat only by day, and not

by night. Said R. Zera : How can it be inferred from Scripture? From Ecc. vi. 9: "Better is what one seeth with the eyes than the wandering of desire." It is written [Prov. xxiii. 31]: "When he glances into the cup, it goes down smoothly." R. Ami and R. Assi said—the one, that then (when he is drunk) all blood-relations are forgotten by him; and the other says, that the whole world seems to him alike (he does not distinguish between his own and others' property). It is written [Prov. xii. 26]: "If there is care in the heart of a man, he shall suppress it." Said R. Ami and R. Assi—the one, he should suppress it, by driving it out of his thoughts; and the other, by relating about it to another person.

It is written [Is. lxv. 25]: "The serpent dust shall be his food." R. Ami and R. Assi said—the one, that whatever he eats, he tastes the flavor of earth; and the other, that whatsoever he should eat, he is not filled, unless he eats earth after it.

We have learned in a Boraitha: R. Jose said: Come and see. The visage of the Holy One, blessed be He, is not like that of a human being. When a human being incenses another, the latter tries to embitter his life; the Lord, when He cursed the serpent to eat earth, the serpent finds his food wheresoever he goes. He cursed Canaan, that it should be subjected: so it eats what its master eats, and drinks what its master drinks. He has cursed woman, and all run after her. He has cursed the earth, and the world is nourished by it.

It is written [Num. xi. 3]: "We remember the fish which we ate in Egypt." Said Rabh and Samuel—one, that simply fish is meant; and the other, licentiousness (since forbidden by the commandments). He who says "fish," says it is plainly mentioned "ate"; and the other, who says licentiousness is meant, proves it from Proverbs xxx. 20: "She eateth, and wipeth her mouth."

We have learned in a Boraitha: R. Jose said: As the prophet told the Israelites all that passed in their dwellings, and the very nooks, so the manna betrayed all their secrets. How so? For instance, two came to Moses, and one said: "He has stolen my slave," and the other said: "You sold him to me." Moses said: "In the morning we will decide it." On the morrow, if the Omer of manna for the slave was found for the one, it was a sign that the slave had been stolen; but if for the other, it was evident that he had bought him. If one came and impeached his wife of adultery, and she charged him with that crime, then

the Omer decided. If her Omer was found for her husband, it was evident that she had sinned; if for her father, it was plain that he had sinned.

Three verses are written [Num. xv. 9]: "When the dew fell upon the camp in the night the manna fell upon it"; and [Ex. xvi. 4]: "The people shall go out, and gather"; and [Num. xi. 8]: "The people went about, and gathered it." How shall the three verses be reconciled? This is meant: For the upright, the manna came down at the door of their tents; for the general, they went out and found it; the wicked had to seek it, till they found it.

In Exodus it is written, "bread from heaven"; and [Num. xi. 4], "made cakes of it"; and [ibid.] "ground it." How shall these be reconciled? For the righteous, there was bread ready; as for the general, they made cakes of the flour; and the wicked had to grind it. It is written [Num. xi. 8]: "Its taste was as the taste of cakes mixed with oil." Said R. Abahu: As the milk of its mother has various flavors for the infant, so the manna, so long as the Israelites ate it, had for them all flavors.

It is written [Ex. xvi. 8]: "Flesh to eat, and bread in the morning to the full." It was taught in the name of R. Joshua b. Kar'ha: Because meat they asked for in an unbecoming manner, they did not receive it as was fitting, but bread which they had asked for properly, they had given to them properly. From this verse we can learn that the usage of the world ought to be that meat is to be eaten only by night. But Abayi has said above: He who has to eat a meal, should eat it only by day? He meant, when there is yet light. Said R. A'ha b. Jacob: At first the Israelites were like chickens, which eat out of the rubbish, till Moses came and fixed for them the times for the meals.

It is written "bread," "oil," "honey." What does this signify? For the young it was bread, for the old it was oil, and for the children it was honey.

The rabbis taught: It is written [Ps. lxviii. 25]: "The bread of Abirim did man eat." Said R. Aqiba: That means, the bread that angels eat. It was told to R. Ishmael. He said to them: Go and tell to Aqiba: Thou hast been in error. Do angels eat bread? It is written [Deut. ix. 9]: "Bread did I not eat, and water did I not drink." What, then, means "Abirim"? It is like "Ebrim" (members); it is absorbed by all the two hundred and forty-eight members, and no refuse is left. But it

is written [Deut. xxiii. 14]: "And a spade shalt thou have." Wherefore did they need it? That is because they purchased from the Gentiles other foods also. R. Eliezer b. Parta, however, said: Even what they bought from the Gentiles, the manna dissolved. The above verse applies to the time after they had sinned.

"*Forbidden to eat.*" To what do these five modes of affliction correspond? Said R. Hishda: To the five kinds of affliction found in the Torah: namely [Num. xxix.], "and on the tenth"; [Lev. xxiii.] "but on the tenth"; [ibid.] "a Sabbath of rest"; and [ibid. xvi.] "and a Sabbath of rest"; and [ibid.] "may it be to you." Here are only five, but in the Mishna we have learned six? Drinking is included in eating, as it is written [Deut. xiv. 23]: "And thou shalt eat . . . thy corn, of thy wine, and of thy oil," etc.

The disciples of R. Simeon b. Johai questioned him: Wherefore did not the manna descend for the Israelites once a year? He answered: I will explain it to you by a parable. There was a king who ordered that the rations of his son shall be issued but once a year; the son, then, came to see his father but once a year, [at which the king became angry, and] ordered again that the rations should be issued daily, so that the son was compelled to see his father every day. So it was with the Israelites. Whoever had four or five children, worried, and said: Perhaps no manna will descend to-morrow, and all will starve. Consequently they prayed to Heaven every day. According to others, the reason is: So they should have it fresh every day; and still others say: So they should not have to carry it on the road.

It happened long ago that R. Tarphon and R. Ishmael and the elders (of the college) were discussing the subject of manna, and R. Eliezer the Modeite, who was among them, arose and said: The manna in the desert was sixty ells high. Said R. Tarphon to him: Modeite, how much longer wilt thou gather nonsensical words, and lay them before us? He rejoined: Rabbi, I take my theory from the following passages [Gen. vii. 20]: "Fifteen cubits above them did the water prevail, and the mountains were (thus) covered." (Now let us see how it was.) Was it fifteen ells above the valleys and fifteen ells above the mountains? Did, then, the water stand like pillars? And, besides, how could the ark ascend the mountains? We must, therefore, say that when all the fountains were broken up,

etc. [ibid. 11], the water covered the earth, until it reached the top of the mountains, and over that the water was fifteen ells high. As we have a tradition, that the kindness of Heaven is much more than its affliction, and as at the affliction it is said [ibid., ibid. 11]: "And the windows of heaven were opened," and at the kindness it is written [Ps. lxxviii. 23]: "Then he ordained the skies from above, and the doors of heaven he opened"; and as we know from another tradition, that a heavenly door is equal in size to four of its windows, consequently there are eight windows in two doors (doors and windows, both plural, not less than two), and as at the affliction from two windows came water fifteen ells above the earth—therefore the manna which came from eight windows cannot be less than sixty ells high.

We have learned in a Boraitha: Issi b. Jehudah says: The manna has increased itself in height till all the kings of east and west saw it, as it is written [ibid. xxiii. 5]: "Thou preparest before me a table in the presence of my assailants."

How is it known that abstaining from washing and anointing is an affliction? Because it is written [Dan. x. 3]: "Costly food did I not eat, and flesh and wine came not in my mouth, nor did I anoint myself." What is meant by "costly food" I have not eaten? Says R. Jehudah the son of R. Samuel b. Shilath: Even bread of pure wheat he did not eat. How do we know it is thought an affliction? Because it is written further [ibid. 12]: "From the first day that thou didst set thy heart to . . . afflict thyself," etc. We have found that abstaining from anointing is an affliction, but how do we know that abstaining from washing is one? Said R. Zutra b. Tubiah: It is written [Ps. cix. 18]: "And it cometh like water within him, and like oil into his bones." But perhaps drinking is meant? It is like oil; as the oil here spoken of is used externally, so the water. If you wish, I will say, that we can infer abstaining from washing, as Itz'hak has said, from this verse [Prov. xxv. 25]: "As cold water is to a fainting soul." Here drinking is perhaps meant? That would be, if it were written "in a faint soul"; but here it is written (in Hebrew), "*on* a fainting soul." How do we know that the privation of shoes is an affliction? Said R. Na'hman b. Itz'hak: From the following passage [Jer. ii. 25]: "Prevent thy foot from being unshod, and thy throat from being thirsty," which means: Prevent thyself from sin, that thy foot be not unshod, and prevent thy

tongue from speaking vain words, that thy throat be not thirsty. How is it known that abstinence from sexual intercourse is called an affliction? Because it is written [Gen. xxxi. 50]: "If thou shouldst afflict my daughters." This means, deprive them of sexual intercourse.

The rabbis taught: It is not prohibited to wash an inconsiderable part of one's body, as the whole body. If one is soiled by clay, or any such thing, he may wash himself without apprehension. One may not anoint a part of the body any more than the whole body. But if one is sick, or has an itch, he may anoint without apprehension. The disciples of Manasseh taught: A woman may wash her hand in water, and present bread to the children, without apprehension. It was said of Shamai the Elder: He was averse to give bread to his children, even with one hand, that he should not wash it; so they decreed that he should feed them with both his hands.

The rabbis taught: When a man goes to receive his father, master, or any superior, he may walk up to his neck in water, without apprehension. The schoolmen propounded a question: How if the Master goes to receive the disciple? Come and hear; R. Itz'hak bar bar Hana said: I have seen Z'eri go in water to R. Hiya b. R. Ashi, his disciple. R. Ashi, however, said: On the contrary, R. Hiya b. Ashi went to meet Z'eri, his Master. Rabha permitted the inhabitants across the river to go through the water to watch their fruit. Abayi said to Rabha: I have a Boraitha in support of what you say. Those who keep fruit, may walk through the water, up to their necks, without fear. R. Joseph permitted the inhabitants of Be Tarbu to walk through water to come to listen to the lecture, and return through the same element. Ahayi said to him: It is right that they should come to the lecture, but why return? He said: If they were not to be allowed to return, they would not come at all. R. Jehudah and R. Samuel b. R. Jehudah stood on the bank of the River Euphrates at the passage to 'Hatzdad. Rami b. Papa stood on the other side. He cried to them: How is the law? may I cross over to you? I have to ask of you a Halakha. R. Jehudah answered: Rabha and Samuel both say one way, but one may not draw away one's hands from the skirts of one's robe (not tuck it up on his back, like a burden). R. Pinchas said in the name of R. Huna of Tziporith: The spring that issued from the Holy of Holies was at first like the antennæ of a grasshopper; by the door of the sanctuary it was like a thread of

the warp ; at the porch it was thick as a thread of the woof ; at the door of the forecourt it was as broad as the mouth of a small pitcher. [This is what we have learned in a Mishna (Midoth, ii. 4): "R. Eliezer b. Jacob said: Water will issue in the times to come from under the sill of the Temple."] Thenceforth, it waxed in strength, and when it reached the door of David's house, it was like a streaming river, and these people bathed, as it is written [Zech. xiii. 1]: "On that day shall there be a fountain opened to the house of David . . . for cleansing from sins and for purification." Z'irah b. 'Hama was the entertainer of R. Ami, R. Assi, R. Joshua b. Levi and all rabbis of Cæsarea. R. Joseph the son of R. Joshua b. Levi said to him: Young scholar, come, I will tell thee of the good deeds thy father used to do. He had a kerchief which he used to soak in water on the eve of the Day of Atonement, and then used it on the morrow to wipe his face, hands, and feet. On the eve of the Ninth of Ab, he soaked it in water likewise, and on the morrow cleaned his eyes with it. When Rabba b. Mora came from Palestine, he related that on the eve of the Ninth of Ab, he himself was used to soak a kerchief in water, and take it out, putting it under his pillow ; on the morrow he used it for wiping his face, hands, and feet. On the eve of the Day of Atonement he did the same thing, wrung it, and on the morrow wiped his eyes with it. Said R. Jacob to R. Jeremiah b. Ta'hlipa: Thou hast related it in the reverse order that on the Day of Atonement the whole face, etc., was wiped. We have objected: On that day it is prohibited to wring it out.

R. Mnashia b. Ta'hlipa said in the name of R. Amram, quoting Rabha bar bar Hana, R. Eleazar was asked, an Elder, who sat in the college, has he to receive permission from the Nassi to declare the firstlings which have got blemishes fit for slaughtering for personal use, or not? * [What was the point of the question the schoolmen have propounded? (Why is the question only about the firstlings? If he has license to decide Halakhas, those about firstlings are included?) The point of the question was this: R. Idda b. Abbin said elsewhere: The matter of firstlings was left to the Nassi, to honor them. But in

* The law of firstlings, after the destruction of the Temple, is as follows: The firstling must be given to a priest, who has to keep it until it gets a blemish. And as he was suspected of making a blemish intentionally, it could not be slaughtered unless examined by the rabbi of the city. The latter, however, has no right to decide such a question unless he gets permission from the Nassi.

this case, when he is an elderly man, and one of the first in the college, must he also receive permission, or not?]

Then R. Zadok b. 'Haluqah arose, and said: I have seen R. Jose b. Zimra, who was an old man and prominent in the college, and he was even a degree higher than the grandfather of our Nassi, and nevertheless he received permission to decide about the firstlings. Said R. Abha to him: The case was not so: R. Jose b. Zimra was himself a priest, and the question that was propounded was this: Shall we assume that the Halakha prevails according to R. Meir, who says, "Who is suspect in a matter, must not decide upon it, nor bear testimony about it," or according to Rabhan Simeon b. Gamaliel, who says, "He is believed in reference to his colleague, but not in reference to himself"? And it was decided then that the Halakha prevails according to R. Simeon b. Gamaliel.

The same propounded another question to R. Elazar: Whether one might put on a shoe made of cork on the Day of Atonement, and R. Itz'hak b. Na'hmain rose, and said: I have seen myself R. Joshua b. Levi wearing such shoes on the Day of Atonement, and I (Rabha bar bar Hana) asked him: How is it, to put on these shoes on a congregational fast for rain? He answered: There is no difference.

The rabbis taught: Children may do all these things, except putting on shoes. Why? Because it will be said: The adults have laced them on their feet. But the same is the case with the other actions? The other are necessary and usual, but a child is usually barefooted; and if it has shoes, the adults put them on its feet. As Abayi said: My mother told me that warm water and oil, for a child, is good for its growth, and also eggs and Kutah (see Pesachim, p. 68, foot-note), and also objects to break, as Rabha used to buy cracked clay vessels, and gave them to his infants, that they might break them.

"A king and a bride may wash their faces." Our Mishna is in accordance with R. Hanania b. Thradian of the following Boraitha: A king and a bride may not wash their faces. R. Hanania b. Thradian says in the name of R. Elizer: They may. A lying-in woman may not put on shoes. R. Hanania b. Thradian says she may. Why may a king? Because it is written [Is. xxxiii. 17]: "The king in his beauty shall thy eyes behold." And why a bride? Because she will otherwise displease her husband. Rabh asked R. Hiya: How long is she called a "bride"? He replied: This is as we have learned in

the following Boraitha: A bride may not be forbidden to put on even her ornaments, when she is a mourner, the first thirty days after her marriage. And why may a lying-in woman put on shoes? Because otherwise she will catch cold. Said R. Samuel: Where there is a danger of snakes, or scorpions, all may put on shoes.

"*Whosoever eats food to the size of a large date,*" etc. Said R. Jehudah: The size of a large date exceeds that of an egg, and it was certain to the rabbis that with such a quantity of food one might appease his hunger, but not with less. An objection was raised: We have learned in a Boraitha: What is the prescribed quantity of the food of a man who may join the three men necessary to say the blessing after a meal? The size of an olive. So is the decree of R. Meir. R. Jehudah says: The size of an egg. Because it is written [Deut. viii. 12]: "Thou hast eaten, and art satisfied"; and by food less than the size of an egg we cannot appease hunger. We see, then, that R. Jehudah says: One can be satisfied by food the size of an egg. Why does he say, above, of a large date? Therefore we must say, R. Jehudah must have said a large date is somewhat smaller than an egg. With food the size of an egg, one may be *satisfied*; but in this case one can still appease *hunger* with food to the size of a large date.

We have learned in a Boraitha: Rabbi said: All prescribed quantities are only of the size of an olive, except in case of defilement of eatables, about which Scripture has deviated from its rule. Therefore the sages have also altered this prescribed quantity, and a proof of this is the Day of Atonement. How has Scripture deviated in regard to them? It has said [Lev. xxiii. 29]: "Every soul that will not afflict itself." The sages have altered in this case the prescribed quantity by making it as a large date. Why could he say, the Day of Atonement is a proof? (We see, as will be written further, that Scripture has deviated in case of defilement also. Why, then, could he say, the Day of Atonement is proof?) The deviation in regard to defilement we might have thought to be the usual language of Scripture. But here, when it is said "shall not afflict itself," it is a deviation, because it might have been said: "The soul that had eaten." (What is it? It was taught :) What is the reason that an eatable subject to defilement must be of the size of an egg? Because it is written [ibid. xi. 34]: "Of all eatables which may be eaten." What is that? What is an eatable which

comes from an eatable? An egg of a hen (which can be eaten itself, as well as the hen).

"Or drinks a mouthful." Said R. Jehudah in the name of Samuel: Not a whole mouthful is meant, but so much as would make the cheek bulge out. But we have learned, a *mouthful*? Nay, it is meant, *as* a mouthful. The disciples of Zera opposed: Why do they say, about food "the size of a date" (equal for all), and about beverages, "a mouthful" (differing in every person)? Abayi answered: It was certain to the rabbis that food of the size of a date appeases hunger, but only that one's own mouthful of water will quench thirst, not necessarily another's mouthful.

"All kinds of food are reckoned together to the size of the date." Says R. Papa: When one has eaten meat and salt, both are reckoned. And although salt is no food, yet as salt is used with meat, it is also reckoned. Resh Lakish said: The sauce which is upon herbs is reckoned with them. Is this not self-evident? One may say, the sauce is a beverage, and not counted; hence he came to teach, that since it is only made to flavor the herbs, it is reckoned part of the dish. Resh Lakish said again: When one commits an excess in eating on the Day of Atonement, he is not culpable. What is the reason? Because it is written, "They should afflict themselves," and this afflicts him. Said R. Jeremiah in the name of Resh Lakish: A layman who has eaten to excess of the heave-offering must only pay the costs, but not one-fifth more; because it is written [ibid. xxii. 14]: "If a man eat." But eating to excess, to one's hurt, is not called eating.

"Food and beverage are not reckoned together." Who is the Tana who says so? Said R. Hisda, and also Resh Lakish: In this differ the Tanaim, in Tract M'ilah, and our Mishna is according to R. Joshua. R. Johanan says: It may be even according to the rabbis, but there they differ from R. Joshua on the point of defilement, but not from our Mishna, where the question is about appeasing hunger or thirst, for which purposes foods and beverages are not to be reckoned together.

MISHNA: If one has eaten and drunk through forgetfulness, he must bring only one sin-offering. If he has eaten and also done work, he must bring two. If he has eaten food not fit for eating, or drunk liquids not fit for drinking, as brine or fish-lye, he is not guilty.

GEMARA: Resh Lakish said: Why is there no *positive* command to afflict one's self? It is only said: "Every soul that

will *not* afflict itself, will be cut off." It could not be otherwise: If it were written, "shall not eat," instead of "will not afflict itself," then we might think, eating food of the size of an olive was also a sin. Then, should it have been written: "Beware lest you should not afflict yourselves," we might think, beware not to afflict ourselves, but go and eat!—The disciples of R. Ishmael have taught: (It is an analogy of expression.) Here it is written, "affliction," and [Deut. xxii. 24], "because he has afflicted (done violence to; in Hebrew it is the same term) the wife of his neighbor." As the penalty is preceded by a warning previously, so here the penalty (of being cut off) must have been preceded by a warning. R. A'ha b. Jacob says: (There is another analogy of expression.) Here it is written, "A Sabbath of rest," so it is like all Sabbaths; and as in cases of Sabbath there is a warning, so there must have been a warning (positive prohibition) here. R. Papa says: The Day of Atonement itself is considered as a Sabbath, as it is written [Lev. xxiii. 32]: "Your Sabbath." [It is right if R. Papa says differently from R. A'ha b. Jacob, because he does not deduce it, but finds it expressed in the same passage. But why does R. A'ha b. Jacob not say as R. Papa? R. A'ha b. Jacob requires that verse for what we have learned in the following Boraitha: It is written [ibid., ibid.]: "Ye shall afflict your souls on the ninth day of the month." Shall we assume that we should begin to fast on the ninth? Therefore it is written, "at evening." We might think, when it became entirely dark? Hence it is written, "the ninth." How then? One shall begin to fast while it is yet day. From this we infer that something from the profane must be added to the holy. This is when the Day of Atonement arrives, but how do we know that is so when it departs? Therefore it is written, "from evening to evening." This we know about the Day of Atonement, but about other Sabbaths? Therefore it is written further, "shall ye rest" (Tishb'thu). How do we know about other holidays? Because it is written, "your Sabbaths." From this we deduce that whenever "rest" is enjoined, some portions of the profane day must be super-added to the holy days. But that Tana who infers all these things from the following verse [ibid. 28], "No manner of work shall ye do on this same day," that the penalty is due for violating the day itself, but not the additions made thereto, and this above implies that there are additions, what will he make of these verses? He needs these verses for what R. Hiya b.

Rabh of Diphthi has taught, as follows: It is written: "Ye shall fast on the ninth." Do we fast on the ninth? We fast on the tenth. This comes to teach, that he who eats and drinks on the ninth, the verse makes him equal (in merit) to him who would fast the ninth and the tenth.]

"*If he has eaten food not fit for eating.*" Rabha said: If he has chewed pepper or ginger during the Day of Atonement, he is not culpable. The rabbis taught: If he has eaten leaves of *reeds* he is guiltless; but twigs of vines, he is guilty. What is meant by twigs of vines? Said R. Itz'hak of Magdala: Those that flourish between the first day of the year and the Day of Atonement. R. Kahna says: All the thirty days. We have learned in a Boraitha, as R. Itz'hak of Magdala has said: If he has eaten leaves of *reeds* he is guiltless; of twigs of vines, he is guilty. What are twigs of vines? Such as flourish between the beginning of the year and the Day of Atonement.

"*If he has drunk . . . brine as fish-lye.*" How if he has drunk vinegar? He is guilty? We must say our Mishna is according to Rabbi in a Boraitha which says vinegar refreshes a man.

R. Gidel b. Menasseh of Biri d'Narash once lectured: The Halakha does not prevail according to Rabbi: when the Day of Atonement arrived, the whole world mixed vinegar with water, and drank. R. Gidel heard of this; he became indignant. He said: I have said, when it has been drunk already, one is not culpable, but have not recommended it. I meant a little, but did not mean much. I spoke of vinegar, but not of mixed vinegar.

MISHNA: Children are not made to fast on the Day of Atonement, but when one or two years old they are accustomed to do it, so that they become habituated to obey the religious commandments.

GEMARA: If it is stated "two years," *one* is understood? Said R. Hisda: It presents no difficulty. The one applies to a healthy child; the other, to a weakly child. R. Huna said: When the child is eight or nine years old, it may be accustomed to fast some hours. When it becomes ten or eleven years old, it may be made to fast rabbinically the whole day. A girl must fast biblically at the age of twelve. R. Na'hman, however, said: When nine or ten years old—some hours; at eleven or twelve—rabbinically the whole day; at thirteen—biblically, a boy. R. Johanan says: So long as it is rabbinical, they need not fast the entire day. Only at ten or eleven they must be habituated to

fast for hours, and at twelve they must fast the whole day biblically.

MISHNA: A pregnant woman, who longs for food which she smells, should be fed until relieved. An invalid is fed by the direction of persons possessing medical knowledge; if there be none such, he is to be fed at his own desire, till he says, "Enough."

The rabbis taught: If a pregnant woman has smelled sacred meat, or pork, something should be dipped in the sauce thereof, and presented to her mouth. If she is relieved thereby, it is good; otherwise, the sauce must be given to her. If this has not satisfied her either, the meat itself must be given to her. Because nothing is prohibited which is needed to save a life, except idolatry, adultery, and bloodshed.

It happened to a pregnant woman that she smelled food. They came to ask Rabbi. He said: Go, tell her in her ear, To-day is the Day of Atonement. They did thus, and she became composed. Rabbi said of this child the verse in Jeremiah [i. 5]: "Before yet I had formed thee in thy mother's body I knew thee." That child became R. Johanan. The same accident happened to another woman. They came to ask R. Hanina. He said the same; but it availed not. He said of him the verse [Ps. lviii. 4]: "The wicked are estranged from the womb"; and this child became Sabbathai, who used to buy fruits to sell in time of dearth (and this is forbidden in Palestine).

"*An invalid is fed,*" etc. Said R. Janai: When the invalid says, "I must eat," and the physician says he need not, the patient is obeyed. Why? Because it is written [Prov. xiv. 10]: "The heart knoweth its own bitterness." Is this not self-evident? We might think the physician has a better comprehension of the patient's needs. He chooses to teach us; it is not so. How, if the case is reversed? Then the physician is obeyed, because the patient only fancies he does not need to eat.

An objection has been made to our Mishna: If no medical persons are there, he is fed at his own desire. Hence, when there are such, he is not to be fed at his own desire? The Mishna means: When the patient says he does *not* need to eat, then he is not fed at the recommendation of medical persons; but if he says he *does* need to eat, no one is to be consulted.

MISHNA: If a man is seized with bulimy, he may be fed even with unclean food, till his eyes become clear. One who is bitten by a mad dog may not have the dog's midriff above

the liver given to him. R. Mathia b. Harash allows it. Moreover, R. Mathia b. Harash also said: "If a person has a sore throat, it is permitted to put drugs into his throat on Sabbath, because the disease may endanger his life, and whatsoever threatens to endanger life supersedes Sabbath."

If a building tumble down, and it is doubtful whether anyone is buried beneath the ruins or not; if it is doubtful whether he be dead or alive, it is permitted to remove the ruins from above him on the Sabbath. If he be found alive, the ruins are to be entirely removed; but should he be dead, he is to be left there.

GEMARA: The rabbis taught: Till his eyes become clear. How is it known when his eyes are clear? When he regains his reason to distinguish between good and evil. Said Abayi: Good and evil in taste is meant.

The rabbis taught: He who has been seized by bulimy must be fed with less strictly prohibited foods. For instance, if there is grain from which the heave-offering has not yet been separated, and carrion, he must be given the carrion (as for eating the first the penalty is death from Heaven). When there is such grain and grain of a Sabbatical year, he must be given the latter. When there is that grain, and the heave-offering itself, then there is a difference of opinion between the Tanaim of the following Boraitha: They may give him the grain from which the heave-offering has not been separated, but not the heave-offering itself. R. Thema said: The heave-offering, but not that grain. (The heave-offering is less strictly prohibited because a priest may eat thereof, but of other kind even a priest may not eat.)

The rabbis taught: He who is seized by bulimy must be fed on honey, and other sweet things, as these things make the eyes clear. And although there is no support thereto in the Bible, yet it is written in proof of it [1 Sam. xiv. 29]: "My eyes have become clear because I have tasted a little of this honey." Why is this no support? Because Jonathan had not been seized by bulimy. Said Abayi: This must be given after his repast, but if it be given to him before he has received the food, it will only increase his hunger. As it is written [ibid. xxx. 11, 12]: "And they found an Egyptian man in the field, and took him to David, and gave him bread and he did eat; and they made him drink water; and they gave him a piece of a cake of fig, and two clusters of raisins, and he ate, and then his spirit returned

to him, for he had not eaten any bread, nor drunk any water, three days and three nights."

R. Na'hman said in the name of Samuel: He who has been seized by bulimy should be given the fat of a sheep's tail in honey. R. Huna the son of R. Joshua said: Fine flour with honey is also good. R. Papa says, even barley flour with honey.

R. Johanan said: Bulimy once seized me. I ran to the eastern side of a date palm, and ate the dates. I fulfilled in my own person one verse [Eccl. vii. 12]: "Wisdom giveth life to him who possesseth it." [As R. Joseph has taught: He who desires to feel the real taste of dates, should take them from the eastern side of the palm, as it is written [Deut. xxxiii. 14]: "And through precious fruit, brought forth by the sun" (east).]

R. Jehudah and R. Jose were on the road. R. Jehudah was seized by bulimy. He overpowered a shepherd, and robbed him of his bread. Said to him R. Jose: Thou hast robbed the shepherd! When they came to the city, R. Jose was seized by bulimy. He was overladen with food and sweet things. R. Jehudah said to him: I have only robbed the shepherd, but thou—the whole city. It happened again that R. Meir, R. Jehudah, and R. Jose were on the road. R. Meir was particular about the names of his innkeepers, but the other two were not. When they arrived at an inn, they asked the host: What is thy name? He answered: "Kidor." R. Meir thought: He must be a wicked man, because it is written [Deut. xxxii. 20]: "*Ki dor tah puchoth hema*"—"for a perverse generation are they." R. Jehudah and R. Jose intrusted him with their purses for safe-keeping over Sabbath, and R. Meir did not, but hid it in Kidor's father's sepulchre. Then his father appeared in a dream to Kidor, and told him: "Go and take away the purse that is over my head." Kidor rose in the morning, and told everybody of his dream. They said to him: A dream dreamed on the eve of Sabbath has no significance. Nevertheless, R. Meir kept watch over his money the whole day, and by night removed it. On the morrow R. Jehudah and R. Jose required of Kidor their purses. He said to them: You have never given them to me! R. Meir then said to them: Why were you not particular about names? They said to him: Why has the Master not told us about it? He replied: I say, such men ought only to be suspect, but I could not have said with certainty. Finally, they took him to a store. They perceived he had lentils on his mustache. They went to his wife, and told her that her husband had eaten that

day lentils, and she should give them their money. She returned their purses to them, and they went away. He (Kidor) then went and murdered his wife. And this is what a Boraitha states: The failure to wash his hands before the meal caused a man to eat pork (as he was taken for this reason in the inn for a Gentile); and after the meal, caused a murder.

"*One bitten by a mad dog.*" The rabbis taught: Five things have been mentioned as symptoms of a dog's madness: his mouth is opened, his saliva flows, his ears are lowered, and the tail is held between his thighs, and he ever takes the bypaths; and others say, he barks spasmodically. We have learned in a Boraitha: He must be killed by an arrow, or other projectile, for whoever touches him becomes dangerously sick, and who is bitten, dies. What are the remedies? He whose clothes have been touched by the dog, should cast them off, and run away.

R. Huna the son of R. Joshua happened to be rubbed against by a rabid dog; he stripped himself, and ran away, and said: I have fulfilled in my own person the verse: "Wisdom giveth life to him who possesseth it." What is the remedy for a bite? Says Abayi: He should fetch the hide of a hyena, and inscribe on it: "I, So-and-So, son of the woman So-and-So, have inscribed on the hide of a male hyena, I have inscribed on it thus: *Kanti Kanti Qlirus*"; others say: "*Kandi Kandi Qlirus; Yo, Yo, Yehavah Tsebaoth. Amen, Amen. Selah.*" Then he should strip himself of his clothes, and inter them for twelve months; then he should take them out, burn them in an oven, and spread the ashes on the roads. During these twelve months he should drink water only out of copper vessels, that he should not see the image of the dog, as from this he may become dangerously sick. In the case of Abba b. Martha, who is Abba b. Minyumi, to whom this happened, his mother made for him a golden pitcher to drink out of it.

"*R. Mathiah b. Heresh said also,*" etc. R. Johanan had the scurvy. He went to a matron of Rome. She did something to relieve him on a Thursday and the eve of Sabbath. He asked her, What shall I do on Sabbath? She said: You will not need to do anything. He said: But if, notwithstanding, I should be obliged to do something? She said: Swear to me that you will not tell of it to anyone, so I shall tell you. [After this, when she had told him, he went and lectured about it to everybody. But he had sworn not to tell? He had sworn, "To the God of Israel I will not reveal"; but to the people of

Israel he could. But this deception was a profanation of God's name? He had told her immediately thereupon: I had sworn not to say it to God, but to Israel I would. What was it that she told him? Said R. A'ha the son of R. Ammi: Water of leavened dough, olive oil, and salt. R. Yemar says: Not the water, but leavened dough itself, olive oil, and salt. R. Ashi says: Fat of the wing of a goose. Said Abayi: I have used all these things, and was not cured until an Arab merchant said: The stones of olives, one-third grown, should be taken and burned in a new Mar, and be applied to the rows of the teeth. This I have done, and have been cured. What causes such a sickness? Eating of hot wheat bread, or the remains of a dish of *Haisana* (fish fried in oil) from the previous evening. What are its symptoms? When something is put on the teeth they begin to bleed.] R. Johanan did it on the Sabbath and was cured. How did R. Johanan do this? His life was not threatened? R. Na'hman b. Itz'hak said: Scurvy begins in the mouth and ends in the entrails. Said R. Hiya b. Abha to R. Johanan: Do you hold, then, as R. Mathiah b. Heresh, who says: If one has a sore mouth, it is permitted? He said: Yea, for I say, to put drugs into his mouth. In regard to this sickness the sages agree with him, but about other diseases they do not. Come and hear in support of this: Rabba b. Samuel taught: A pregnant woman, who smells food, should be fed till relieved. One bitten by a mad dog should be fed on the midriff of its liver; and he who has a sore mouth may have medicines put into it on Sabbath. So has said R. Eliezer b. Jose in the name of R. Mathiah b. Heresh. And the sages say: In this case, but not other cases. Which case? Should we say, that of the pregnant woman, there are none differing about it; if of the mad dog, they are at variance about it. Hence the putting in of medicines is meant. Said R. Ashi: From our Mishna we can perceive it; for all the things about which the sages and R. Mathiah are at a variance are mentioned before, and then it is said: "R. Mathiah b. Heresh said also," and the rabbis do not differ with him. Now, if it were something from which the rabbis differed, it would be mentioned above, among the other things.

"*Whatsoever threatens to endanger life supersedes Sabbath.*" Why has this to be mentioned again? Said R. Jehudah in the name of Rabh: Not only when it is doubtful whether his life is threatened this Sabbath, but even the next, it is allowed. How

can this happen? *E.g.*, when it has been estimated on a Sabbath that the patient must take the remedy the next eight days, lest it be said: The evening will be waited for; so that only the next Sabbath will have to be violated, it comes to teach us it is not so. We have learned thus in a Boraitha: Warm water has to be heated for a patient, whether for drinking or to wash him, even when the consequences of these measures will be felt the next Sabbath. It should not be said: It will be delayed, perhaps these remedies will not be needful; but immediately he must get them, because the danger to life supersedes Sabbath, not only if the danger is this Sabbath, but *will* be the next Sabbath. But these things must not be done through Gentiles as Samaritans, but the greatest Israelites. But such things must not be done when neither the physician nor the patient says this is necessary, but only women as Samaritans. But their opinion is added to give weight to others' opinions.

The rabbis taught: The Sabbath is superseded when life is threatened; and with more alacrity this is done, the greater the praise. Permission from Beth Din need not be taken for it. How so? When a child is seen to have fallen into the sea, it should be fished for immediately; and the sooner one does this, the more praiseworthy one is; and no permission from Beth Din is to be taken for it, even when he will take up in the net at the same time game fish. If one has seen a child fall into a pit, he may remove a piece of earth to save it the sooner. The more quickly he does it, the more praiseworthy he is, and though he forms by this means a staircase, he need not take license from Beth Din. If he saw a child enter, behind which the door got locked, he should break open the door immediately, and the sooner the better; and he need not take permission from Beth Din, even when by this means he breaks it for kindling. If he has perceived a fire kindled on Sabbath, he should extinguish it immediately; and the sooner the better, and even when the coals he saves from consumption will be used by him later for roasting meat.

"If a building tumble down." How is it to be understood? It is meant to say, that not only when it is doubtful whether one is there, and lives, or is not there; but even when the uncertainty is whether, being there, he lives, or is dead, nevertheless the ruins are to be removed. If he is found alive, the ruins are entirely cleared. Is this not self-evident? The Mishna means to say, when it is known that he is dying, still the ruins are to be removed. If he is dead, he is to be left. Is not this also

self-evident? This is to teach us that it is not according to R. Jehudah b. Lakish of the following Boraitha: Sabbath is not superseded to save a corpse from fire. R. Jehudah b. Lakish, however, said: I have heard, a corpse may be saved from fire, even on Sabbath. But even according to R. Jehudah b. Lakish, a corpse is to be saved only from fire; because otherwise he to whom the corpse is dear will extinguish the fire. But in this case, even when the dead body is dear to him, what can he do (to violate the Sabbath)?

The rabbis taught: When the body under the ruins seems dead, what members are to be brought to light and examined? As far as the nose. Others say, as far as the heart. When it does not beat, he is taken to be dead. But if one has commenced with examining the head and heart, and found them defunct, one should nevertheless bring to light the other parts, and examine them. As it happened, that the upper parts were dead, and yet the lower had still some life, said R. Papa: The sages differ when one has commenced the examination from below upwards; but from above downwards, that is, when the nose has been found to have ceased breathing, no further examination is needed, as it is written [Gen. vii. 22]: "All in whose nostrils was the breath of life." It happened long ago that R. Ishmael, R. Aqiba, and R. Eliezer b. Azariah were on the road; and Levi, the Sadar, or Sarad,* and R. Ishmael the son of R. Eliezer b. Azariah followed them. They were asked the following question: How is it known that, when life is in danger, Sabbath may be violated? R. Ishmael answered: It is written [Ex. xxii. 2]: "If a thief be found while breaking in and be smitten so that he die, there shall no blood be shed for him." We can deduce, *a fortiori*, from this: If in this case, when it is doubtful whether he had come to steal only, or to murder, yet taking his life is permitted, although bloodshed defiles the land and causes the Shekhina to remove from Israel, how much more is violation of the Sabbath (less important than bloodshed) permitted to save a human life.

R. Jonathan b. Joseph says: From the following verse: Of Sabbath it is written [Ex. xxxi. 14]: "For it is holy unto you." *Unto you*: The Sabbath is for you, but not you for the Sabbath. R. Simeon b. Menasseh says: It is written [ibid. 16]: "And the

* According to one "Aruch," it is the maker of the clothes of service (Bigde S'rad).

children of Israel shall keep the Sabbath." The Torah enjoins thus: Violate one Sabbath, that ye may keep many Sabbaths. R. Jehudah said: Samuel has said: If I had been there, I would have said a thing better than this; namely, it is written [Lev. xviii. 5]: "Ye shall keep my statutes . . . which, if a man do, he shall live by them." He shall live by them, but not die. Said Rabba: All the verses from which they have deduced it may be questioned, but to Samuel's nothing can be objected. Rabbina, and according to others R. Na'hman b. Itz'hak, has said of this: One grain of pungent pepper is better than a whole basket of cucumbers.

MISHNA: Sin-offerings and trespass-offerings atone. Death and the Day of Atonement, if one is penitent, atone. Penitence atones for slight breaches of positive or negative commandments; for grave sins, it effects a suspension, till the Day of Atonement completes the atonement. To him who says: "I will sin, repent, sin again, and repent again," is not given the opportunity to repent. For him who thinks, "I will sin; the Day of Atonement will atone for my sins," the Day of Atonement does not atone. A sin towards God, the Day of Atonement atones for; but a sin towards his fellowman is not atoned for by the Day of Atonement so long as the wronged fellowman is not righted. R. Eliezer b. Azariah lectured: It is written [Lev. xvi. 30]: "From all your sins before the Lord shall ye be clean." (This is our tradition.) The sin towards God, the Day of Atonement atones for; but sins toward man, the Day of Atonement cannot atone for till the neighbor has been appeased.

Said R. Aqiba: Happy are ye, O Israel. Before whom do ye cleanse yourselves, and who cleanses you? Your Father who is in Heaven. For it is written [Ezek. xxxvi. 25]: "Then will I sprinkle clean water upon you, and ye shall be clean"; and it is also written: "The Migveh (hope, or legal bath) of Israel is the Lord." As a legal diving-bath purifies the unclean, so does the Holy One, blessed be He, cleanse Israel.

GEMARA: "*Death and the Day of Atonement*," etc. Only when one is penitent, but otherwise they do not atone? Shall we assume that the Mishna is not in accordance with Rabbi, in the following Boraitha: "Rabbi says: All sins mentioned in the Bible, whether one is penitent or not, are atoned by the Day of Atonement, except throwing off the yoke (of God), expounding the Torah falsely, and abolition of circumcision (and mocking a fellowman). These sins are atoned for by the Day of Atone-

ment, if one is penitent, but not otherwise." It may be said even that the Mishna is in accordance with Rabbi: Penitence is supplemented by the Day of Atonement or Death, but the Day of Atonement does atone alone.

"*Penitence atones for slight breaches, if positive or negative,*" etc. Why has it to be told, positive? If negative, so much the more positive? Said R. Jehudah: The Mishna meant to say, a positive commandment, or a negative commandment inferred from a positive. But a real negative commandment is not atoned? There is a contradiction from the following Boraitha: What are called slight sins? A breach of a positive and negative commandment, except the negative commandment [Ex. xx. 7]: "Thou shalt not take the name of the Lord thy God in vain"; and all things equal to this: since this, which is a real negative commandment, is excepted, the other negative commandments are atoned for? Come and hear another contradiction: It is written [Ex. xxxiv. 7]: "And he will clear of sins." We might think, from this sin, the breach of the negative commandment, "Thou shalt not take the name of the Lord," etc., he will also clear. Therefore it is further written, "by no means." Shall we assume, that from the breaches of all negative commandments he will not clear? Therefore it is written [Ex. xx. 7]: "For the Lord will not hold him guiltless (the Hebrew term is the same) that taketh *His name* in vain." Infer from this, that breaches of other negative commandments he does atone for? (How, then, does Jehudah say that the breaches of real negative commandments are not atoned for?) There is a difference of opinion among the Tana'im, as we have learned in the following Boraitha: "What does penitence atone for? For breaches of positive, and negative inferred from positive, commandments. And for which does penitence only gain a suspension, and the Day of Atonement atones? The sins for which the penalties are *Karo'oth*, death by Beth Din, and real negative commandments."

The Master has said: Because it is written [Ex. xxxiv. 7]: "He will clear of sins," how is it to be understood? That is as we have learned in the following Boraitha: R. Elazar said: We cannot say it means, He clears of sins, because it is written further, "by no means" does He clear. We cannot say, He does not, because it is written "clear of sins." * We must therefore

* The literal translation is: "And clear he will not clear."

explain the verse: He clears of sins those who do penance; and does not, those who are not penitent.

R. Mathiah b. Heresh asked R. Elazar b. Azariah at Rome: Have you heard of the four differences made in atonements, about which R. Ishmael lectured? He replied to him: There are only three, and penitence is combined with each. When one has transgressed a positive commandment, and done penance, he is atoned for before he goes away from his place. As it is written [Jerem. iii. 14]: "Return, O backsliding children." If he has transgressed a negative commandment, penitence suspends (the sentence), and the Day of Atonement atones. As it is written [Lev. xvi. 30]: "For on that day shall he make atonement for you, to cleanse you from all your sins." If he has committed sins for which the penalties are *Kareth*, or death by Beth Din, then penitence and the Day of Atonement suspend (the sentence in Heaven) and afflictions wipe it out. As it is written [Ps. lxxxix. 33]: "Then will I visit with the rod their transgressions, and with plagues their iniquity." But he who has on his conscience the defamation (profaning) of God, neither penitence can suspend, nor the Day of Atonement atone for, nor sufferings wipe out. But all the three only suspend, and death wipes out, as it is written [Is. xxii. 14]: "And it was revealed in my ears by the Lord of hosts: Surely this iniquity shall not be forgiven unto you, until ye die."

What is called defamation of God? Says Rabh: For instance, if I take meat from the butcher, and do not immediately pay, I profane God (by its being said, a great and religious man robs). Says Abayi: This is when it is the custom to pay cash, but not where it is the usage to pay later. R. Johanan says: For instance, when I should walk four ells without Torah (in my mind), I profane God. R. Janai's disciples have said: When a man's companions are ashamed of his reputation, it profanes God. Said R. Na'hman b. Itz'hak: (What is meant by reputation?) When people say of a man: "O God, pardon him for his deeds." And Abayi says, as we have learned in the following Boraitha: It is written [Deut. vi. 5]: "Thou shalt love the Lord thy God." That means, God's name should be loved through thee; that is to say, a man must read and study the Torah, and attend on (serve) scholars, and his dealings with the world should be mild. What do people then say of him? Well with his father, who taught him Torah; well with his teacher, who has instructed him in Torah, and woe to those peo-

ple who have not learned the Law! Behold, the one who *has* learned Torah, how beautiful are his ways, how just his deeds! Of him says the verse [Is. xlix. 3]: "And he said unto me, My servant art thou, O Israel, thou on whom I will be glorified." But if one has learned Torah and served the scholars, but is in his dealings not honest and speaks with people not gently, then what do people say about him? Behold, him who has learned Torah, woe to his father, that has taught him Torah; woe to his teacher, who has instructed him in Torah! See the one who has learned Torah, how evil are his ways, how evil his deeds! Of him says the verse [Ezek. xxxvi. 20]: "They profane my holy name, because they said of them, these are the people of the Lord, and out of his land are they gone forth."

R. Hania b. Hanina said: Penitence is great, and brings healing to the world, as it is written [Hosea xiv. 5]: "I will heal their backsliding, I will love them freely." The same has found a contradiction: It is written [Jerem. iii. 14]: "Return, O backsliding children"; by which seems to be implied a former backsliding. And here it is written: "I will heal thy backsliding," where it seems to be implied that it will remain, only be healed. It presents no difficulty. When one does penance out of love towards God, he is as he had not been; but if he does penance only out of fear, his previous sins remain, only they are healed.

R. Jehudah finds a contradiction: In these verses it is written, "backsliding children," and elsewhere [Jerem. iii. 14]: "For I am become your husband and will take you." It presents no difficulty. Children they are called, when they do penance out of love or fear; and otherwise, when they do it through suffering.*

R. Levi said: Penitence is great. It reaches the throne of His glory, as it is written [Hosea xiv. 2]: "Return, O Israel, even unto the Lord thy God." R. Johanan said: Penitence is great, so that it supersedes a negative commandment in the Torah. As it is written [Jerem. iii. 3]: "One could say, Behold, if a man send away his wife, and she go from him, and become another man's, can he return unto her again? Would not that land be greatly polluted? and thou hast played the harlot with many companions, and wilt yet return to me, saith the Lord." (So penitence is greater than the commandment not to take back one's wife, married to another.)

* The passage is difficult, and Rashi is also uncertain.

R. Jonathan said: Penitence is great, so that it brings the redemption, as it is written [Is. lix. 20]: "But unto Zion shall come the redeemer, and unto those who return from transgression in Jacob," which means, Why is the redeemer come? Because Jacob has returned from transgressions. Resh Lakish says: Penitence is great: even the sins that have been done intentionally are considered as if they had been done unintentionally. As it is written [Hosea xiv. 2]: "For thou hast stumbled in thy iniquity." Iniquity is intentional, and yet it is called "stumbling." This is not so? Did not Resh Lakish himself say: Penitence is great, so that intentional sins come to be considered as merits, as it is written [Ezek. xxxiii. 19]: "And when the wicked returneth from his wickedness, and executeth justice and righteousness, he shall surely live for them"? It presents no difficulty. One is from love, and the other from fear. R. Samuel b. Na'hmani in the name of R. Jonathan says: Penitence is great. It causes man to live long, as it is written: [ibid., ibid.]: "He shall surely live." R. Itz'hak said: In Palestine, they say in the name of Rabha b. Mari as follows: Come and see. The ways of the Holy One, blessed be He, are not like the ways of a man. When a man had incensed another man by his speech, it is doubtful whether he has really appeased him or not; but the Holy One, blessed be He, even if a man commits a sin in secret, allows himself to be appeased, as it is written [Hosea xix. 3]: "Take with you words, and return to the Lord." And not this alone, but He takes it as a favor, as it is written [ibid., ibid.]: "Accept good"; and not this only, but the verse makes him equal to one who has sacrificed bullocks, as it is written at the end of the verse: "Let us repay the steers with our lips." Perhaps it will be thought like steers as sin-offerings. Therefore it is written [ibid. 5]: "I will heal their backsliding, I will love them voluntarily."

We have learned in a Boraitha: R. Meir used to say: Repentance is great: when an individual repents, the whole world is pardoned, as it is written: "I will heal their backsliding, I will love them freely; for my anger is turned away from them."* It is not said from them, but from us, from all of us.

What is a penitent man? Said R. Jehudah: When he had an opportunity to do a sin once, and a second time he did not

* The Hebrew for "from them" is "Mehem," but here "Mimenu" ("from us") is used.

do it. The same explains: That is meant, the same woman, the same place, the same time. R. Jehudah said again: Rabh found a contradiction in the following passages: It is written [Ps. xxxii. 1]: "Happy is he whose transgression is forgiven, whose sin is covered," and [Prov. xxviii. 13]: "He that concealeth his transgressions will not prosper." It presents no difficulty: This refers to a sin publicly known: he ought to confess, and repent; but that refers to one not yet known; he ought to repent before it has become known. R. Zutra b. Tubia said in the name of R. Na'hman: The one refers to a sin toward a man: he must make it public, and appease the man; but a sin toward God, one need not make public, but repent.

We have learned in a Boraitha: R. Jose b. R. Jehudah said: When a man sins the first time he is pardoned; the second time, he is pardoned; the third time, he is pardoned; the fourth time, he is not pardoned, as it is written [Amos ii. 6]: "Thus hath said the Lord, For three transgressions of Israel, and for four, will I not turn away their punishment." And it is written [Job xxxiii. 29]: "Lo, all these things doth God two or three times with man." [What is the second passage required for? From the first we might think it is only the case with a congregation; but the second shows to us that it is true in case of an individual also.]

The rabbis taught: The sins one has confessed on one Day of Atonement, he need not confess on the next Day of Atonement. This is the case, if he has not repeated the sin; but in that case, he should repeat the confession. If, without having sinned again, he confessed again, then to him applies the verse [Prov. xxvi. 11]: "As a dog returneth to his vomit, so doth a fool repeat his folly." R. Eliezer b. Jacob, however, said: So much the more may he be praised, as it is written [Ps. li. 5]: "For of my transgressions I have full knowledge, and my sin is before me continually."

When he confesses, he must specify his sin, as it is written [Ex. xxxii. 31]: "This people hath sinned a great sin, and they have made themselves a god of gold." So said R. Jehudah b. Babha. R. Aqiba, however, said: "Happy is he whose transgression is forgiven, whose sin is covered." [Why, then, has Moses specified the sin? It is, according to R. Janai: Moses said to the Holy One, blessed be He: "Lord of the universe, thou hast given so much gold that they said, 'Enough.' This has caused that they made a golden god."]

Two good leaders Israel had: Moses and David. Moses said: May my sins be inscribed, as it is written [Num. xxii. 12]: "Because ye have not confided in me, to sanctify me." And David said: May my sins not be inscribed; namely, "Happy is he whose transgression is forgiven, whose sin is covered."

Moses and David may be compared to two women punished in court: one, because she has really sinned, and the other, because she has eaten fruit of the Sabbatical year. The second said: Pray, proclaim what my transgression is, that it should not be thought I am punished for the same sin as the other woman. They took the fruit, and suspended it on her neck, and proclaimed: Be it known, she has been chastised for eating fruit of the Sabbatical year.

The evil deeds of hypocrites should be made public, that the name of the Lord may not be profaned. As it is written [Ezek. iii. 20]: When a righteous man doth turn from his righteousness and doeth what is wrong, then will I lay a stumbling-block before him."

When a confirmed sinner repents, the execution of the punished is not carried out, even after the decree has been sealed.

The mirth of the wicked ends in sin; and the possession of power (dominion) buries him who wields it. Naked he enters, and naked he comes out. Were he but as clean when he goes out as when he came in! He who is given to philanthropic activity, him sin reaches not; and he who induces the public to sin, to him is not given from Heaven the opportunity to repent. The first is not allowed (from Above) to sin, that he may not be in Gehenna while his disciples are in Paradise, as it is written [Ps. xvi. 10]: For Thou wilt not abandon my soul to the grave, Thou wilt not suffer Thy pious to see corruption; and the second is not permitted to repent, that he should not be in Paradise while his disciples will be in Gehenna, as it is written [Prov. xxviii. 17]: "A man oppressed by the load of having shed human blood will flee even to the pit: they shall not support him."

"*I will sin, the Day of Atonement will atone.*" Shall we assume that our Mishna is not in accordance with Rabbi, who said in the following Boraitha: All the sins mentioned in the Bible, whether one has repented or not, are forgiven on the Day of Atonement? The Mishna may be according to Rabbi; but if he sins, *relying* on the Day of Atonement to atone for his sins, then Rabbi also agrees that he is not pardoned.

"*Transgressions towards God.*" R. Joseph b. Habu pointed to a contradiction to R. Abahu : Here it is said : The sins against men the Day of Atonement does not atone for. But is it not written [2 Sam. ii. 25] : "If one man sin against another, God will forgive him when he will pray" ? Not God is meant [Elohim, *God* or *Judge*], but the Judge ; and by "Upil'lo," not "will forgive for prayer" is meant, but "shall punish." If it is so, what means what is written further, "If against the Lord a man should sin, who shall judge him?" (Cannot God himself judge him?) This is meant : If one sins against a man, and appeases him, God forgives ; but if he sins against God, who can *pray* for him (not *judge*)? Repentance and good deeds.

R. Itz'hak said : He who has provoked his neighbor, even by words, must appease him, as it is written [Prov. vi. 1, etc.] : "My son, if thou hast become surety for thy friend," etc., "go hasten to him and urge thy friend," which means, if thou hast his money, open thy palm, and restore it to him ; if not, request some persons to pray him to forgive thee. Said R. Hisda : He must try to appease him three times, and among three circles of persons, as it is written [Job xxxiii. 27] : "He then should assemble men around, and say, I have sinned, and perverted what is right, yet have I not received a like return" (three verbs : "sinned," etc.).

R. Jose b. Hanina said : When one tries to appease another, he need not try more than three times, as it is written [Gen. i. 17] : Oh, I pray Thee, forgive, I pray Thee, the trespass of thy brothers, and their sin, for evil have they done unto Thee, and now we pray Thee, forgive ("pray Thee" repeated three times). And if the offended person is dead, he should bring ten persons to his grave and say : I have sinned against God and him who lies here.

R. Jeremiah had been not on quite good terms with R. Abha : he went to appease him. He sat down on the threshold. The servant-maid came out to empty dirty water, and bespattered him. He said : I was made like unto mud, and applied unto himself the verse [1 Sam. ii. 8] : "From the dunghill he lifteth up the needy." When R. Abha heard about this, he came out and said : Now I have to ask forgiveness of you, as it is written : "Go hasten to him, and urge thy friend."

When R. Zara was on bad terms with any person, he passed him repeatedly, that the other might recollect and appease him. Rabh once had a quarrel with a butcher. When the eve of the

Day of Atonement arrived, the butcher did not come to ask his forgiveness. Rabh said: If he does not come to me I will go to him to ask his forgiveness. On the road, R. Huna met him, and inquired of him: Whither goes the Master? He said: I go to appease that man. Then R. Huna said to himself: Abha (*i.e.*, Rabh) is going to kill a man. Meanwhile Rabh came to the butcher, who was cleaving heads of cattle. When the latter raised his eyes and perceived Rabh, he said: Abha, is that thou? Go away, I don't want to have any dealings with thee. When he resumed the cleaving of the heads, a bone flew out, and stuck in his throat, so that he died.

Rabh read a section from the Prophets before Rabbi. In the meantime R. Hiya entered. Rabh began again from the beginning. Then entered Bar Kapara. He began from the beginning again. Later came R. Simeon the son of Rabbi. He read from the beginning once more. Then came R. Hanina b. Hama. He said: Shall I begin again from the beginning, after so many times? and he did not do it. R. Hanina was provoked by this. Rabh went to him thirteen eves of the Day of Atonement, and yet that man did not permit himself to be appeased. How did he do it? Did not R. Joseph b. Hanina say: More than three times one need not try? Rabh is different. He treated himself more rigorously. How did R. Hanina do so? R. Hanina saw in a dream that Rabh was hanged on a tree, and there is a tradition, if one dreams of a man that is hanged, he will become a head. He said: If I will not permit myself to be appeased, he will go to Babylon, and become a head (of a college) there, and I will become one here."

The rabbis taught: The duty of confession is on the eve of the Day of Atonement, when it grows dark. Still, the rabbis said, one should confess previously to the meal; for if something happen to him at his meal, he will have remained without a confession. But although one has confessed before the meal, he should confess again in the evening, and once more the next morning, and in the additional prayer, Minchab prayer, and the concluding prayer (N'ilah).

At what place in the prayer should he confess? An individual, at the end of the prayer; and the reader for the congregation, in the middle of the prayer. What shall he say? Rabh says: He shall begin: "Thou knowest the secrets of the world"; R. Samuel says, he should begin: "From the depths of the heart"; and Levi says, he shall begin: "In thy Torah it is

written thus." R. Johanan says: He should begin: "Lord of the Universe (not for our merits we pray of Thee mercy," etc.); and R. Jehudah says: He shall begin: "Our transgressions are too numerous to be counted, and our sins too mighty to be told of." R. Hamnuna says: He shall begin: "My God, before I was created I had not been worthy to be created; and now when created, I am the same as previously. I am earth during my life, and so much the more when I will be dead. I am entirely before Thee as a vessel full of disgrace and shame. May it be Thy will that I may not sin more; and my sins hitherto mayest Thou in Thy great mercy wipe off, but not by means of suffering." And this was the confession of Rabha the whole year, and that of R. Hamnuna the Younger on the Day of Atonement. Said Mar Zutra: All this has to be said, if he has not said previously, "It is true we have sinned." If, however, he has pronounced this, he need add nothing to it. As Bar Hamduri related, when he stood once before Samuel on the Day of Atonement, he perceived that as soon as the reader came to this sentence, "It is true we have sinned," all rose. Hence he understands that this is the principal part. Ulla b. Rabh was a reader in the presence of Rabha: He began the concluding prayer with: "Thou hast chosen us," etc., and concluded with, "What are we and what is our life?" etc.; and Rabha praised him. R. Huna the son of R. Nathan, however, said: When an individual reads the concluding prayer, he should say, "What are we and what is our life," etc., after it.

Rabh said: The prayer of N'ilah substitutes the evening prayer also. Rabh is in accordance with his theory elsewhere, that it is an additional prayer, and if it has been read, no other prayer is needed for the evening. Did Rabh say so? Did he not say elsewhere that the evening prayer is in general voluntary, not a duty? He means, even according to him who would say it is a duty, the "concluding prayer" substitutes it. An objection was made: We have learned in a Boraitha: In the beginning of the evening before the Day of Atonement, one shall read as prayers the seven benedictions, and confess. The same one does in the morning, and also in the additional prayer, the seven benedictions, and confessions; the same in the "concluding prayer": but in the evening one shall say as prayers seven of the eighteen week-day benedictions.* R. Hanina b.

* What the seven of the eighteen are, will be explained in Tract Berachoth.

Gamaliel said in the name of his ancestors: He shall say all the eighteen week-day benedictions, because he must include the Habbalah in the benediction of Wisdom (Honen Hadaath). The opinions of the Tanaim differ about it.

The disciples of R. Ishmael taught: He who sees Qeri on the Day of Atonement, he shall pray the whole year; but if he has survived this year, he shall be sure of entering the world to come. R. Na'hman b. Itz'hak said: The proof is when the whole world is hungry, he was full. When R. Dimi came from Palestine, he said: He will live long, he will see children and grandchildren, as it is written [Is. iii. 10]: "Shall see seed, live many days."

END OF TRACT YOMAH.

APPENDIX.

WE think it will please our readers to have placed before them the following letter, written by a Gentile who had witnessed the services at the Second Temple on the Day of Atonement. We give the entire extract as it is translated in "Shevet Jehudah" by Solomon Aben Virga, who translated it from a letter written by Versovius to King Alfonso the Pious, although it began with the Feast of Passover, part of which is already mentioned in Tract Pesachim, as it will be of much interest to the historian to know some details of the Jewish services at the Temple.

EXTRACT FROM A LETTER WRITTEN BY VERSOVIVS TO KING ALFONSO THE PIOUS,
WHO COPIED IT FROM A WRITTEN REPORT SENT BY MARCUS, CONSUL OF
JERUSALEM, TO ROME.

. . . *Tenth.*—Concerning the service at the Temple, these Jews were reluctant to inform me about it, as they declared it was against their law to inform a Gentile about the manner of their serving God. They have enlightened me upon two subjects only, part of which I saw with my own eyes, and was greatly rejoiced thereat. One was the sacrifice which they brought on the feast that they call Pessach, and is considered to be the greatest of all their feasts; and the second is the entrance of the high-priest, whom we call *sacerdote mayor*, into the Temple on the day which to them, in regard of holiness, purity, and strengthening of the soul, is the most important of all the days in the year. The Pessach sacrifice, which I have partly witnessed, as also, as I was told, the entire ceremony, takes place in the following manner. When the beginning of the month which they call Nissan approached, by the command of the king and the judges, swift messengers visited every one in the vicinity of Jerusalem who owned flocks of sheep and herds of cattle, and ordered him to hasten to Jerusalem with them, in order that the pilgrims should have sufficient animals for sacrifices and food; for the people were then very numerous, and whoever did not present himself at the appointed time, his possessions were confiscated for the benefit of the Temple. Consequently all owners of flocks and droves came hastily on, and brought them to a creek near Jerusalem, and washed and cleaned

them of all dirt. They believed that in regard of that Solomon said [Solomon's Song iv. 2]: "A flock of well-selected sheep, which are come up from the washing." When they arrived at the mountains which surround Jerusalem, the multitude was so great that the grass was not seen any longer, as everything was turned white, by reason of the white color of the wool. When the tenth day approached—as on the fourteenth day of the month the sacrifice was brought—every one went out to buy his paschal lamb. And the Jews made an ordinance, that when going forth on that mission, nobody should say to his neighbor, "Step aside," or "Let me pass," even if the one behind was King Solomon or David. When I remarked to the priests that this was not seemly nor polite, they made answer that it was so ordered, to show that there is no rank before the eyes of God, not even at the time of preparing to serve Him, more especially at the service itself; at that time all were equal in receiving His goodness. When the fourteenth day of the month arrived, they went to the highest tower of the Temple, which the Hebrews called Lul, and whose stairway was made like those in our church towers, and held three silver trumpets in their hands, with which they blew. After the blowing, they proclaimed the following: "People of the Lord, listen! The time for slaughtering the paschal lamb has arrived. In the name of Him who rests in the great and holy house!" As the people heard the proclamation, they donned their holiday attire; for since midday it was holiday for the Jews, being the time for sacrifice. At the entrance of the great hall stood twelve Levites on the outside, with silver staves in their hands; and twelve within, with gold staves in their hands. The duties of those on the outside were to direct and to warn the incoming people not to injure one another in their great haste, and not to press forward in the crowd, to prevent quarrels; as it previously happened on one of the feasts of Pessach, that an old man, together with his sacrifice, was crushed, in consequence of the great rush. Those on the inside had to preserve order among the outgoing people, that they should not crush each other. They were also to close the gates of the hall when they saw that it was already full to its capacity. When they reached the slaughtering place, rows of priests stood with gold and silver bowls in their hands: one row had all gold bowls and another row had all silver bowls. This was done to display the glory and splendor of the place. Every priest who stood at the head of the row received a bowl full of the sprinkling blood. He passed it to his neighbor, and he to his, until the altar was reached; and the priest who stood next to the altar returned the bowl empty, and it went back in the same manner, so that every priest received a full bowl and returned an empty one. And there occurred no manner of disturbance, as they were so used to the service that the bowls seemed to fly back and forth, as the arrows in the hand of a hero. For thirty days previous they practised that service, and,

therefore, found out the place where there was the possibility that a mistake or a mishap might occur. There were also two tall pillars, on which stood two priests with silver trumpets in their hands, who blew when each division began the sacrifice [the paschal lamb was slaughtered in three divisions—see Pesachim], in order to give warning to the priests who stood on their eminence to begin Hallel amid jubilee and thanksgiving, and accompanied by all their musical instruments; on that day, namely, they brought forward all the instruments. The sacrificer also prayed the Hallel. If the sacrifice was not ended, Hallel was repeated. After the sacrifice, they went into the halls, where the walls were full of iron hooks and forks; the sacrifices were hung upon them and skinned. There were also many bundles of sticks; for when there were no more empty hooks, they put a stick upon the shoulders of two of their number, hung the sacrifice upon it, skinned it, and put the particular portion upon the altar, and went away rejoicing, as one who went to the war and returned victorious. The one who did not bring the paschal lamb at the appointed time, was eternally disgraced. During the service the priests were dressed in scarlet, that the blood which might accidentally be spilled on them should not be noticed. The garment was short, reaching only to the ankle. The priests stood barefoot, and the sleeves reached only the arms, so they should not be disturbed during the service. On their heads they had a cap, around which was tied a three-ell-long band; but the high-priest, as they told me, had a band which he could tie around his cap forty times. His was white. The ovens in which they roasted the paschal lambs were before their doors, in order, as they told me, to publish their religious ceremonies, also on account of the festival joys. After the roast, they ate amid jubilee songs and thanksgiving, so that their voices were heard from afar. No gate of Jerusalem was closed during Passover night, because of those who were constantly coming and going, who were considerable in number. The Jews also told me that on the Feast of Pessach the number of those present was double of that which went out of Egypt, for they wished to acquaint the king with their number.

The second service was the entrance of the high-priest in the sanctuary. Of the service itself they did not tell me, but of the procession to and from the Temple. Some of it I have also seen with my own eyes, and it surprised me so greatly that I exclaimed: "Blessed be He who imparts His glory to His nation!" Seven days before that day which they call Atonement Day, and which is the most important in the entire year, they prepared at the house of the high-priest a place and chairs for the chief of the courts, the Nassi, the high-priest, his substitute, and for the king; and besides these, also seventy silver chairs for the seventy members of the Sanhedrin. The oldest of the priests got up and delivered an oration before the high-priest, full of earnest entreaty. He said: "Bethink thyself

before whom thou enterest, and know that if thou wilt loose the devotion of thy mind, thou wilt at once drop down dead, and the forgiveness of the Israelites will come to naught. Behold! the eyes of all Israelites are turned upon thee. Investigate thy deeds. Perchance thou hast committed some slight sin; for there are sins which equal in weight many good deeds, and only the Almighty God knows the weight thereof. Investigate also the deeds of the priests, thy brothers in office, and have them repent. Take it to heart, that thou art going to appear before the King of all kings, who sits upon the throne of judgment, who sees everything. How darest thou to appear, when thou hast the enemy within thee!" The high-priest then makes answer that he has already investigated himself, and has repented all that which seemed to him sinful; that he has also already assembled all the priests, his brother officers, in the Temple, and by Him who rests His name there conjured them that each one should confess the transgressions of his brother officers, as well as his own, and that he prescribed for each transgression a corresponding repentance. The king also spoke to him kindly, and promised to shower upon him honors, when he should safely come out of the sanctuary. After that it was publicly proclaimed that the high-priest was about to take possession of his room in the Temple. Whereupon the people made ready to accompany him, and marched before him in the following order, which I witnessed myself: First went those who traced their ancestry to the kings of Israel, then those who were nearer in the priesthood; then followed those who were of the kingly house of David, and, indeed, in the most perfect order, one after the other, and before them was exclaimed: "Give honor to the family of David!" Then followed the Levites, before whom it was exclaimed: "Give honor to the family of Levi!" Their number amounted to 36,000. At this time the substitute Levites donned blue silk garments; but the priests, 24,000 strong, donned white silk garments. Then followed the singers, the musicians, the trumpeters; then the closers of the gates, the preparers of the incense, the preparers of the holy curtains, the watchers, the masters of the treasury; and then a corps which was called *chartophylax*; then all who were employed at the Temple, then the seventy members of the Sanhedrin, then a hundred priests with silver staves in their hands to make room, then the high-priest, and behind him the older priests in pairs. At the corner of every street stood the heads of the colleges, who spoke to him thus: "High-priest, enter in peace. Pray to our Creator for our preservation, so that we may occupy ourselves with the study of His Law." When the procession reached the mount of the Temple they halted and prayed for the preservation of the kings of the house of David, then for the priests and the Temple, whereat the *Amen* exclamation, because of the great crowd, was so loud that the birds overhead fell to the ground. After that the high-priest bowed before the entire

people very respectfully, and, weeping, separated himself from them all, and two substitute priests led him into his room, where he took leave of all the priests, his brothers in office. All that took place at the procession to the Temple; but at the procession from the Temple his honor was double, for the entire population of Jerusalem marched before him, and most of them with burning candles of white wax, and all attired in white; all windows were draped with varicolored kerchiefs and were lighted dazzlingly, and, as the priests told me, the high-priest, during many years, because of the great crowds and rush, could not reach his house before midnight; for although all fasted, nevertheless they did not go home before they convinced themselves whether they could kiss the hand of the high-priest. On the following day he prepared a great feast, to which he invited his friends and relatives, and made that day a holiday, because of his safe return from the sanctuary. After that he caused a goldsmith to make a gold tablet with the following inscription engraved upon it: "I, so and so the high-priest, son of so and so the high-priest, have performed the service of the high-priest in the great and holy Temple, in the service of Him who rests His name there, in the year of creation so and so. May He who favored me with the performance of that service, favor also my son after me, to perform the service before the Lord."

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TRACT HAGIGA (HOLOCAUST).

CHAPTER I.

REGULATIONS CONCERNING THE HOLOCAUST, AND THE APPOINTED TIME FOR THE PEACE-OFFERING.

MISHNA: All are bound in the case of a holocaust * except a deaf man, a fool, a minor, and one of doubtful sex (*ατμητος*) and one of double sex (androgynos), and women and bondsmen, the lame, the blind, the sick, the old, and he who is not able to go upon his feet. What is a minor? Every one who is unable to ride on his father's shoulders, and to go up from Jerusalem to the mountain of the Temple. So is the decree of the School of Shammai. But the School of Hillel say: Every one who is unable to take hold of his father's hand, and to go up from Jerusalem to the mountain of the Temple, as it is said [Ex. xxiii. 14], "Three times," † etc. The School of Shammai say: The holocaust involves two silver coins (one-third of a gold dinar), and the feast-offering one meah (one-sixth of a dinar). But the School of Hillel say the contrary.

GEMARA: What is meant to be added by the word "all"? It means to add a man who is half a slave (he was a slave to two men, and one gave him liberty). But according to Rabhina, who says that such a man is absolved from holocaust, what did the Mishna mean to add? One who was lame on the first day, but on the second day he became well. This would be correct according to him who says that on every day of the succeeding six days the obligation of the holocaust exists, but according to those who say that all the six days are only a completion of the

* The Hebrew term is *זָבַח*, which means "appearing" [*vide* Deut. xvi. 16], and because of the statement [*ibid.*], "And no one shall appear before the Lord empty," it is construed to mean the sacrifice; *i.e.*, the holocaust.

† The Hebrew expression for "times" is "*Regalim*," the singular of which is "*Regel*," and means "a foot" also, hence the meaning "if the minor can go with his feet."

first day, and as he was not obliged the first day, although he was fit for it later, he is free from it. What did the Mishna mean to add by the expression "all"? Therefore we must say that it is as stated above (one who is a half-slave), and Rabbina's statement is in accordance with the later Mishna, which states as follows: For the sake of the world, it was ordained that the master of the slave shall be compelled to set him free for the purpose that he should be able to marry a free man, and the slave shall give him a note for it for the half of his value. And the School of Hillel retracted their decision and decided as the School of Shammai; consequently if he is yet half a slave, he is obliged, because he will be free, and the Mishna adds by "all" such a case.

"*A deaf man, a fool, and a minor,*" etc. The Mishna mentions the deaf man together with fool, to teach us that as the fool has no intelligence, so also the deaf man is absolved when he has no intelligence, *i.e.*, when he is both deaf and dumb; but if he speaks but cannot hear, or *vice versa*, he is obliged. But did we not learn in a Boraitha: Both when he can hear but not speak, or speak and not hear, in either case he is free? Said Rabbina: The Boraitha is not completed, and must read thus: All are obliged in case of a holocaust, and to enjoy the festival, except a deaf man who hears but speaks not, or *vice versa*, then he is free from holocaust, but not from rejoicing. But he who neither hears nor speaks is free from rejoicing also, because he is exempt from all commandments contained in the Law. And so we also learned in a Boraitha plainly.

But why is a man who hears but speaks not, or *vice versa*, exempt from holocaust? Because about holocaust he deduces from an analogy of expression as follows: It is written [Deut. xxxi. 12]: "Assemble the people together, the men and the women, and the children," and [ibid. 2]: "When all Israel came to appear before the Lord thy God." But whence do we deduce that he who hears not but speaks, etc., is exempt from pilgrimage? Because it is written [ibid. 12]: "That they may hear, etc., that they may learn." And a Boraitha taught: "May hear" to exclude one who can talk but cannot hear, and "may learn" to exclude those who can hear but cannot speak. Is that so, that he who cannot speak cannot learn? We know there were two dumb men in the neighborhood of Rabbi, who were sons of the daughter of R. Johanan b. Gudguda (and others say, sons of his sister), who, when Rabbi entered the house of learning, went

in also, shook their heads, and muttered with their lips; and Rabbi prayed mercy for them and they were healed; and it was found that they were well versed on Halakha, and on the whole six sections of the Mishna? Said Mar Zutra: Read in the Bible: They may teach* (not "learn"), and who cannot speak cannot teach. Said R. Ashi: Assuredly, it must be so, because if learning is meant it could be deduced from the words "and they may hear," and he who cannot hear cannot learn.

R. Tan'hum said: He who is deaf in one ear is free from holocaust, because in the verse stated above [ibid. 2] it is written: "In their *ears*" (in the plural). R. Tan'hum said again: He who is lame in one foot, is also exempt, because it is written: "Three times" [Regalim (times), which means also feet (plural)].

Rabha lectured: "It is written (Song of Songs, vii. 2): "How beautiful are thy steps in sandals, O prince's daughter." This refers to the pilgrims on the festivals (see Succah, chap. iv.). R. Kahana said: R. Nathan b. Minyumi lectured in the name of R. Tan'hum: It is written [Gen. xxxvii. 24]: "And the pit was empty, there was no water in it." If it was empty, is it not self-evident that there was no water in it? Infer from this that it was empty from water, but not from snakes and scorpions.

The rabbis taught: It happened that R. Johanan b. Broka and R. Elazar b. Hasma went to visit R. Jehoshua in the city of Pekiin, and he asked them: What news is to-day in the house of learning? They answered him: We are your disciples, and we drink only your waters. He rejoined: Nevertheless, it cannot be there should not be something new in the college; tell me whose Sabbath was it for lecturing? And they said: R. Elazar b. Azariah's. And on what verse did he lecture? (asked he again). On the portion of the Assembly. And what did R. Elazar preach? He lectured thus: It is written [Deut. xxxi. 12]: "Assemble the people together, the men and the women and the children." It is right, the men came to learn, the women came to hear; for what purpose were the children brought? Only that those who brought them should be rewarded. And he rejoined: You have had a good pearl in your hand and you wanted to deprive me of it.

He also lectured on the verse Deut. xxvi. 17. (See Bera-

* The expression "Ylmdu," which means "to learn"; and Mar Zutra said it should be read "Yelamedu," which means "to teach."

choth.) The same lectured again: It is written [Eccl. xii. 2]: "The words of the wise are like goads, and like nails planted * are the words of the men of the assemblies which are given by one shepherd." As the goad keeps the animal which ploughs (to make it straight) furrows, so as to produce sustenance for the world, so also the words of the Law (keep those who study them) away from the ways of death for the ways of life. But if you would say, that as the goad is movable so also the words of Law. Therefore it is written: "Nails." But if you will say, as the nail (makes a hole in the wall and) diminishes (and does not add to it), so also the words of the Law diminish and do not add. Therefore it is written: "Planted"; as a plant is fruitful and multiplies, so also the words of the Law. "The men of assemblies," which means the scholars who sit in assembly, studying the Law and discussing—these make clean, the others make unclean, these prohibit and those allow, these make valid, those make invalid. But if one may say: If it is so, how can I learn the Torah? Therefore it is written: "Given by one shepherd." One God gave them, and one Master (Moses) said it from the mount of the Lord of all creatures, blessed be He, as it is written [Ex. xx. 1]: "And God spoke all these words." And therefore you must make your ears as an *επιχυσίς* (a kind of strainer which receives but lets not out), and gain an understanding heart to comprehend the reason why these make unclean, those clean, etc. Then R. Jehoshua rejoined: I tell you, it is not an orphan generation in the midst of which R. Elazar b. Azariah lives. Why did they not tell him at once the news in the house of learning? Because of the occurrence stated in the following Boraitha:

It happened once that R. Jose, the son of a Damascene woman, went to visit R. Eliezer in the city of Luda, and R. Elazar asked him: What news was there in the house of learning to-day? And he answered: It was voted, and the decision was that in the lands of Amman and Moab the tithe to the poor is to be given on the Sabbatical year (this is explained in Tract Maasroth), and he told him: Jose, stretch out your hand, and take out your eyes. And he did so. Then R. Elazar wept and said: It is written [Ps. xxv. 14]: "The sacred counsel of the Lord is for those that fear him, and his covenant to make it known to them." And he said to R. Jose: Go and tell

* *Netuim*, "planted" or "fastened."

them, you should not doubt about your conclusion to-day, because I have a tradition from R. Johanan b. Zakkai, who heard it from his master, and his master from *his* master, etc., up to Moses on Sinai, that the land of Amman and Moab may give the tithe to the poor on the Sabbatical year. [The reason is because those who went out of Egypt subjugated many fortified cities, but those who went out from Babylon did not, and the first sanctification had sanctified the land only for that time, but not for the future. And those who went out from Babylon left these lands for the poor; they should be supported on them on the Sabbatical year. In another Boraitha it was taught: After R. Elazar became calm he prayed that it should be the will of God that Jose's eyes be cured, and they were cured.]

The rabbis taught: What is called a fool? He who goes out alone in the night, and who sleeps in a cemetery, and who tears the clothes he wears. It was taught: R. Huna said: It is only when he does all these things together. How is the case? If because he is a fool, then any of these is sufficient, and if he does it not through folly, what is the proof of all these? It is meant he does it through folly; but when he does all these things, he is like an ox goring another ox, a camel, and an ass, after which he is considered vicious as to all creatures, so he is considered a fool in all respects. Said R. Papa: If R. Huna had heard the following Boraitha, which states, Who is a fool? When he destroys all things that are given to him, he would have retracted his decree.

"*One of doubtful sex*," etc. The rabbis taught: It could be written [Deut. xvi. 16]: "The males," which would exclude only the women, but it is written "*Thy* males," which means to exclude also those of doubtful as of double sex. But why is needed a verse to exclude the women? Is not this a commandment which is dependent upon the time? and it is known that of all commandments which are dependent upon the time the women are exempt. This verse is needed, for at the first glance one might say that it shall be drawn from an analogy of expression, "the assembly"; as to the assembly women are also bound, so would be the case here, therefore, it comes to teach us. The master said: "All thy males" to include the minors. But did not we learn in our Mishna, "Except a deaf man, a fool, and a minor?" Said Abayi: It presents no difficulty: There is the case of a minor who has not arrived at the age of education yet, and here is the case when he has arrived at such age. When a

minor who has arrived at such age, his duty is only rabbinical. Why then is needed a verse? Yea, it is only rabbinical, and the verse is only a support. But to what else does the verse apply? To that of the following Boraitha: Anonymous teachers said: Those whose work imparts to them a bad odor which accompanies them wherever they go, are exempt from the holocaust, because it is written, "*All thy males,*" *i.e.*, all that can go together with others, but not such as cannot be in others' company.

"*Women and bondsmen.*" This is correct as to women, as it was said above, but whence do we deduce about bondsmen? Said R. Huna: Because it is written there [ibid. ibid.]: "Before the Lord thy God," which means one who has only one Lord, but not such as has another lord. Let us see: To what purpose is needed a separate verse? It is known that all the commandments which are obligatory to a woman are so also to a bondsman and all the commandments from which a woman is exempt a bondsman is also exempt, and this is inferred from an analogy of expressions [Deut. xxiv. 1]: "Write her," and [Lev. xix. 20] "Her freedom given her," hence a woman and bondsman are equal in duties. Said Rabhina: The verse is needed for one who is half a slave and half free, and it seems to be so because the Mishna taught: Women and bondsmen who were not freed. To what purpose is stated "not freed"? If it is meant that they were not freed at all, "bondsmen" alone is enough. We must say, therefore, that the Mishna meant those who were not wholly free. And what can that be? One who is half a slave and half free.

"*The lame, blind, sick,*" etc. The rabbis taught: It is written "Regalim" to exclude the lame, sick, blind, and old men who cannot go with their feet. What is meant to be added by "who cannot go with their feet"? Said Rabha: Such delicate persons as cannot walk without shoes (and in the Temple it was not permitted to go in shoes), as it is written [Is. i. 12]: "When you come to appear in my presence, who had required this at your hand to tread down my courts?"

We have learned in a Boraitha: If one is uncircumcised, or unclean, he is exempt from the holocaust. It is right of one unclean, because it is written [Deut. xii. 5, 6]: "And thither shalt thou come, and ye shall bring thither." From this we infer, that he who can come in ought to bring, but he who cannot, should not; (and he who is unclean cannot come into the Tem-

ple). But of an uncircumcised, wherefrom is it deduced? This is in accordance with R. Aqiba, who makes an uncircumcised equal to an unclean one, as we have learned in the following Boraitha: R. Aqiba said: It is written [Lev. xxii. 4]: "Any man whatsoever of the seed of Aaron." "Any man"—it could be written "a man." Why "any man," to include that "the uncircumcised shall be equal to the unclean ones"?

The rabbis taught: R. Johanan b. Dahabai said in the name of R. Jehudah: A man blind in one eye is exempt from the holocaust, because it is written [Deut. xvi. 16]: "Shall appear,"* as if one comes to see, it is with both eyes; so if he appears, he must be with both eyes. R. Huna, when he came to the verse above cited, used to weep and say: That a slave whose master exhorts him to come to see him should be debarred from seeing him, as it is written [Is. i. 12]: "When you come to appear in my presence, who had required this at your hands to tread my courts?" Also when he came to the following verse [Deut. xxvii. 7]: "And thou shalt slay peace-offerings, and eat there." A slave who is invited to eat from his master's table, shall be debarred from seeing him, as it is written [Is. i. 1]: "Or what serveth me the multitude of your sacrifices?" R. Elazar, when he came to this verse [Gen. xlv. 3]: "And his brothers could not answer him, because they were terrified at his presence," he wept and said: If one is thus terrified when a human being has recognized his guilt, how much the more will it be before the Holy One, blessed be He.

Also when he came to the verse [1 Sam. xxviii. 15]: "And Samuel said to Saul: Why hast thou disquieted me, to bring me up?" If Samuel, the upright, was afraid of the judgment, so much the more must we be afraid of it. How shall this be understood? It is written [ibid. 12]: "And the woman said unto Saul: Divine beings have I seen ascending (Olim) out of the earth." Olim is plural. (Who were they?) It was Samuel and Moses, because Samuel was afraid. Perhaps he was asked to the judgment, and he had gone to Moses and asked him to testify, that he (Samuel) had done all that was written in his Law. R. Ammi, when he came to the following verse, used to cry [Lam. iii. 29]: "That he put his mouth in the dust, perhaps there still is hope." He said: After so much had been done,

* The Hebrew expression is וְיִרְאוּ which means "shall be seen"; the same letters with following punctuation וְיִרְאֶה would be "shall see," hence the analogy.

nevertheless it is said "*perhaps*." Also when he came to the following verse [Zeph. ii. 3]: "Seek righteousness, seek meekness, perhaps ye will be protected," he said: After so much will have been done, still it will be "*perhaps*." R. Asi, when he came to the following passage, used to cry [Amos v. 15]: "Hate the evil and love the good, and establish justice firmly in the gate: perhaps the Lord, the God of hosts." He said: After so much will have been done, it will still be "*perhaps*."

R. Joseph, when he came to the verse [Prov. xiii. 23]: "But there are many who are taken away without justice," * cried. R. Johanan, when he came to the following passage [Job ii. 3]: "And thou hast incited him against me to destroy him without cause," he cried. He said: If a slave persuades his master, and the master is persuaded, what cure can there be? Also, when he came to the following passage [ibid. xv. 15]: "In his holy one he putteth no trust," he cried and said: If he puts no trust in his holy one, whom will he believe? Once when on the road he saw a man pick figs from a tree. He left the ripe ones and picked the unripe ones. R. Johanan asked him: Are not the ripe ones better? He answered: These which are unripe I need for the route, because the ripe ones will be spoilt, but not these. Then said R. Johanan: This is as what is written: He putteth no trust in his holy ones (*i.e.*, they are gathered in before they are tempted to sin).

R. Johanan, when he came to the following verse [Mal. iii. 5] he wept: "And I will come near unto you to hold judgment, and I will be a swift witness against the sorcerers, and against the adulterers, and against those that swear falsely, and against those that withhold the wages of the hired laborer, fear me not, saith the Lord of hosts."

R. Johanan b. Zakkai said: Woe is to us, the verse makes equal for us light sins as well as grave sins." (Rashi explains it that the light sin is that of those who withhold the wages of the hired laborer, who is here equal to sorcerers, etc.) R. Hanina bar Papa said: When a man commits a sin and soon repents of it, he is forgiven immediately, because it is written [ibid.]: "And fear me not, saith the Lord of hosts." When he fears and asks for forgiveness, he is pardoned. R. Johanan, when he came to the verse [Eccl. xii. 14]: "For every deed will God bring into the

* Here is a legend of what happened to R. Bibi bar Abayi with the Angel of Death, who killed a man prematurely, which is omitted according to our method. This, however, can be found in the translation of Mr. Streane.

judgment, concerning everything that had been hidden," he cried. He said: If there is a slave whose master reckons his unintentional sins as his intentional sins, what cure can there be? What is meant by "everything that hath been hidden"? Said Rabh: When one kills a louse in another man's presence, and makes himself disagreeable thereby to him. And Samuel says: Even if he spits in the presence of his neighbor, and makes himself disagreeable.

What is meant [ibid.], "Whether it be good, or whether it be bad"? The disciples of R. Janai said: That applies to a man who gives charity to a poor man publicly. As R. Janai saw a man give a Zuz to a poor man publicly, he said to him: It would be better if you gave him not at all than as you did now, and put him to shame. The disciples of R. Shila said: It means a man who gives charity to a woman secretly, which brings on him suspicion.

It is written [Deut. xxxi. 21]: "And it shall come to pass when many evils and troubles." What is meant by "evils and troubles"? Said Rabh: Evils that trouble one another; for instance, a man who was bitten by a bee and by a scorpion—for the bee's sting warm water is needed, and for a scorpion's bite cold water is needed, hence the use of either will harm the other wound. Samuel said: What is written before, "whether good or bad," means one who (whether he is in good or bad circumstances) gives money to the poor only when the latter is in extreme poverty. Said Rabha: This is what people say: A Zuz for pleasure is not to be obtained, but a Zuz for trouble must be found (at any time).

It is written [Deut. xxxi. 17]: "And my anger shall be kindled against them on that day, and I will forsake them, and I will hide my face from them, and they shall be given to be devoured." Said R. Bardala bar Tebiumi in the name of Rabh: A man from whom God hides not his face is not an Israelite, and he who is not given to be devoured is not an Israelite, either. Said the rabbis to Rabha: It seems to us that you are neither included in the "hiding of the face" nor in the "devouring." And he rejoined: Can you know how much I must spend secretly on the government? Nevertheless the rabbis looked at him with an evil eye, and finally they came from the government and robbed him of everything. Said he: This is what R. Simeon b. Gamaliel said: Whatever the sages looked at with their eyes, either death or poverty followed.

It is written [ibid.]: "And I will hide my face from them." Said Rabha: The Holy One, blessed be He, said: "Although I have hidden my face from them, nevertheless I will talk to them in the dream." R. Joseph said: Still His hand is inclined to us, as it is written [Is. li. 16]: "With the shadow of my hand have I covered thee."

R. Joshua b. Hanania was before the Emperor (Cæsar). A Min who stood by showed him with his hand a people from whom God had turned away His face. R. Joshua b. Hanania showed *him* with *his* hand that "His hand is still over us." Asked the Emperor of R. Joshua: Do you know what the Min has shown you with his hand? He replied: Yes, he showed me a people from whom God had turned away His face. He asked him: What have *you* shown *him* with *your* hand? He answered: I showed him that God's hand is still inclined over us. The Emperor then asked the Min: What have you shown to R. Joshua b. Hanania? He said the same. And he asked him: What did he show you? He replied: I do not know. Then the Emperor said: A man that does not know what is shown to him by a sign, should he dare to raise his hand in the presence of an emperor? He ordered, and the Min was killed.

When R. Joshua b. Hanania was dying, the rabbis asked him: What will become of us with the Minim? He rejoined: It is written [Jer. xlix. 7]: "Is counsel vanished from the sons, is their wisdom become corrupt?" And this must be interpreted: When the children of God love their adviser the wisdom of their adversaries becomes corrupt. [And if you wish, we can infer it from the following passage (Gen. xxxiii. 12): "Let us depart and move farther, and I will travel near* thee," which means we will be always equal to those against us.]

R. Ula, when ascending the steps of the house of Rabba bar Shila, heard a child read the following passage [Amos iv. 13]: "He that formeth the mountains, and createth the wind and declareth unto man what is his thought." And he said: If there is a slave whose master can declare him what his secret thought is, what cure can there be? What is meant by "He declareth"? Said Rabh: Even a superfluous conversation between a man and his own wife is mentioned to him at the time of his death.

It is written [Jer. xiii. 17]: "My eye shall weep sorely and run down with tears, because the flock of the Lord is driven

* *Lnegedcho* and *Neged* mean "against."

away captive." Said R. Elazar: What signify the three tears? * One over the first, one over the second Temple, and one over the exile of Israel from their land.

The rabbis taught: For the following three things the Holy One, blessed be He, weeps every day: For him who has the power to study the Law every day and does not; for him whose circumstances do not allow him to study, but who nevertheless does, and for a chief of the congregation who is haughty toward his congregation. Rabbi held the book of Lamentations and read. When he came to the verse [Lam. ii. 2]: "He had cast down from heaven unto the earth," the book dropped out of his hand. He said: It fell from the highest attic to the lowest pit.

Rabbi and R. Hyya were on the road. When they came to a city they said: If here is a scholar we will go to pay him a visit. They were told: There is here a young scholar, but he is blind. Said R. Hyya to Rabbi: You, as a Nasi, stay here, not to degrade your dignity, and I will go to see him. Rabbi did not listen, but perforce accompanied him. The blind man said to them when they were departing: You have come to see a countenance that can be seen, but cannot see; therefore ye should ~~deserve~~ deserve to see that countenance which sees all, but which no one sees. Said Rabbi (to R. Hyya): If I had listened to you, and refrained to accompany you, I could not have received this blessing. They then asked the blind man: From whom have you heard this beautiful saying? (That to visit a scholar is so great a merit.) He replied: I heard it at the lecture of R. Jacob of the village of Hitaya, who used to visit his master every day. When he became old, his master said to him: Do not take this trouble now, for you are too aged to walk every day. He answered: Is this slight in your estimation what is written about scholars [Ps. xlix. 10]: "Should he still live forever, and not see the pit, for he must see that wise men die"? Now, if he who sees the wise die lives forever, much more so he who comes to see them when alive.

R. Idi, the father of R. Jacob bar Idi, had the custom to be three months on the road, and one day in college. The students of the college called him "the single-day student." So he became discouraged, and said in application to himself the verse [Job xii. 4]: "I am as one laughed at by his friends." Said R.

* In this verse in the Hebrew "tears" is mentioned three times.

Johanen to him: "I pray thee, do not cause the rabbis to be punished (by Heaven for their wrong to him), and he himself went and lectured thus: It is written [Is. lviii. 2]: "Yet me do they ever seek day by day, and to know my ways do they always desire," and said: Do they seek only by day, and not in the night? This comes to teach us that he who studies the Law even one day in the year, the verse makes him equal to one who studied the whole year.

"*Every one unable to ride on his father's shoulders,*" etc. R. Zera was opposed to this teaching, and asked: And who brought him as far as Jerusalem?" Abayi answered: As his mother is bound to rejoice, she brought him, and there if he can go up to the Temple mountain with his father, he is no longer a minor. To defend the teaching of the School of Hillel, Rabbi replied thus: It is written in 1 Sam. i. 22: Hannah said: "So soon as the child shall be weaned, I will bring him." Why did she let him wait till he would be weaned, since the father could have carried him? Said Abayi* to him: According to your question, why did Hannah herself fail to go, since she was bound to rejoice? It must be said, that because of the too delicate condition of the child (which his mother noticed in him) she did not want to go.

"*Beth Shammai say two silver coins,*" etc. The rabbis taught: Beth Shammai say two silver coins for holocaust, because the sacrifice is a burnt-offering and must be more valuable, but for the feast-offering, which is only a peace-offering, one meah suffices. And we find also in case of Pentecost, about which the Law commands the burnt-offering should cost more than the peace-offering. And the Beth Hillel say: For the holocaust only one silver coin is sufficient. But the feast-offering had existed before the Law was given to Moses, as it is written [Ex. xxiv. 5]: "And they offered burnt-offerings and peace-offerings." (Although in the Bible it is written after the Law was given, this occurred before.) And we also find when the princes of Israel offered sacrifices, the cost of the peace-offerings was greater than the burnt-offerings.

Abayi said: Beth Shammai (R. Elazar and R. Ishmael) all hold that the sacrifice the Israelites offered in the desert was a holocaust-offering, and the Beth Hillel (R. Aqiba and R. Jose the Galilean) all hold that it was the daily offering, but not that of holocaust. We have learned in Tract Peah, Chap. I., the fol-

* This must be Abayi the Elder, who lived at that time.

lowing things have no biblical prescribed quantity: Peah (the corner); the first-fruit [Deut. xxvi.], and the holocaust-offering, and the conferring of kindness and the studying of the Law. R. Johanan taught to say: They have no prescribed maximum, but they have a prescribed minimum, until R. Oshia the Great came and taught: The holocaust has no prescribed quantity, even a minimum. But the sages said: The holocaust-offering should not be of less worth than a silver coin, and the feast-offering not less than two.

The expression in the above-cited Mishna for the holocaust is "the seeing" (Haraion). Now the question arises what is meant by "the seeing"? R. Johanan said: He can come to the court as many times as he likes to see it; the sacrifice, however, is only once in each festival. Resh Lakish, however, said: Every time he comes to visit the court he must offer a sacrifice. And they differ only during the whole year, not in the festivals. According to R. Johanan he may visit it without a sacrifice, but according to Resh Lakish he must bring a sacrifice, but both agree, in the festivals, he must come with a sacrifice, and one is sufficient for all days of the feast. And Resh Lakish agrees also that when one comes to visit in the middle of the year without a sacrifice, he may nevertheless enter the court and the Temple, but they differ when he came in the middle of the year and brought a sacrifice with him. According to R. Johanan it must not be accepted from him as an offering of the holocaust, because it is not prescribed how many times he should visit, but is prescribed that only one sacrifice in each festival. And according to Resh Lakish it may be accepted, because there is no prescribed quantity for sacrifices also, and he can sacrifice as much as he likes.

We have learned in a Boraitha: It is written [Prov. xxv. 17]: "Make thy foot scarce to the house of thy friend." From this we may infer: Thou shalt forbear to bring too many sin-offerings. Whence do we deduce this? Perhaps it means too many burnt-offerings or peace-offerings? It cannot be, for it is written [Ps. lxvi. 13]: "I will enter thy house with burnt-offerings; I will pay unto thee my vows (peace-offerings)." Now we see that burnt-offerings and peace-offerings he can offer when he likes. What, then, does the verse mean? Sin-offerings.

MISHNA: Burnt-offerings on the intermediate days come from ordinary things, but the peace-offerings from second-tithe. On the first day of Passover the School of Shammai say that

they come from ordinary things, but the School of Hillel say that they come from the second-tithe. Israelites generally fulfil their duty with vows and voluntary offerings, and with cattle-tithe, and the priests by the eating of sin-offering and of the trespass-offering, and by the first-born, and by the breast which hath been waved, and the shoulder which hath been lifted up, but not by eating of birds or of meal-offerings.

GEMARA: According to this Mishna, burnt-offerings are only to be sacrificed on the intermediate days, but not on the festival itself, and this would not be according to the School of Hillel concerning the Mishna in the next chapter? The Mishna is not completed, but must read thus: Burnt, vow, and voluntary offerings can be brought only on the intermediate days, not on the festival itself. The holocaust-offering, however, may be brought even on the festival. And when it is brought it must be only from ordinary things, but the peace-offerings of enjoying may be brought also from the second-tithe; the feast-offering, however, on the first day of Passover, the School of Shammai say, from ordinary things, and the School of Hillel say, from second-tithe. And so it was taught plainly in a Boraitha. Why is the feast-offering on the first day of the Passover different? Said R. Ashi: The Mishna comes to teach us only the feast-offering of the fifteenth of Nisan may be brought on the festival, but not of the fourteenth (which is brought together with the Paschal lamb). [From this we see that R. Ashi holds that the feast-offering of the fourteenth is not biblical.]

The Mishna says: The School of Hillel say: It may be brought from the second-tithe. Why? Is this not a duty-offering, and all that is a duty-offering must come from ordinary things? Said Ula: They meant to say, when he added the money of the second-tithe to the ordinary money. Hezkyah, however, said: An animal from second-tithe can be added to an ordinary animal, but with money it cannot be done so. R. Johanan, however, said: That, on the contrary, money to money can be added, but an animal to an animal cannot be added.

We have learned in one Boraitha in accordance with Hezkyah, another in accordance with R. Johanan.

"*Israelites fulfil their duty*," etc. The rabbis taught: It is written [Deut. xvi. 14]: "Thou shalt rejoice on thy feast," that is to add, all the moneys you have for rejoicing you can add to the money for this rejoicing. (It is said in another place that there is no rejoicing without meat, and as he has money

for the second-tithe as for other rejoicing, he can use it to eat the meat of the peace-offerings.) From this the sages infer that the Israelites can fulfil their duty with vow and voluntary offerings and with cattle-tithe; and the priest with sin and trespass-offerings, with the firstlings, and wave (breast) and heave (shoulder), lest one say, also with birds or meal-offerings. It is therefore written: "Thou shalt rejoice *thy* feast," and from this we may infer that all the things of which a feast-offering may be brought can be used for enjoying, excluding the above, of which a feast-offering cannot be brought. And R. Ashi said: From the expression only "Thou shalt *rejoice*" it can be inferred, because meal and fowls are not used for rejoicing.

MISHNA: He who has many to eat with him and few possessions brings more peace-offerings and fewer burnt-offerings. He who has more possessions than persons to eat with him brings more burnt-offerings and fewer peace-offerings. If one has little of both, to this case applies the saying about the meah of silver and the two pieces of silver. If he have enough of both, to this case applies the words: "Every man shall give as he is able, according to the blessing of the Lord thy God, which he hath given you" [Deut. xvi. 17].

GEMARA: More peace-offerings? Where should he take them? Said R. Hisda: He should add money, and shall bring a large bull. Ula said in the name of Resh Lakish: If one have separated ten animals for his feast-offerings, if he have offered five on the first festival, he may offer the other five on the second day of the festival. R. Johanan, however, said: As soon as he stopped offering, he shall not do it more. Said R. Abba: They do not differ, however. R. Johanan says he must do so, when he stopped, without any condition, but Resh Lakish meant the case when he said, when he stopped, that he would offer more. So it was taught also, that R. Shaman bar Abba said in the name of R. Johanan: The case where he cannot continue his offerings is only when he has no time to continue this day, and did not do so, but when he had time he may continue on the morrow.

MISHNA: If one has not offered the feast-offering on the first day of the festival, he may do it on any of the seven intermediate days, and even on the last day of the festival; but if the feast is over and he has not done it, he is not responsible for this. Of such a person is said [Eccl. i. 15]: "That what is crooked cannot be made straight, and what is defective cannot

be numbered." R. Simeon b. Manassea, however, said: Who is this that is crooked that cannot be made straight? That is he who forms an illegitimate connection and begets therefrom a bastard child. If you should say: Nay, it has to do with theft and plunder, then he could make restitution of it and be made straight? R. Simeon b. Jo'hai said: Nothing is called crooked that was not straight at the beginning and has become crooked. And what is this? A scholar that separates himself from the Law.

GEMARA: Whence do we deduce this? Said R. Johanan in the name of R. Ishmael: It is written of the seven days of Passover: "Assembly," and it is also written of the eighth day of the Feast of Tabernacles: "Assembly." As the eighth day of the Feast of Tabernacles is a completion, so also is the seventh day of Passover, and this expression is "empty" (seemingly superfluous), because if it would not be superfluous it could be objected to that the seventh day of Passover is not separated in anything from the former days, but the eighth day of the Feast of Tabernacles is separated from the former days in the offerings and in many things (as is stated in Succah). And in reality this expression "assembly" is superfluous: for let us see: What is meant by "assembly to the Lord thy God"? They shall assemble not to do any labor, and this is already written above [Deut. xvi. 8]: "You shall not do any labor." Why "assembly" again? Infer from this to make it "empty" for the analogy stated above. But the Tana of the Boraitha infers this from the following passage: It is written [Lev. xxiii. 41]: "Ye shall celebrate it as a feast unto the Lord seven days in the year." Might we assume he shall celebrate the holidays all the seven days? Therefore it is written "it"—*it* but not *all* the seven days. And for what purpose then is it written "seven days"? You must say, they are only for a completion. But whence do you know that if he has not offered the feast-offering on the first day, he may do so on all the succeeding six days of the festivals? Therefore it is written [ibid.]: "In the seventh month shall ye celebrate." If the seventh month, one might assume that he shall celebrate the whole month? Therefore it is written "it" (on the festival), but ye cannot do so outside of the festival.

"If the feast is over," etc. Said Ben Hei Hei to Hillel: If it is so, why is it written, "Cannot be numbered"? It should be written, "Fulfilled"? We must therefore say that this verse means,

that if a man was numbered among his colleagues for a religious duty, and he did not want to be numbered—of him is said the verse. So also we have learned plainly in a Boraitha (Bera-choth). Ben Hei Hei again asked Hillel: It is written [Mal. iii. 18]: "And ye shall return and see the difference between the righteous and the wicked, between him that serveth God and him that has not served him." What is the difference between the righteous and the servant of God, or the wicked and him who serves not God? Is it not the same? And he answered: Both he who serves God and serves not are really upright men, but when one repeats his chapter of the Law one hundred times he is not equal to him who does it one hundred and one times. Said Ben Hei Hei again: Can the man be called upright who serves not God, because he did not repeat the one hundredth and first time? And he said: Yea, go and learn from the market-place, where asses are hired: when one hires an ass for ten parsa, he pays one Zuz, but if for eleven, he must pay two.

Elijah said to Ben Hei Hei, according to others to R. Elazar: It is written [Is. xlvi. 10]: "Behold, I have refined thee, though not into silver: I have approved thee in the crucible of affliction." * Infer from this when the Holy One, blessed be He, looked for merits given to Israel, he found only poverty. Said Samuel, and according to others R. Joseph: This is what people say: Poverty becomes Israel as a red leather trapping a white horse.

"*R. Simeon b. Menassea*," etc. If born, yea, but if not, nay? Did we not learn in a Boraitha: Simeon b. Manassea said: If one has stolen something, he can return it and repair his sin; if one has robbed, he can return, and make all good, but he who has had a connection with his neighbor's wife, and disqualified her for his neighbor, this man is destroyed from the world, and is lost? R. Simeon b. Jo'hai said: We do not say, one shall examine a camel, or one shall examine a pig (because they are unfit, and there is nothing to examine). But what is to be examined? A sheep (which is fit for an offering). Perhaps it has received a blemish which makes it unfit—that is, a scholar who has departed from the Law. R. Jehudah b. Lakish said: Of a scholar who separated himself from the Law the verse [Prov. xxvii. 8] said: "As a bird that wandereth away from her nest, so is a man that wandereth away from his place." Of him is also

* *Oni* is translated "affliction," but by the Talmud "poverty."

written [Jer. ii. 5]: "What fault did your fathers find in me, that they went away from me?" (Now we see, however, that he who has a connection with his neighbor's wife, although he has no bastard born, is also destroyed from the world? It presents no difficulty: If he forced her, she may continue with her husband and he may repent and make it good, but if a bastard was born, she cannot live with her husband, and he is lost; but if he did it with her will, even when there is no bastard, he is lost). And if you wish I will say: In both cases it is when he used force. If he had a connection with the wife of a priest (who cannot live with her husband in any case), he is lost even when no bastard was born; and when it is stated that he is lost only when a bastard is born, the wife of a common man is meant.

It is written [Zech. viii. 10]: "And for him that went out or came in there was no peace." Said Rabh: That means, if a man goes out from the study of the Mishna to read the verses of the Bible, this man can have no more peace (because nothing can be decided from the verses without the commentary of the Mishna). Samuel, however, said: Even the man who separates himself from the Talmud to learn the Mishna (because nothing can be decided from the Mishna without the explanation of the Talmud). R. Johanan said: Even he who separates himself from the Palestinian Talmud, and goes to the Babylonian Talmud (because nothing is to be decided from the Babylonian Talmud, as it is said in Sanhedrin: "In dark places that he set me to dwell," etc. [Lam. iii. 6], which means, the Babylonian Talmud); and so explains Rashi; but Tosphath says, it can be explained *vice versa*, i.e., one who goes from the Babylonian Talmud before understanding it thoroughly to the Palestinian Talmud, who will surely not understand it.

MISHNA: The laws about the dissolving of vows hang in the air, and have no basis (in the Bible). The Halakhath concerning Sabbath, feast-offerings, and trespasses are as mountains suspended by a hair, because the verses of the Bible concerning this are very few, and the Halakhath are very many. The jurisprudence, the Temple services, and the purification, and uncleanness, and the cases of illegal unions, have a basis in the Bible, and they are the essential parts of the Law.

GEMARA: We have learned in a Boraitha: R. Elazar, however, said: They have a basis in the Bible, as it is written: [Lev. xxvii. 2]: "If a man make a particular vow," and [Num.

vi. 2] it is written again: "Pronounce an especial vow." Why twice? It is to signify—one is to make the vow, the other is to dissolve it. R. Joshua said also: They have a basis, as it is written: [Ps. xcv. 11]: "So that I swore in my wrath." From this we infer, what I have sworn in my wrath, which later I recalled (and from this we infer, who swears, or vows when he is excited, or so, may later ask to have it dissolved). R. Itz'hak said: There is a basis from the following [Ex. xxxv. 5]: "Whosoever is of a willing heart." From this we may infer, he can make a vow with a willing heart, but otherwise he can ask for its being dissolved. Hananiah the son of R. Jehoshuah's brother said: Their basis is the following verse [Ps. cxix. 106]: "I have sworn and I will perform it, to observe thy righteous ordinances," and when he says, "I will perform it," he may sometimes not do it, although he has sworn, because he will ask it to be dissolved. Said R. Jehudah in the name of Samuel: If I would be there I would say to them: The following verse would be better than yours, viz. [Num. xxx. 3]: "He shall not profane his word." *He* shall not profane, but others can make him profane it. Said Rabha: To all said above I can object, but what Samuel said could not be objected to.

"*The Halakhath concerning Sabbath.*" Are not written many verses about Sabbath? Why do they say, they are as mountains suspended by a hair? It is prohibited only to labor with an intention, but what is and what is not labor with an intention is not written at all; but the Talmud concludes that it is such that was done in the Tabernacle, because the commandment of Sabbath immediately precedes the building of the Tabernacle [Ex. xxv.].

"*The offering of peace.*" Why, it is written? (It is said above, "Ye shall celebrate"? Yea, it is written, "Ye shall celebrate it," but where is it written an offering shall be brought?) This may be inferred from an analogy of expressions. It is written [Ex. v. 1]: "That they may hold a feast unto me in the wilderness," and it is written [Amos v. 25]: "Have ye offered unto me sacrifices and meat-offerings in the wilderness?" Hence as there is plainly stated "offerings," so also "hold a feast" means to bring offerings. Why, then, is it said, they are as mountains hanging by a hair? Because between the words of the law of the Pentateuch and the words of the Prophets we do not draw any analogies.

"*Trespass.*" Is that not written? Said Rabha: It means as

a case of the following Boraitha: If the owner has remembered, but his messenger did not remember, the messenger has trespassed. Now, what has the poor messenger done to trespass? That is, these laws are as mountains hanging by a hair.

"In the Bible are very few," etc. We have learned in a Boraitha: That about plagues, tents for a dead body, the verses are few, and the Halakhath are many. Is that so? Of plagues there are very many verses? Said R. Papa: The Boraitha meant to say thus: About plagues there are many verses, but few Halakhath; but about tents there are few verses, but many Halakhath. And what is the difference? That is, if one is doubtful in a Halakha concerning plagues, he should look up the Bible, but if he is doubtful concerning tents, he must look up the Mishnas.

"Jurisprudence." (The Mishna says, it has only a basis. Is it only that?) Is it not written all about it? It is meant a case as in the following Boraitha: Rabbi said: What is written [Ex. xxi. 23]: "Life for life" means money. But whence do we deduce this? Perhaps it means life in the reality? Therefore here it is written: "Thou shalt give," and in the preceding verse it is written: "He shall give by the decision of the judges." As there it is to pay money only, so it is here.

"The Temple services." Is this not written? It means to say about the bringing of the blood to the altar, as we have learned in a Boraitha. The passage [Lev. iv.] "shall *bring*" means "*receiving*" the blood, as it is a service that must be done by the priest with the observation of all the regulations of the Law.

"Clean and unclean." Is this not written? The Mishna means, the prescribed quantity for a legal bath, which is not written at all. But about unclean things, is it not written? It means to say, the size of a lentil from a reptile defiles, which is not written.

"Illegal unions." Is it not written about this plainly? It was necessary to meet the case of the daughter of a woman whom he has forced, which is not written about in the Bible and that is only drawn from an analogy of expression.

"And they are the essentials of the Law." Are only these the essential parts? and the former not? Say, they are also.

CHAPTER II.

REGULATIONS CONCERNING PUBLIC LECTURES WHICH ARE AND WHICH ARE NOT ALLOWED.

MISHNA: One should not discuss illegal unions unless there were three besides him, nor the creation unless there were two besides him, nor the divine chariot with one individual, unless he was a wise man and had much knowledge of his own. Every one who tries to know the following four things, it were better for him if he had never come into the world, viz.: What is above and what is beneath, what was before creation, and what will be after all will be destroyed. And every one who does not revere the glory of his Creator, it were better for him he had not come into the world.

GEMARA: In the first part it is said: "The divine chariot with an individual" (because he may deviate from the tradition and add out of his own mind, and there will be nobody to remind him), and afterwards it is said: "Unless he is a wise man and will understand by himself?" (from this we infer, that no tradition is necessary). The Mishna meant to say thus: One must not lecture about illegal unions even to three, nor about the creation even to two, and not about the divine chariot even to one, unless the lecturer was a wise man and will understand himself to answer, if they will question him about something. Why so? Said R. Ashi: One must not lecture about illegal unions not mentioned in the Bible (*e.g.*, his daughter of a forced woman, or the mother of his father-in-law, which is drawn only from an analogy of expression?) And why not to three? This is common sense. If there are only two, the Master speaks to one, and the other listens to him. But if there are three, one listens, and the other two discuss it between them, and can err and come to a wrong conclusion to permit an unlawful thing. If it is so, why only about unlawful unions, the case should be the same with the whole Law? In case of unlawful unions it is different, because the Master says: Robbing and vice a man desires. If so, why only in case of illegal unions, let him not lecture about robbery

also to three? Robbery one desires when the thing to be robbed is in his presence, but this is desired in the party's absence also.

"And not about creation to two." Whence do we deduce this? As stated in the following Boraitha: It is written [Deut. iv. 32]: "For do but ask of former days" (this is in the singular). From this we may infer, that *one* may ask, not *two*. Lest one assume that a man can ask, What was before the creation? therefore it is written [ibid.]: "Since the day that God created man from the earth"; but lest one assume, a man must not ask even what was done in the six days of creation? therefore it is written [ibid.]: "Which were before thee" [*i.e.*, the six days before]; lest one ask, What is above and what is beneath, what was before creation and what will be after it? therefore it is written [ibid.]: "From one end of the heavens unto the other end of the heavens," "but not what is beyond." [If we infer this from what is written: "From one end of the heavens unto the other end," why is needed the verse further: "Since the day that God created man upon the earth"? This is according to R. Elazar, who said that Adam was tall from the earth up to heaven, and after he had transgressed, the Holy One, blessed be He, laid His hand upon him, and made him lower, as it is written (Ps. cxxxix. 5): "Behind and before hast thou hedged me in, and thou placest upon me thy hand."]

R. Jehudah in the name of Rabh said: Ten things were created on the first day, and they are: heaven and earth; chaos and desolation; light and darkness; wind and waters; the measures of the day and those of the night—heaven and earth, for it is written [Gen. i. 1]: "In the beginning God created the heaven and the earth"; chaos and desolation, for it is written [ibid. i. 2]: "And the earth was without form and void (chaos)"; light and darkness—darkness, for it is written [ibid., ibid.]: "And darkness was upon the face of the deep"; light, for it is written [ibid. i. 3]: "And God said, Let there be light"; wind and water, for it is written [ibid. i. 2]: "And the spirit (wind) of God was waving over the face of the waters"; the measures of the day and those of the night, for it is written [ibid. i. 5]: "And it was evening, and it was morning, the first day."

We have learned in a Boraitha: Chaos is a green line compassing all the world, and from it darkness springs, as it is written [Ps. xviii. 12]: "He made darkness his hiding place, round about him." Desolation—this means the stones covered

with mud, which are sunk in the deep, from which waters come forth, as it is written [Is. xxxiv. 11]: "And he shall stretch out over it the line of destination and the weights of desolation."

Was light created on the first day? Is it not written [Gen. i. 17]: "And God set them in the expansion of the heaven," and also [ibid. i. 19]: "And it was evening and it was morning the fourth day"? This is as R. Elazar said: The light which the Holy One created on the first day, Adam saw by its means from one end of the world to the other. When the Holy One considered the generation of the flood and the generation of the dispersion, and that their works were vain, He took it from them and concealed it for the upright in the world to come. In this, however, the following Tanaim differ, as we have learned in a Boraitha: The light which the Holy One, blessed be He, created on the first day, Adam observed and saw by its means from one end of the world to the other. So said R. Jacob. But the sages said: These are the luminaries which were created on the first day, but were not hung up until the fourth day.

R. Zutra bar Tobiah in the name of Rabh said: By ten things the world was created: by wisdom and by understanding; by knowledge and by strength; by rebuke and by might; by righteousness and by judgment; by mercy and by compassion.* R. Jehudah in the name of Rabh said: At the time that the Holy One, blessed be He, created the world it went spreading on like two clews of shoot and warp, until the Holy One, blessed be He, rebuked it and brought it to a standstill, as it is written [Job xxvi. 11]: "The pillars of heaven tremble greatly, and are astounded at his rebuke." And this is what Resh Lakish also said: What is meant by [Gen. xvii. 1]: "I am the Almighty God"? (אני). It means: I am He *Who* (על) said to the world, "*Enough*" (כִּי). Resh Lakish said again: At the time the Holy One, blessed be He, created the sea, it went spreading on, until the Holy One, blessed be He, rebuked it and made it dry, for it is written [Nah. i. 4]: "He rebuketh the sea and maketh it dry; and all the rivers he dried up."

The rabbis taught: The School of Shammai say: The heavens were created in the beginning, and afterwards the earth was created, for it is written [Gen. i. 1]: "In the beginning God created the heaven and the earth." But the School of Hillel say: The earth was created in the beginning, and afterwards the

* All these are deduced from passages. See foot-note further on.

heavens, for it is written [Gen. ii. 4]: "On the day that the Lord God made *earth* and heaven." Said the School of Hillel to the School of Shammai: According to your words, a man builds an upper story, and afterwards builds a house; and the heavens are the upper story, as it is written [Amos ix. 6]: "That buildeth in the heavens his steps, and hath founded his vault over the earth." Said the School of Shammai to the School of Hillel: According to you, a man makes a footstool, and afterwards makes a throne, as it is written [Is. lxvi. 1]: "Thus saith the Lord, The heaven is my throne, and the earth is my footstool." The sages say: Both were created together, as it is written [ibid. xlviii. 13]: "My hand also hath laid the foundation of the earth, and my right hand hath spanned out the heavens. I call unto them, they stand forward together."

What is meant by "heavens"? Said R. Jose bar Hanina: It means, the place where there is water. In a Boraitha it is explained as equivalent to fire and water, thus teaching that the Holy One, blessed be He, brought them and mingled them one with the other, and made from them the firmament. R. Ishmael questioned R. Aqiba when they were on the road: Thou art one who hast served for twenty-two years Na'hum, the man of "Gimzu," the man who expounded the meaning of all the particles "*eth*" (the) which are in the Law. What was his exposition of "Eth-ha-shamayim v'eth haarets"? R. Aqiba answered: If the words had been simply: First created God heaven and earth, I should have said, "Heaven" is another name of God. But as it is now, all know that heaven and earth are to be taken in the literal meaning. And why do I find the expression "*v'eth haarets*"? To show that heaven preceded the earth.

There is a Boraitha of R. Jose which says: Woe to the creatures which see and know not what they see, which stand and know not upon what they stand. Upon what does the earth stand? Upon the pillars. The pillars stand upon the waters; the waters upon the mountains; the mountains upon the wind; the wind upon the storm;* the storm is suspended upon the strength of the Holy One, blessed be He, as it is written [Deut. xxxiii. 27]: "And here beneath, the everlasting arms." The sages say: It stands upon twelve pillars, as it is

* There are here adduced biblical passages for every statement, but we omitted them, as they are not in point.

written [Deut. xxiii. 8]: "He set the bounds of the tribes according to the number of the sons of Israel." According to others, seven pillars, as it is written [Prov. ix. 1]: "She had hewn out her seven pillars." R. Elazar b. Shamua said: Upon one pillar, and its name is Zaddik (The Righteous), as it is written [Prov. x. 25]: "But the righteous is an everlasting foundation." R. Jehudah said: There are two firmaments, as it is written [Deut. x. 14]: "Behold, to the Lord thy God belong the heavens and the heavens of the heavens." Resh Lakish said, they are seven, viz.: Vilon, Rakia, Shchakim, Zbul, Maon, Makhon, Araboth. Vilon serves no purpose whatever save this, that it enters in the morning, and goes forth in the evening, and renews every day the work of creation. Rakia is that in which are set sun and moon, stars and constellations. Shchakim is that in which the millstones stand and grind manna for the righteous. Zbul is that in which is the heavenly Jerusalem and the Temple, and the altar is built there, and Michael the great prince stands and offers upon it an offering. Maon is that in which are companies of ministering angels, who utter His song in the night and are silent in the day for the sake of the glory of Israel. Resh Lakish said: Every one who studied in the Law in this world, which is like the night, the Holy One, blessed be He, stretches over him the thread of grace for the future world, which is like the day, as it is written: "By the day the Lord gives his merciful command, and by night his song is with me." Makhon is that in which are the treasures of hail, and the high dwelling-place of harmful dews and the high dwelling-place of the round drops, and the chamber of the whirlwind and of the storm, and the retreat of noisome vapor; and their doors are made of fire. Araboth is that in which are righteousness and judgment and grace, the treasures of life and the treasures of peace and the treasures of blessing, and the souls of the righteous and the spirits and souls which are about to be created, and the dew with which the Holy One, blessed be He, is about to quicken mortals. There also are celestials and seraphs and holy beings and ministering angels and the throne of glory, and the King, the Living God, high and lifted up, sitting over them among the clouds, and darkness and cloud and thick darkness surround Him. How is there darkness in the presence of the Lord? Is it not written [Dan. ii. 22]: "He is that revealeth what is deep and secret: he knoweth what is in the darkness, and the light dwelleth with him"? This presents no difficulty.

The one refers to that which is within, the other to that which is without. R. A'ha bar Jacob said: There is again a firmament above the heads of the living creatures, for it is written [Ezek. i. 22]: "And the likeness of a vault was over the head of the living creatures, shining like the glitter of the purest crystal." So far thou hast permission to speak. Thenceforward thou hast not permission to speak. For thus it is written in the book of Ben Sira: Seek not out the things that are too hard for thee, and into the things that are hidden from thee inquire thou not. In what is permitted to thee instruct thyself; thou must not discuss secret things.

We have learned in a Boraitha: Rabban Johanan b. Zakkai said: What answer did the heavenly voice make to that wicked man at the time when he said [Is. xiv. 14], "I will ascend above the heights of the clouds; I will be equal to the Most High"? The heavenly voice said to him: Thou wicked man, son of a wicked man, grandson of Nimrod the Wicked, who led all the world to rebel against Him in his kingdom, how many are the years of a man? Seventy years, as it is said [Ps. xc. 10]: "The days of our years in this life are seventy years, and if by uncommon vigor they be eighty . . ." And is not from the earth to the firmament a journey of five hundred years, and so too the interspace of the firmaments? Above there are the holy living creatures. The feet of the living creatures are of corresponding measure to all the things mentioned above, the ankles of the living creatures are of corresponding measure, the legs of the living creatures are of corresponding measure, the knees of the living creatures are of corresponding measure, the thighs of the living creatures are of corresponding measure, the bodies of the living creatures are of corresponding measure, the necks of the living creatures are of corresponding measure, the heads of the living creatures are of corresponding measure, the horns of the living creatures are of corresponding measure. Above them is the throne of glory. The feet of the throne of glory are of corresponding measure. The throne of glory is of corresponding measure. The King, the Living and Eternal God, high and lifted up, sitteth upon them. And thou didst say: "I will ascend above the heights of the clouds; I will be equal to the Most High"? Yet thou shalt be brought down to hell, to the uttermost parts of the pit.

"Nor the divine chariot with one." R. Hyya taught: But you may impart to him the quintessence of the chapters. Said

R. Zera : Even that may only be imparted to a chief of the Beth Din, and only then when his heart yearns for knowledge.

R. Ami said : The secrets of the Law may be imparted only to the one who has the five prescribed things, viz. [Is. iii. 3] : "The captain of fifty, and the honorable man, and the counselor, and the skilful artificer, and the eloquent orator." R. Johanan said to R. Elazar : Come, I will fully instruct thee in the subject of the divine chariot. He said to him : I am not old enough. When he was old enough, R. Johanan's soul had passed away. R. Asi said to him : Come, I will fully instruct thee in the subject of the divine chariot. He said to him : If I had been worthy, I should have received full instruction from R. Johanan, thy teacher. R. Joseph was giving full instruction in the subject of the divine chariot. The sages of Pumbeditha were teaching the subject of creation. They said to him : Would the master instruct us fully in the subject of the divine chariot? He answered them : Instruct me in the subject of creation. After they had instructed him, they said to him : Would the master instruct us in the subject of the divine chariot? He answered : In reference to this we have learned in a Boraitha : It is written [Song of Songs iv. 11] : "Honey and milk are under thy tongue." That means, let words sweeter than honey and milk be under thy tongue. R. Abuhu infers the same thing from the following passage [Prov. xxvii. 26] : "The sheep are for thy clothing." That means, things that are the secrets of the world shall be under thy clothes. They said to him : We have worked in them as far as the words [Ezek. ii. 1] : "And he said unto me, Son of man." And he said to them : But this is the real subject of the divine chariot.

The rabbis taught : It happened once that a certain child, who was reading in his teacher's house in the Book of Ezekiel, was pondering over 'Hashmal, and there came out fire from 'Hashmal and burnt him, and they sought in consequence to conceal the Book of Ezekiel. Said Hananiah b. Hezekyah to them : If he was wise, are then all wise?

It is written [Ezek. i. 4] : "And I saw, and behold, a storm wind came out of the north, a great cloud, and a flaming fire, and a brightness was on it round about ; and out of the midst of it was like the glitter of amber, out of the midst of the fire." Whither did it go? Said R. Jehudah in the name of Rabh : It went forth to subdue the whole world under the wicked Nebuchadnezzar. And this was done that the nations might not

say: The Holy One, blessed be He, delivered His children into the hands of a low nation. The Holy One, blessed be He, said: What forced Me to minister to worshippers of carved images? The iniquities of Israel, they forced me. It is written [ibid. i. 15]: "And I looked on the living creatures, and behold, there was one wheel upon the earth close by the living creatures." Said R. Elazar: It means a certain angel who stands upon the earth, and his head reaches to the level of the living creatures. In a Tosephtha we are taught that his name is Sandalphon, who is higher than his fellows by the space of a journey of five hundred years, and he stands behind the divine chariot and binds crowns for his Creator. This is not so, as it is written [Ezek. iii. 12]: "Blessed be the glory of the Lord from his place." From this we may infer that His place is impossible to know? He utters one of the holy names of the Lord over the wreath, and thereupon he goes and rests by His head. Rabha said: All which Ezekiel saw Isaiah saw, but Ezekiel was like a villager who saw the king for the first time (and therefore he said all that he has seen); Isaiah, however, was like a townsman who has often seen the king (and therefore he said little).

Resh Lakish said: What is the meaning of the passage [Ex. xv. 1]: "I will sing unto the Lord, for he hath triumphed gloriously"? It means a song to Him who takes His place proudly above the high, as the Master said: The king among living creatures is a lion; the king among domestic beasts is an ox; the king among birds is an eagle, but man takes his place proudly above them, and the Holy One, blessed be He, takes His place proudly above them all, and above the whole world in its entirety. We have learned in a Boraitha: Rabbi said in the name of Abba Jose b. Dosai: It is written [Dan. vii. 10]: "Thousand times thousands ministered unto him." This is the number of one troop, but *all* his troops cannot be numbered. R. Jeremiah bar Abba, however, said: This passage refers to the fiery stream, as it is written [ibid., ibid.]: "A stream of fire issued and came forth from before him; thousand times thousands ministered unto him; and myriad times myriads stood before him." Whence does it come forth? From the perspiration of the living creatures. And upon what is it poured? Said R. Zutra bar Tobiah in the name of Rabh: Upon the heads of the wicked men in Gehenna, as it is written [Jer. xxiii. 19]: "Behold, the storm wind of the Lord is gone forth in fury; yea, a whirling storm upon the head of the wicked shall it fall grievously." R.

A'ha bar Jacob said: Upon those who were held back, as it is written [Job xxii. 16]: "Who were shrivelled up before their time, whose foundation was flooded away like a river?" There is a Boraitha to the effect that R. Simeon the Pious said: There are nine hundred and seventy-four generations which were held back from being created. The Holy One, blessed be He, scattered them through all the successive generations, and these are the impudent (עוֹי פְּנִים) who are in a generation. R. Na'hman bar Itz'hak, however, said: On the contrary, this passage refers to those who are wrinkled for blessing, as it is written: As for these scholars who have become wrinkled over the words of the Law in this world, the Holy One, blessed be He, discloses to them the secrets of the world to come, as it is written [Job xxii. 16]: "Whose foundation was flooded away like a river."

Samuel said to Hyya bar Rabh: Thou son of a scholar, come and I will tell thee something of those noble words which thy father used to say: Every several day ministering angels are created from the fiery stream, and they utter a song and perish, as it is written [Lam. iii. 23]: "They are new every morning; great is thy faithfulness."

When R. Dimi came he said: Eighteen curses did Isaiah pronounce upon Israel, and he was not satisfied, until he had spoken against them this passage [Is. iii. 5]: "The boy shall demean himself proudly against the ancient, and the base against the honorable."

What are the eighteen curses? The following [Is. iii. 1-4]: "For, behold, the Lord, the Eternal of hosts, doth remove from Jerusalem and from Judah stay and staff, every stay of bread, and every stay of water. The hero and the men of war," etc., etc. "Stay"—these are the learned in the Law. "Staff"—these are the learned in the Mishna; e.g., R. Jehudah b. Tema and his fellows. [R. Papa and the rabbis differ in respect to this: One says, there were six hundred sections of Mishna, and another says, there were seven hundred sections.] "Every stay of bread"—these are the learned in Talmud, as it is written [Prov. ix. 5]: "Come, eat of my bread, and drink of the wine which I have mingled." "And every stay of water"—these are the learned in Agada, who draw a man's heart like water by means of Agada." "The hero"—this is the man versed in oral tradition. "And the man of war"—this is he who knows how to handle matters in the battle of the Law. "The judge"—this

is a magistrate who gives decisions faithfully. "And the prophet"—this is in its literal meaning. "The prudent"—this is a king, as it is written [Prov. xvi. 10]: "There should be a wise sentence on the lips of the king." "And the ancient"—this is he who is worthy to sit as a teacher presiding over an academy. "The captain of fifty"—this is in accordance with R. Abuhu, who saith: From this we may infer, that an interpreter who is less than fifty years old is not appointed over the congregation. "And the honorable man"—this is he for whose merits his generation is forgiven; by Heaven (*e.g.*, R. Hanina b. Dosa); in this world (*e.g.*, R. Abuhu in the house of Cæsar). "And the counsellor"—one who knows how to intercalate years and to fix months. "And the skilful"—this is the disciple who, by his keenness, sharpens the minds of his teachers. "Artificer"—at the time he is unfolding the words of the Law all are made like deaf men.* "And the eloquent"—this is he who, having knowledge of one thing, can derive therefrom knowledge of another thing.† "Orator"—this is he to whom it is fitting to impart the words of the Law, which is given in a whisper (*e.g.*, the subject of the divine chariot. See page 21). "And I will set up boys as their princes"—that is, as R. Elazar said: These are men who are deprived of good works.‡ "And children shall rule over them"—as R. A'ha bar Jacob said: These are foxes and sons of foxes.§ And he was not satisfied until he had said to them: "The boy shall demean himself proudly against the ancient," etc. [*ibid.*, *ibid.*].—these are the men who are deprived of good works. They shall demean themselves proudly against the one who is filled with good works as a pomegranate. "And the base against the honorable"—*i.e.*, that one to whom heavy sins are like light ones will demean himself proudly against the one to whom light sins are like heavy ones.

R. Kattina said: Even at the time of the destruction of

* The Hebrew term is חרשים, and is explained to have the same meaning as חרש, a deaf man.

† The Hebrew terms are נבון לחש, the literal meaning of which is "the instructed whisperer," but we give in the text Loesser's translation.

‡ The Hebrew term is נערים, which means also "to shake off, to be deprived," as in (Judges xvi. 20) ואֶנְעֶר.

§ The Hebrew term is תעלולים, and is interpreted here as derived from the Aramaic תעל, a fox; *i.e.*, men who are shrewd as a fox, but deprived of any good qualifications.

Jerusalem there did not cease from them faithful men. Is that so? Did we not learn: Rabha said: Jerusalem was not laid waste till there ceased from it faithful men, as it is written [Jer. v. 1]: "Roam about through the streets of Jerusalem, and see now, and notice, and search in its broad places, if ye can find one man, if there be one who executeth justice, that searcheth for truth: and I will pardon it"? This presents no difficulty. The former means, faithful in the study of the Law, and the latter means, honesty in common business.

The rabbis taught: It happened with Rabban Johanan b. Zakkai that he was riding upon his ass and was travelling on the road, and R. Elazar b. Arakh was behind him, as driver. Said the latter to him: Rabbi, teach me a chapter on the subject of the divine chariot. And he answered him: Have I not taught you: Nor the chariot with one individual, unless he was a wise man and had much knowledge of his own? Then he said to him: Rabbi, allow me to say before thee one thing which thou hast taught me. He allowed him. Immediately R. Johanan b. Zakkai dismounted from the ass, and wrapped himself up and seated himself upon the stone under the olive tree. R. Elazar asked him: Rabbi, wherefore didst thou dismount from the ass? He answered him: Is it right that thou shouldest investigate the subject of the divine chariot, and the Shekhina is with us and ministering angels accompany us, and that I should ride upon the ass? Then R. Elazar b. Arakh entered upon the subject of the divine chariot and lectured: And there descended fire from heaven and encircled all the terebinth trees of the field, which uttered a song. [What was the song which they uttered? [Ps. cxlviii. 7, 9, 14]: "Praise the Lord from the earth, ye sea monsters, and all deeps . . . fruitful trees and all cedars . . . Hallelujah."] An angel answered from the fire: *This* is the real subject of the divine chariot. R. Johanan arose and kissed him upon his head, and said: Blessed be the Lord God of Israel who hath given to our father Abraham a son who is able to understand and lecture on this subject. There is one who lectures well, but doth not perform well. There is one who performeth well, but does not expound well. Thou dost expound well and dost perform well. Blessed art thou, Abraham our father, from whose loins hath come forth Elazar b. Arakh.

And when these things were told to R. Joshua, he and R. Jose the priest were travelling on the road. They said: Let us also expound on the same subject. R. Joshua opened his mouth

and lectured: And it was the day of the summer solstice. The heavens were wrapped in clouds, and there appeared the form of a bow in the cloud, and the angels were assembling and coming to hearken, as the men assemble and come to look at the festivities of bridegroom and bride. R. Jose the priest went forward and related the whole occurrence to Rabban Johanan b. Zakkai, who said: Blessed are ye, and blessed is she that bare you. Blessed are mine eyes, that they have thus seen. And also in my dream I and ye were resting upon Mount Sinai, and a heavenly voice was heard, which said: Come up hither, come up hither. Large banquetting chambers are prepared and fair coverlets are spread for you, you and your disciples and your disciples' disciples, as fitted to attain to the third degree of blessedness.

Is it so? Have we not learned in a Boraitha: R. Jose in the name of R. Jehudah said: There were three consecutive expositions. R. Joshua explained things before R. Johanan b. Zakkai; R. Aqiba explained things before R. Joshua; Hananiah b. Hachinai explained before R. Aqiba. Hence we see that R. Elazar b. Arakh was not mentioned. (This presents no difficulty :) He who teaches and before whom others teach *is* mentioned, while he who teaches and before whom others do not teach is not mentioned. But was not Hananiah b. Hachinai one who taught and before whom others did not teach? And still he was mentioned? Yea, for he taught at least in the presence of one who taught others.

The rabbis taught: Four men went up into the heavenly garden,* and they were: Ben Azzai and Ben Zoma, A'her and R. Aqiba. Ben Azzai gazed and died;† to him the scriptural passage may be applied [Ps. cxvi. 15]: "Grievous in the eyes of the Lord is the death of his pious ones." Ben Zoma gazed and went mad; to him the scriptural passage may be applied [Prov. xxv. 16]: "Hast thou found honey? eat so much as is sufficient for thee, lest thou consume too much of it, and have to vomit it forth." A'her cut the plants.‡ R. Aqiba departed

* The Hebrew term is *Pardes*, meaning "a garden"; the commentaries explain it to mean "heavenly." Tosaphoth states: "They did not go up literally, but it appeared to them as if they went up." See Streane's "Hagigah," p. 83.

† In the Palestinian Talmud it reads: Ben Zoma gazed and died; Ben Azzai gazed and was injured. This seems to be the more correct, as can be seen from many other places in the Babylonian Talmud and Tosephta. See our "Eben Ha-rosha," at the end.

‡ These terms are used because he speaks of a garden; i.e., in some way made bad use of his learning.

in peace.* A'her cut the plants; it is to him that the scriptural passage may be applied [Eccl. v. 6]: "Suffer not thy mouth to cause thy body to sin." There came out a heavenly voice and said [Jer. iii. 14]: "Return, O backsliding children" (except A'her). When he learned it he said: Inasmuch as that man is excluded from yonder world, let him go and enjoy himself in this world. A'her went forth into evil courses. A'her asked this question of R. Meir, after he had gone forth into evil courses: What is the meaning of the passage [Eccl. vii. 14]: "Also this hath God made in equal measure with the other"? He answered him: Everything which the Holy One, blessed be He, created, He created with its counterpart. He created mountains; He created hills: He created seas; He created rivers. He said to him: R. Aqiba thy teacher did not say so, but he explained it as meaning that He created righteous; He created sinners: He created the Garden of Eden; He created Gehenna. To every individual belongs two shares, one in the Garden of Eden and one in Gehenna. If one is meritorious and righteous, he receives his own portion and also the portion of his neighbor in the Garden of Eden. If he has incurred guilt, he receives his own portion and also the portion of his neighbor in Gehenna. [R. Mesharshia said: What is the Scripture proof? As regards the righteous it is written [Is. lxi. 7]: "Therefore in their hand shall they possess a twofold (portion)"; as regards the wicked it is said [Jer. xvii. 18]: "And strike them with a double breach."]

A'her asked again of R. Meir: What is the meaning of the passage [Job xxviii. 17]: "She cannot be estimated after gold and glass; and not in exchange for her (can) vessels of refined gold (be taken)"? He answered him: These are the words of the Law, which are difficult to buy, as vessels of gold and of pure gold, and are easily lost, as vessels of glass. He said to him: R. Aqiba thy teacher did not say so, but he explained it as meaning that as vessels of gold and vessels of glass, although they are broken, may be mended, so a disciple of the sages, although he have sinned, may be mended. He said to him: Return thyself also. He answered him: I have already heard from behind the curtain [Jer. iii. 14]: "Return, O backsliding children" (except A'her).

* We have omitted here a question put to Ben Zoma, for the reason that the same was inserted in the Talmud not by the Talmudists. See our "Eben Sapir," p. 56. Also, what happened to Ben Zoma with R. Jehoshua b. Hananiah, as it seems to us the version of the Palestinian Talmud is correct. See note above.

The rabbis taught: It happened that A'her was riding upon his horse on the Sabbath, and R. Meir was walking behind him to learn the Law from his mouth. He said to him: Meir, turn thee backwards, for I have already measured by means of my horse's hoofs up to this point the legal limit of the Sabbath. He answered him: Return thyself also. He said to him: And have I not already answered thee what I have heard from behind the curtain? He forced him to enter a place of lecturing. He said to a child: Repeat for me thy verse. He said to him [Is. xlviii. 22]: "There is no peace, saith the Lord, unto the wicked." He brought him to another synagogue, until he had brought him into thirteen synagogues. They all repeated to him the same way. In the last one he said to him: Repeat for me thy verse. He said to him [Ps. i. 16]: "But unto the wicked God saith: What hast thou to do to relate my statutes, and why bearest thou my covenant upon thy mouth?" That child was a stammerer. It sounded as if he had said: "And to Elisha said God," etc.* And he said: If there had been a knife in my hand I would have cut him in pieces.

When A'her died it was said: Let him not be brought into judgment (because he has studied the Law), but let him not be admitted to the world to come (because he sinned). R. Meir said: It would have been better if he would have been brought to judgment and punished, and then admitted to the world to come. I wish I would die, in order that smoke should go up from his grave (*i.e.*, that he should be brought to judgment). When R. Meir died it was so: smoke went up from the grave of A'her. Said R. Johanan: A mighty deed it was to consign his teacher to the flames. There was one among us, and we should not find a way to save him? If I take him by the hand, who will snatch him away from me? Would that I might die and extinguish the smoke from his grave. And it was so. When R. Johanan died the smoke ceased from the grave of A'her. The public mourner then uttered this expression over him: Even the keeper of the door of Gehenna stood not his ground before thee, O our teacher!

The daughter of A'her came to Rabbi and asked him for food. He said to her: Whose daughter art thou? She an-

* The Hebrew term is "Ul'rosha" ("to the wicked"), and because of the stammering it sounded as "Ul'Elisha," which was the true name of אליש, this latter meaning "another"—*i.e.*, not Elisha, because it was not believed that the great Tana Elisha should have deserted the true teachings.

swered: I am the daughter of A'her. And he said to her: Is there still of his seed in the world? Is it not written [Job xviii. 19]: "He will have neither son nor grandson among his people, nor any that escapeth in the places of his sojourning"? She said to him: Remember his studiousness, and not his deeds. Immediately there came down fire, and consumed the seat of Rabbi. Rabbi wept and said: And if those who disgrace themselves through it, are honored thus, how much more those who obtain praise through their use of it.

How did R. Meir study the Law from the mouth of A'her? Have we not learned (see Tract Moed Katan) that if it is not certain that the rabbi is equal to an angel, no instruction must be received from him? Said Resh Lakish: R. Meir interpreted the following passage thus [Prov. xxii. 17]: "Incline thine ear, and hear the words of the wise, and apply thy heart unto my knowledge." It is not written, "Unto *their* knowledge," but "unto *My* knowledge." R. Hanina said the following passage [Ps. xlv. 11]: "Hearken, O daughter, and look and incline thy ear, and forget thy own people, and thy father's houses," etc. But do not these passages contradict each other? Nay, the one is the case of an adult, the other of a young person (who cannot distinguish between good and evil).

When R. Dimi came he said: They say in the West: R. Meir, while eating the date, he threw away the stone (*i.e.*, he picked out the good and threw away the bad teachings).

Rabha expounded the meaning of the passage [Song of Songs vi. 11]: "Into the nut-garden was I gone down, to look about among the plants of the valley," etc. Why are scholars likened to a nut? It means to say that, as a nut, although soiled, what is within it is clean: so also, although a scholar has sinned, his study of the law is not rejected.

Rabba bar Shila met Elijah and said to him: What is the Holy One, blessed be He, doing? He answered him: He had uttered doctrine in the name of all other rabbis, but in the name of R. Meir He had not uttered. He said to him: Why? Because he learned doctrine from the mouth of A'her. He said to him again: Why? R. Meir found a pomegranate. He ate its inside and cast away its husk. He answered him: He is at this moment saying: Meir my son is speaking and says: At the time that men were afflicted, the Shekhina used the following language: My head and my arm are heavy on me (*i.e.*, I am sorry that the men I have created have to die for their sins). If the

Holy One, blessed be He, is thus grieved when the blood of wicked men is poured out, how much more when the blood of the righteous man is poured out.

Samuel found R. Jehudah when the latter was swinging upon the bolt of a door and weeping. He said to him: Is it a small thing that is written concerning the rabbis [Is. xxxiii. 18]: "Where is he who wrote down? where is he that weighed? where is he that counted the towers?" "Where is he that counted?" for they counted all the letters that are in the Books of the Law. "Where is he that weighed?" for they weighed the light and the heavy things which are in the Law. "Where is he that counted the towers?" for they taught three hundred doctrines concerning the tower which flies in the air. And R. Ami said: Three hundred questions were treated by Doeg and Ahithophel concerning the tower which flies in the air. And we learned, however, in a Mishna (Tract Sanhedrin, chap. xi. 1): Three kings and four private persons have no position in the world to come, and we—what will there be for us? He said to him: Oh, clever one, there was uncleanness in their hearts.

It was said about A'her: Greek melody ceased not from his mouth, as it was said of him (A'her), that at the time when he stood up to go out of the college many books of the Minim used to fall from his lap.

Nimus of Gardi* asked R. Meir: Does all wool which goes down to the dyeing-vat come up with the right color? He answered him: All which was clean on its mother's (sheep's) back does so come up; all which was not clean on its mother's back does not so come up.

It is said above: R. Aqiba went into the heavenly garden in peace and came down from it in peace. And it is to him that the scriptural passage may be applied [Song of Songs i. 4]: "Oh, draw me! after thee will we run." Nevertheless R. Aqiba was also in danger of being thrust away by the angels, but the Holy One, blessed be He, said to them: Leave this elder, for he is worthy to avail himself of My glory.

What kept R. Aqiba from being misled, as was A'her? The passage [1 Kings xix. 11, 12]: "But not in the wind was the Lord; and after the wind was an earthquake, but not in the

* Nimus of Gardi was a Gentile, and it is stated of him in Midrash that he was one of the greatest men that ever lived among the nations. The modern writers differ very much as to who he was, but we showed in our "Saneiger," p. 193, that he was one of the judges of the Supreme Criminal Courts of Gardum.

earthquake was the Lord; and after the earthquake was a fire, but not in the fire was the Lord; and after the fire was the sound of a soft whisper. And, behold, the Lord passed by" (*i. e.*, from the whisper he understood that there was the Shekhina).

The rabbis taught: Six things are said with regard to demons, three in which they are like the angels: they have wings, they float from one end of the world to the other, and they know what is about to be; and three in which they are like men: they eat and drink, they are fruitful and multiply, and they are mortal.

Six things are said with regard to men, three in which they are like angels: they have knowledge like the angels, they go with stature erect, and they speak in the holy language; and three like the beasts: they eat and drink like beasts, and they are fruitful and multiply, and they relieve nature.

"*Every one who does not respect the glory,*" etc. What is meant by this? Said R. Joseph: This is the man who commits a transgression secretly. This is in accordance with R. Itz'hak, who said: Every one who committeth a transgression secretly is as though he jarred the feet of the Shekhina, as it is written [Is. lxvi. 1]: "Thus hath said the Lord, The heaven is my throne and the earth is my foot-stool." But this is not so, for R. Alea the Elder said (in Tract Moed Katan), that in such a case he may go to a place where he is not known? (as it will be explained in Moed Katan). This presents no difficulty. The former is the case of a man who has found a means of checking his evil nature; the other, of one who is not able to do so.

R. Jehudah in the name of R. Na'hmani, the interpreter of Resh Lakish, lectured: Every one who gazes upon three things, his eyes grow weak, viz.: upon the bow, and the prince, and the priests. Upon the bow, for it is written [Ezek. i. 28]: "Like the appearance of the bow that is in the cloud on the day of rain . . . this was the appearance of the likeness of the glory of the Lord." Upon the prince, for it is written [Num. xxvii. 20]: "And thou shalt put some of thy greatness upon him." * He that gazeth upon the priests—this has to do with the time that the Temple was in existence, when they stood upon their platform and blessed Israel in the ineffable name.

The same lectured again in the name of the same authority:

* Such bagadical statements must not be taken literally, merely in their allegorical sense. Some of them we will explain in our introduction to the Hagadah.

It is written [Mic. vii. 5]: "Trust ye not in a friend, put ye not confidence in a confidant." It means, if the evil imagination say to thee, Do thou sin and the Lord will forgive, be not persuaded, as it is written: "Trust ye not in an evil one";* and "an evil one" is nothing but the evil imagination, as it is written [Gen. viii. 21]: "The imagination of a man's heart is evil"; and there is no "guide" but the Lord, as it is written [Jer. iii. 4]: "My father, the guide of my youth art thou." Perhaps one might say, Who witnesseth against me? The stones of a man's house and the timbers of his house, these witness against him, as it is written [Hab. ii. 11]: "For the stone will cry out of the wall, and the beam out of the wood (work) will answer it." The sages say: The soul of a man witnesseth against him, as it is written [Mic. vii. 5]: "From her that lieth in thy bosom guard the doors of thy mouth." What is this that lieth in a man's bosom? Say, it is the soul. R. Zerika said: The two angels which lead him, these witness against him, as it is written [Ps. xci. 11]: "For his angels will he give charge concerning thee, to guard thee on all thy ways." Others say: The limbs of one's body testify against him, as it is written [Is. xliii. 12]: "And ye are my witness, saith the Lord, and I am God."

MISHNA: Jose b. Joezer says that one must not lay on his hand (on a sacrifice on a biblical festival), but Joseph b. Johanan says that one may. Joshua b. P'ra'hia says that one must not lay it, but Mathai the Arbelite says that one may. Jehudah b. Tabbai says that one must not, but Simeon b. Sheta'h says he should. Sh'maia says he must, but Abtalian says he must not. Hillel and Mena'hem did not differ. Mena'hem went out (left the Sanhedrin); Shammai entered it. Shammai says one must not; Hillel says one may. The first of the several pairs were princes, the second to them were chiefs of the court.

GEMARA: The rabbis taught: In the three former pairs, which say that a man is not to lay, and in the two latter pairs, which say that a man is to lay, the first were princes and the second chiefs of the court. So said R. Meir. But the sages say: Jehudah b. Tabbai was a chief of the court and Simeon b. Sheta'h was a prince.

"*Mena'hem went out*," etc. Whither did he go out? Said Rabha: He went out from the service of the king. We have

* The Hebrew term is עָרָא, which is here read as עָרָא, "evil."

learned in a Boraitha : Mena'hem went out from the service of the king, and there went out with him eighty pairs of disciples clothed in Syrian robes. Said R. Shaman bar Abba in the name of R. Johanan : Let a rabbinical decree concerning the Sabbath not be a light thing in thine eyes, for the laying on of the hand is only a rabbinical prohibition, and the greatest men of the different generations were divided upon this matter. Is this not self-evident ? He comes to teach us that even a rabbinical prohibition which is seemingly contrary to a positive command of the Bible must also not be light in thine eyes. But this is also self-evident from the teachings of our Mishna ? This is needed to object to those who say that they differ not as to the rabbinical prohibition, but as to the laying on of the hand itself, because they maintain that the laying on of the hand is necessary only in case of a voluntary peace-offering, but not in that of an obligatory peace-offering.*

Said Rami bar Hama : Infer from this that the laying on of the hands must be with all one's strength, because if we would imagine that all the strength is not necessary, what labor is it or what is he doing to the animal that the rabbis prohibited it on the festival ?

An objection was raised : We have learned elsewhere : It is written [Lev. i. 2-4] : " Speak unto the children of Israel . . . and he shall lay his hand." *He*—the males, but not the females of Israel. R. Jose and R. Simeon, however, said that the females of Israel, if they wish, they may lay on their hands (although it is not obligatory for them) ; and R. Jose added to this : My father Elazar told me that it happened once that we had a calf of peace-offering, and we brought it to the department of the women, and the latter laid their hands on it. It was not because the laying on of the hands belongs to women, but so as to gratify them. Now, if you think that the laying on of the hand must be with all one's strength, would it be right, in order to gratify the women, to allow them to do labor with the holy things ? Infer, therefore, from this that it is not necessary to use all the strength. Nay, maybe it *is* necessary, but in that case it was told to the women to lay on their hands lightly. If so, why does R. Jose say : Not because the laying on of the hands belongs to women, etc. Let him say, because it was not con-

* What is a voluntary and what is an obligatory peace-offering will be explained in Tract Mena'hoth.

sidered laying on at all? Said R. Ami: He meant both, firstly, because it was not considered laying on the hands at all; and, secondly, in order to gratify the women.

MISHNA: The House of Shammai say: A peace-offering may be brought without laying the hands on them, but not burnt-offerings. But the House of Hillel say: Both peace-offerings and burnt-offerings may be brought, and also lay the hands on them.

In the case of Pentecost, which falls upon the eve of a Sabbath, the House of Shammai say: The day for sacrificing is after the Sabbath. But the House of Hillel say: There is no day for sacrificing after the Sabbath. Both, however, admit that if it fall upon a Sabbath the day for sacrificing is the day after the Sabbath. And on that day (which is called the day of sacrificing) a high-priest is not to clothe himself in his costly garments, unless in case of a mourning or of a fast. The prohibition was in order not to confirm the words of those who say, Pentecost is after the Sabbath (only).

GEMARA: (The Gemara begins with the saying of R. Elazar in the name of R. Oshiyah, that the Pentecost-offering is transferable to all the six succeeding days, and repeats here all the statement contained in Tract Rosh Hashana, p. 6, lines 15-29.)

"In the case of Pentecost which falls on the eve of a Sabbath," etc. Does that not mean that there is no day at all for sacrificing? Nay, it means that a substituted day is necessary for this. But what does it come to teach us—that it shall be sacrificed on the very day of the festival? Was this not discussed already in the beginning of our Mishna? It is needed. For if the statement would be in the latter paragraph only, one might say that the School of Shammai hold so because it can be done on the morrow, but if it fall on the eve of a Sabbath, when it cannot be done on the morrow, they agree with the School of Hillel; and if the statement would be in the first paragraph only, one might say that the School of Hillel allow it to be sacrificed on the very day of the festival because it cannot be done on the morrow, but when the Pentecost falls on the Sabbath day, they agree with the House of Shammai; therefore both statements are needed. (An objection was raised:) Come and hear: He who has not kept the feast for the seven days of the Passover, and the eight days of the Feast of Tabernacles, and the first day of Pentecost, he cannot afterwards keep the

feast. Did this not include also the day of Pentecost, that it has no compensation? (*i.e.*, if not sacrificed on the very festival, it cannot be done so on any other day). Nay, it means the last day of compensation.

The disciples of R. Eliezer b. Jacob taught: It is written [Lev. xxiii. 21, 22]: "And ye shall proclaim." "And when ye reap." What is the feast in which thou makest proclamation and reapest? Thou must say, it is the Feast of Pentecost. Now, let us see. When is it? If I am to say on the holiday itself, how is reaping lawful on a holiday? We must then say, it means the completion days. Resh Lakish, however, said: It is inferred from the following passage [Ex. xxiii. 16]: "And the feast of the harvest." What is the feast on which thou featest and reapest? Thou must say, it is the Pentecost. When is it? If I am to say, on the holiday itself, how is reaping lawful on a holiday? We must then say, it means the completion days. Said R. Johanan: According to thee, the Feast of Ingathering. What is the feast in which there is an ingathering? Thou must then say, it is the Feast of Tabernacles. When is it? Shall I say, on the holiday itself? How is work lawful on a holiday? And if you will say, that it means on one of the middle days? But even then is work allowed on those days? Therefore we must say, that it means the feast that falls during the time of the gathering in. Say, also, this is the case here.

We see from this that both are of the opinion that on the middle days the doing of work is forbidden. Whence do we deduce this? From the following Boraitha: It is written [Lev. xxiii. 8]: "No servile work shall ye do." That means, that on the middle days the doing of work is forbidden. So said R. Jose the Galilean. R. Aqiba says: It was not necessary, because it is written [ibid. 4]: "These are the feasts of the Lord," etc. With reference to what is the Scripture speaking? If to the first day, it has been already called a Sabbath day; if to the seventh day, it has also been already called a Sabbath day. We must therefore say, it refers to the middle days, to teach that doing of work is forbidden thereon.

There is another Boraitha: It is written [Deut. xvi. 8]: "Six days shalt thou eat unleavened bread, and on the seventh day shall be a solemn assembly to the Lord thy God: thou shalt do no work." As on the seventh day work is prohibited, so also on the six days. But one might say, as on the seventh day no work at all is to be done, so also on the six days; therefore it is

written [ibid.] : "And on the seventh day shall be a solemn assembly . . . thou shalt not work," thus indicating that on the seventh day no work at all shall be done, but on the six days there is not a prohibition from *all* work. Consequently, the Scripture has communicated only to the sages that they can decree on which days work is and on which work is not allowed, and what labor may and what labor may not be done, etc.

"*But it is allowed in case of a mourning or of a fast after the Sabbath.*" But have we not learned in a Boraitha: It happened that Alexis died in Luda, and all Israel assembled to mourn him, and R. Tarphon had not allowed them because it was the festival? Now, if it was the festival itself, how did they come to assemble at all? We must therefore say, it was on the day of sacrificing, and hence we see even on those days it is not allowed to mourn? The Mishna refers to a case when the Pentecost falls on a Sabbath. And the case of Alexis was when it fell on the first day of the week.

MISHNA: One may wash his hands for common food and for second-tithes and for heave-offerings, but for hallowed things they must be bathed legally. For the sin-offering, if one's hands be defiled, his whole body is defiled.

If he have dipped for common food, he has credit as clean for common food, but is forbidden tithe; if for tithe, he has credit for tithe, but not for heave-offering; if for heave-offering, he has credit for heave-offering, but not sacred things; if for sacred things, he has credit for sacred things, but not sin-offering. If for a weightier thing (more rigorous), he is free for a lighter thing (lenient). If he have dipped without any intention for cleanness, it is as though he had not dipped.

The garments of a common person are defiled by pressure (*i.e.*, are looked upon as affected by uncleanness arising from pressure) for Pharisees; the garments of Pharisees are defiled by pressure for those that eat heave-offering; the garments of those that eat heave-offering are defiled by pressure for those that partake of sacred things; the garments of those that partake of sacred things are defiled by pressure for those that partake of sin-offering. Jose b. Joezer was the most pious among the priests, and yet his apron was defiled by pressure for those that partake of sacred things. Johanan b. Gudgodah was one who ate his ordinary food all his days with observance of the laws of purification which belong to sacred things, and yet his apron was defiled by pressure for those that partake of sin-offering.

GEMARA: Is, then, for common food and tithes, washing of hands needed? (Have we not learned elsewhere that it is not needed?) This presents no difficulty: The one has to do with bread, the other with fruit. For R. Na'hman said: Every one who washes his hands for fruit is overscrupulous and affected.

"He that dips for common food and has credit for common food," etc. According to whom is our Mishna? Shall we say it is according to the rabbis, for they make a distinction between common food and tithes? According to whom, then, would be the latter part of the Mishna: The garments of a common person are defiled by pressure for Pharisees; the garments of Pharisees are defiled by pressure for those that eat heave-offering? which is certainly in accordance with R. Meir, who says, common food and tithes are exactly the same? Then this conclusion would be that the former part is according to the rabbis, and the latter part according to R. Meir? Yea, it is so. R. A'ha bar Ada, however, teaches in the latter part five orders, and establishes it all according to the rabbis.

CHAPTER III.

REGULATIONS REGARDING IN WHAT CASES SACRED THINGS ARE MORE RIGOROUS THAN HEAVE-OFFERINGS, AND VICE VERSA.

MISHNA: More rigorous rules hold in sacred things than in a heave-offering, for we may dip vessels in the midst of vessels for a heave-offering, but not for sacred things. The outside and the inside and the place for laying hold are reckoned as distinct in the heave-offering, but not in the sacred things. One who takes up that which has been made unclean by pressure, may offer the heave-offering, but not the sacred things. The garments of those that eat the heave-offering are unclean through pressure in regard to sacred things. The manner of the heave-offering is not as the manner of the sacred things. For in the case of sacred things, one loosens a knot and wipes and dips and afterwards ties up again, but in the case of a heave-offering he ties up and afterwards dips.

Vessels finished in purity need dipping for sacred things, but not for a heave-offering. The vessel includes what is within it for sacred things, but not for heave-offering.

The unclean in the fourth degree in the case for sacred things is disqualified, but in the third degree in the case of heave-offering.

Though one of his hands be unclean in the case of heave-offering, its fellow is clean; in the case of sacred things, however, both are dipped, for the hand makes its fellow unclean in the case of hallowed things, but not in the case of heave-offering. One may eat dry food with ordinary (not ceremonially clean) hands in the case of heave-offering, but not in the case of sacred things.

A mourner, before the burial of the dead (who has not defiled himself yet on the dead), and one who lacks atonement, need dipping in a legal bath for sacred things, but not for heave-offering.

GEMARA: "*In sacred things.*" Why are sacred things more rigorous? Said R. Aila: Because the weight of the inside vessel intervenes. Shall we assume, that as the reason for the

statement in the latter part of the Mishna is because of intervention, the first part has another reason? (For if both have one and the same reason, why state both? One would suffice.) Nay, both the earlier and the later cases are because of intervention, and still it was necessary that they should be separately mentioned, for if he had taught us the first only, one should say, *this* is the reason for the rigorousness of sacred things, viz.: because of the vessel's weight, which actually exists. But in the latter case, where the vessel's weight is not an element, one should say, in regard to sacred things, that it is not considered an intervention; and if he had taught us the latter only, one should say, the reason why it is not allowed for sacred things is because a knot in water is drawn tighter, while in the former case the water makes the vessel to swim, and so the intervention is not considered. Thus it was necessary that they should be separately mentioned. R. Aila is in accordance with his theory elsewhere, who said in the name of R. Hanina bar Papa: Ten degrees of superior excellence are taught here. The first five refer alike to sacred things, and to ordinary things which are treated with the observance of the law of purification belonging to sacred things; the latter refer to sacred things only. Why so? Because the former five could constitute a biblical defilement (when he dips one vessel in another vessel, and an intervention would be discovered). The rabbis have ordained that they apply to both. The later one, however, in which there can be no biblical defilement, the rabbis did not care to ordain.

Rabha, however, said: Since the later portion of the Mishna is on account of intervention, the former is not on that account, but because it is a precautionary measure, in order that needles and pipes should not be dipped in a vessel, the mouth of which is not of the size of the pipe of a wine-skin bottle. (This will be explained in Mikwooth, VI., 7.) And Rabha holds in this case, as R. Na'hman said elsewhere in the name of Rabba bar Abuhu, viz.: Eleven features of superior excellence are taught here. The first six refer alike to sacred things and to ordinary things which are treated with the observance of the laws of purification belonging to sacred things. The latter ones refer to sacred things only. What real difference is there between Rabha and R. Aila? It is this: In the case of a basket and a wine-strainer which are filled with vessels and dipped. According to the one who says, the prohibition is because of intervention, there is an intervention; but according to the one who says, that it is a

precautionary measure, lest haply needles and pipes should be dipped in a vessel, the mouth of which is not of the size of the pipe of a wine-skin bottle, there is no such thing in a basket and a wine-strainer.

"The outsides and the insides," etc. What is meant by this? As we have learned in a Mishna [Kelim, XXV., 6]: In the case of a vessel the outside of which is defiled by beverages, its outside is defiled, but its inside, its rim, and its short handles, and its long handles are clean; but if its inside is defiled, it is all defiled.

"And the place for laying hold," etc. What is meant by Beth Hazibtah? Said R. Jehudah in the name of Samuel: The part by which he reaches it, as it is written [Ruth ii. 14]: "And he reached her parched corn" (Vaitzboth). R. Asi in the name of R. Johanan said: It means that part of the dish of which fastidious persons lay hold.

"One that takes up that which has been made unclean," etc. Why not sacred things? Because of the following occurrence: R. Jehudah in the name of R. Samuel said: It happened to a certain man, who was carrying a cask of wine from one place to another, and the thong of his sandal came off, and he took it up and placed it on the mouth of the cask, and it fell into the inside of the cask, and it was made unclean. And thereupon it was ordained: One that taketh up that which has been made unclean by pressure may offer the heave-offering, but not the sacred things. If so, why not also the heave-offering? This is in accordance with R. Hananiah b. Aqabia, who said: This restriction was made only as regards Jordan or a ship, and in accordance with the matter that occurred. What was that? It was that which R. Jehudah said in the name of Rabh: It happened with a man who was carrying the sprinkling water and the ashes of the red cow over Jordan in a ship, and a piece of a dead body as large as an olive was found fixed in the bottom of the ship; thereupon it was ordained that such a thing should not happen again.

"Vessels finished in purity," etc. Finished by whom? If a learned man has finished them, why should they be dipped? If a learned man has finished them, how is it that the Mishna calls them "finished in purity"? Said Rabba bar Shila in the name of R. Mothnah quoting Samuel: The case is, that a learned man has finished, yet because of a drop of spittle of a common man which may have fallen upon it, it is treated as unclean. "May

have fallen upon it" when? Should we assume, before it is completed, then it is not yet a vessel; if after, then he takes good care of it? The case may be, before it is completed, yet perhaps at the moment it was made, it was still liquid (and it may be defiled).

"*The vessel includes what is within*," etc. Whence do we know that? Said R. Hanin: It is written [Num. vii. 14, etc.]: "One spoon of ten shekels of gold, full of incense." The Scripture makes everything that is in the spoon one. R. Kahana objected: We have learned, that R. Aqiba added to the teaching, which immediately follows, the flour and the incense, and the frankincense and the coals, for if the person, in the course of purification, touch the extremity of it, he disqualifies the whole. Now, this addition of R. Aqiba is certainly rabbinical, as the first part of the Mishna states (Edeoth, VIII., 1): R. Simeon b. Bathyra bore testimony with reference to the ashes of the red cow, that if an unclean person touch the extremity of them, he makes all of them unclean; and immediately he says, that R. Aqiba added this? (And R. Hanin says, it is rabbinical.) Said Resh Lakish in the name of Bar Kapara: The addition was only necessary for the rest of the meat-offering. For, biblically, what stands in need of a vessel, the vessel includes it; what does not stand in need of a vessel, the vessel does not include it; but the rabbis went further and ordained that, although a thing does not necessarily belong to a vessel, the vessel, nevertheless, includes it.

"*The unclean in the fourth degree*," etc. We have learned in a Boraitha: R. Jose said: Whence do we deduce the case of the unclean in the fourth degree, that in the matter of sacred things he is disqualified? By an *a fortiori* argument. For he who has entered on the last stage of his atonement, while he is free as regards heave-offering, he is disqualified as regards sacred things, so much the more when one is unclean in the third degree who defiles heave-offering that he should become disqualified as regards sacred things if unclean in the fourth degree. We have learned, however, that he who is unclean in the third degree is disqualified as regards sacred things, biblically, and that he who is in the fourth degree—by an *a fortiori* argument, namely: It is written [Lev. vii. 9]: "And the flesh that toucheth any unclean thing shall not be eaten." Are we not here treating of the touching of a thing of secondary uncleanness? And nevertheless the Scripture says, it shall not be

eaten? That which is unclean in the fourth degree is proved to be disqualified by the *a fortiori* argument stated above.

"*And though one of his hands be unclean.*" R. Shezbi said: It is only in the case of contact, but not otherwise. Abayi objected: We have learned: A wiped hand renders its fellow unclean so far as to make unclean for sacred things, but not for heave-offering. Such is the dictum of Rabbi. R. Jose b. R. Jehudah says: This is the case so far as to disqualify, but not to render unclean. It is correct if the Mishna treats of a case where it did not come in contact, and therefore the importance of "wiped" hand? But if the case is only when there is contact, but not otherwise, where is the importance of "wiped" hand? It was taught also that Resh Lakish said the Mishna refers only to his own hand, but not to the hand of his companion (R. Johanan, however, says both his own hand and his companion's hand), with the same hand he may only disqualify, but not render unclean. Whence did he learn this? From the fact that it has been taught in the latter portion of the Mishna. For the hand makes its fellow unclean in the case of sacred things, but not in the case of heave-offering. Why the repetition? Was it not taught in the preceding clauses of the same Mishna? We must therefore say, it comes to teach us that the hand of the companion is included. And Resh Lakish himself retracted his decision, as R. Jonah said in the name of R. Ami that Resh Lakish said, whether it be his own hand, or the hand of his companion, with that same hand he may disqualify, but not render unclean.

"*We may eat dry food,*" etc. We have learned in a Boraitha: R. Hanina b. Antigonus said: Does such a question as to whether a thing be dry or wet exist as regards sacred things? Does not love for the sacred things make men cautious in regard to defilement? The Mishna treats of a case, that a man's companion put a piece of the sacred things into his mouth, or he put it into his own mouth with a spindle or with a skewer, or attempted to eat along with these an onion or garlic taken from unconsecrated things. As to sacred things the rabbis ordained so, but as to heave-offering they did not.

"*The mourner and he who lacks atonement.*" Why so? Because they were under restriction, the sages ordained that they shall dip.

MISHNA: More rigorous rules, on the other hand, hold in a heave-offering, for in Judea people are believed with regard to

purity of wine and oil all the days of the year, but at the time of the vintage and the oil-pressing, with regard to heave-offering also.

When the vintage and the oil-pressing are over, and a cask of wine for heave-offering was brought, it must not be received, but it may be left for the next vintage. But if he say to him, I have separated and put into the midst of it a fourth part of something consecrated for sacred things, he is believed. In the case of jugs of wine and jugs of oil which are mixed, men are believed with regard to them at the time of vintage and oil-pressing and for seventy days before the vintage.

GEMARA: In Judea, yes; but in Galilea, no? Why so? Said Resh Lakish: Because there is a strip of the Gentiles making a separation between them. But let him bring it in a box, a chest, or in a balloon? This is in accordance with Rabbi, who said: A tent projected is not a real tent. But let one bring it in an earthenware vessel tied round with a line of thread? Said R. Eliezer: We have learned in a Boraitha: Sacred things are not preserved from uncleanness by a line of thread.

"But at the time of vintage," etc. There is a contradiction from the following Boraitha: He who finishes his olives shall leave aside one box and place it before the eyes of the priest (in order that he shall examine it as to whether they are not ripe yet, and the priest shall place them in cleanness when they become ripe. Hence we see that even at that time they were not believed?) Said R. Nahman: This presents no difficulty. The one is the case of those early in season, the other of those late in season. Said R. Ada bar Ahba to him: For instance, things like those belonging to the house of thy father. R. Joseph, however, said, the Mishna (in Taaroth) refers to Galilea.

"When the vintage and the oil-pressing are over," etc. The schoolmen questioned of R. Shesheth: Suppose that it is over, and yet he receives it, what about the law that he shall leave it for the next vintage? He answered them: This we have already learned in the following Mishna (Dmai, VI., 1): A learned man and a common person who are their father's joint heirs. The common person may say to him: Take thou the wheat that is in such a place, and I will take the wheat that is in such a place; take thou the wine that is in such a place, and I will take the wine that is in such a place. But he may not say to him: Take thou the liquid and I will take the dry; take thou the wheat and I will take the barley. And in regard to this we have

learned: That same learned man burns the liquid and leaves the dry. Why? Let him leave it for the next vintage? It may be one of the things that have no vintage. But let him leave it for one of the feasts? It may be one of the things which will not keep till the feast.

"But if he say, I have separated for sacred things, he is believed." We have learned in a Mishna (Choloth, XVIII., 4): Both the School of Shammai and the School of Hillel agree that we are to investigate a field in which a person is buried for those who are to bring the paschal lamb, but not for those who desire to eat heave-offering. What is the meaning of investigate? Said R. Jehudah in the name of Samuel: A man blows upon the unclean land as he walks along.* And R. Hyya bar Abha in the name of Ula said: An unclean place of this sort that is trodden is clean for those who bring their paschal lambs; as it is a case of Kareth, they did not insist upon their decisions, but for those who desired to eat heave-offering, they did insist on their decisions, as it is a case of death penalty (by Heaven).

"In the case of vessels of wine," etc. There is a Boraitha: They are not believed, either about the cans or about the heave-offering. Cans belonging to what? If they belong to sacred things, then if he is believed about the sacred things, he is believed also about their cans? If the cans belonging to heave-offerings are meant, then it is self-evident. About heave-offering he is not believed—shall he be believed about cans that belong to it? It is a case of sacred cans which are empty, and it is during the remaining days of the year. And the same is the case of those full of heave-offering, and at the time of the vintage they are believed. (And although no precautionary measure was ordained as to their heave-offering, in order not to cause any loss to the priests, still they were not believed as to the cans, and the priests receive from them the heave-offering with the cans, but place the heave-offering in other cans of their own.)

"For seventy days before the vintage." Abayi said: Infer from this that the law is, that the farmer shall go up to dip the casks seventy days before the time of the presses.

MISHNA: From Modiim and inwards men are believed with

* *I.e.*, one who is on the way, bringing the paschal lamb, and comes across a field in which a human body was buried, he may examine it by blowing as he walks along; and if there is a bone of the size of a barley, and he notices it and avoids to walk over it, he does not contract uncleanness, as it does not communicate uncleanness unless by contact.

regard to earthenware vessels; from Modiim and outwards they are not believed. How so? The potter who is selling the pots goes inwards from Modiim. That is the potter, and those are the pots, and those are the buyers. He is believed. If he goes out he is not believed.

GEMARA: We have learned in a Boraitha: The place of Modiim itself is sometimes considered within and sometimes without. How so? When the potter goes out, and the merchant goes in, it is considered within. Both go in, or both go out, it is considered without. Said Abayi: We have learned the same in our Mishna, viz.: The potter who sells the pots and goes *inwards* from Modiim. What about Modiim itself? Is it not believed? Then how is the latter part: When he goes out he is not believed? From this we may infer that Modiim itself is believed. Hence the case is as stated in the Boraitha. Infer therefrom.

MISHNA: The tax collectors who have gone into the midst of a house, and so too the thieves that have restored the vessels, are believed when they say: We have not touched. And in Jerusalem they are believed as regards sacred things, and at the time of a feast as regards heave-offering also.

GEMARA: There is a contradiction from the following Boraitha: In the case of the tax collectors who have gone into the midst of the house, the whole house is unclean? There is no difficulty. The one is when there is a Gentile with them; the other is when there is not a Gentile with them. For there is another Mishna: If there is a Gentile with them, they are believed when they say, We did not enter; but they are not believed when they say, We entered, but we did not touch. And if there is a Gentile with them, what of it? R. Johanan and R. Elazar: One says that they fear that the Gentile should not punish them, and the other says that they fear that the stranger should not give them away to the government. What is the difference between them? A Gentile who is not of importance.

"*And so too the thieves,*" etc. There is a contradiction from the following Boraitha: In the case of the thieves who have gone into the midst of the house, only the place where the thieves' feet trod is unclean. Said R. Pinhas in the name of Rabh: They are to be believed only in the case they have repented. It seems that our Mishna intended the same thing, for the statement is: Who have restored the vessels. Infer from this.

"*And in Jerusalem they are believed,*" etc. We have learned in a Boraitha: They are believed as regards large earthen vessels for sacrifice. And the reason is, because they do not make ovens in Jerusalem.

"*And at the time of the feast,*" etc. Whence is this deduced? Said R. Joshua b. Levi: Because it is written [Judg. xx. 11]: "So all the men of Israel were gathered against the city, associated together as one man." The Scripture makes them all equal.

MISHNA: One that opens his cask, and one that commences his dough at the time of a festival, R. Jehudah says: He shall finish it, but the sages say he shall not.

GEMARA: R. Ami and R. Itz'hak of Naph'ha sat at the portico of the latter. One began and said: According to the sages, may he keep it for another festival? He answered: Every one's hand has been handling it, and dost thou say, he shall keep it for another festival? He said to him: But hitherto as well, has not every one's hand been handling it? He rejoined: What comparison is that? Hitherto the uncleanness of a common person in a festival, the Law makes him clean, but now it is a case of uncleanness.

MISHNA: As soon as the festival is over, they make them pass on to the cleansing of the court. But if the festival is over on a Friday, they do not make them pass on, on account of the honor of the Sabbath. R. Jehudah said: Also not on Thursday, for the priests are not at leisure.

GEMARA: And the Boraitha adds: That the priests are not at leisure because of the removing of the fat.

MISHNA: How is that made out, that they make them pass on to the cleaning of the court? They dip the vessels which were in the Temple, and say to them: Be ye clean that ye touch not the table. All the vessels that were in the Temple had second and third sets, so that if the first became unclean they might bring the second instead of them. All the vessels which were in the Temple were subject to dipping, except the altar of gold and the altar of bronze, because they were like the floor. Such is the dictum of R. Eliezer. But the sages say, because they were overlaid.

GEMARA: We have learned in a Boraitha: Be ye clean lest ye touch the table or the candelabrum. Why did our Mishna not mention the candelabrum? Because the table is called in the Scripture perpetual; the candelabrum is not perpetual.

Resh Lakish said: It is written [Lev. xxiv. 6]: "Upon the pure table." From this it may be inferred that it may be defiled. Why? Is it not a vessel of wood made to rest, and as such is not subject to defilement? Infer from this that the table was raised up and exhibited the shewbread on it to the pilgrims, and they were told: See how beloved you are before the Lord, that the shewbreads are as warm now as they were when placed on the table. For R. Joshua b. Levi said: A great miracle was wrought in the shewbread. As its placing was miraculous so was its end, for it is written [1 Sam. xxi. 7]: "So as to put down hot bread on the day when it was taken away." It is written [Ezek. xli. 22]: "The latter was of wood, three cubits high, and its length was two cubits, and its corners and its top-piece and its walls were of wood, and he spoke unto me: This is the table that is before the Lord." He began with "altar" and he ended with "table." R. Johanan and Resh Lakish both say: At the time that the Temple was set up an *altar* made atonement for a man; now a man's *table* makes atonement for him.

"*All the vessels that were in the Temple had second and third sets,*" etc. The altar of bronze, because it is written [Ex. xx. 21]: "An altar of earth shalt thou make unto me." The altar of gold, because it is written [Num. iii. 31]: "The candlestick and the altars." The altars are placed in comparison one with the other.

"*Because they are overlaid.*" On the contrary, since they are overlaid they may become unclean. Said the rabbis to R. Eliezer: Why do you think them capable of defilement, because they are covered over? Their covering is of no avail in respect of them.

R. Abuhu in the name of R. Eliezer said: As to the scholars, the flame of Gehenna has no power over them. For this is shown by an *a fortiori* argument drawn from the salamander. As only the creature of fire, and still he that anoints himself with its blood, flame has no power over him, how much more then that the flames have no power over the scholars, whose whole body is fire, as it is written [Jer. xxiii. 29]: "Is not thus my word like fire? saith the Lord." Resh Lakish said the flame of Gehenna has no power over the transgressors of Israel, as is shown by an *a fortiori* argument from the altar of gold. For the altar of gold, upon which is only about the thickness of a denarius of gold, it lasted so many years and was not affected by fire; how

much less can flame have power over the transgressors of Israel, who are full of the commandments as a pomegranate is full of seeds, as it is written [Song of Songs iv. 3]: "Like the half of a pomegranate is the upper part of thy cheek," etc. Read not "the upper part of thy cheek," but "the vain fellows that are in thee."

END OF TRACT HAGIGA.

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EXPLANATORY REMARKS.

In our translation we adopted these principles:

1. *Tenan* of the original—We have learned in a Mishna; *Tania*—We have learned in a Boraitha; *Itemar*—It was taught.
2. Questions are indicated by the interrogation point, and are immediately followed by the answers, without being so marked.
3. When in the original there occur two statements separated by the phrase, *Lishna achrena* or *Waibayith Aema* or *Ikha d'amri* (literally, "otherwise interpreted"), we translate only the second.
4. As the pages of the original are indicated in our new Hebrew edition, it is not deemed necessary to mark them in the English edition, this being only a translation from the latter.
5. Words or passages enclosed in round parentheses () denote the explanation rendered by Rashi to the foregoing sentence or word. Square parentheses [] contain commentaries by authorities of the last period of construction of the Gemara.

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TO THE
VENERABLE PRESIDENT OF THE HEBREW UNION COLLEGE
AND OF THE CENTRAL AMERICAN RABBIS' CONFERENCE

THE REV. DR. ISAAC M. WISE

AT HIS

EIGHTIETH BIRTHDAY

THIS VOLUME WITH THE ENTIRE SECTION MOED, IS MOST RESPECT-
FULLY DEDICATED BY HIS SINCERE FRIEND

MICHAEL L. RODKINSON

NEW YORK, 1899.

MOST HONORED RABBI :

When, five years ago, in the month of October, I had the honor to visit you, and then expressed my sorrow in not being able to attend your seventy-fifth birthday, I promised you that I would write a work and dedicate it to you for your eightieth birthday. Now, after the lapse of five years, I praise God that He has preserved us both. I have fulfilled my promise, and written a work on the History of the Talmud, which I believe to be of some value, with the intention of dedicating it to you, but my circumstances do not allow me to publish it in time for your celebration. However, I redeem my promise in dedicating to you the Section Moed, which at that time I had no intention of translating into English.

I hope to see your ninetieth birthday, when, among all your disciples and admirers who will celebrate it, I also may take part.

M. L. R.

TRACT YOMAH (DAY OF ATONEMENT)

EXPRESSION OF THANKS.

WITH the issue of this volume this section is almost complete (the last two volumes being in press), and I deem it my duty to express my heartfelt thanks to my patrons and supporters during the last three years, ever since my work was undertaken. Through their support I have been enabled to reach my present position. This is the first time in the history of the Talmud that an entire section of it was translated into a living and comprehensible language, making it easily understood even to a layman. The synopsis of each tract indicates where the most interesting ethical and folkloristic portions may be found, thereby rendering the various tracts readily understood, even by one who is not a student.

Three years ago, when I made up my mind to begin this work, I scarcely dared hope that thirteen * tracts of the most difficult part of the Talmud would be translated, more especially that seven of them, the most voluminous, would be published in the course of two years. Notwithstanding all the obstacles that were laid in my way by personal enemies, and notwithstanding all the financial difficulties † which I had to surmount, I have succeeded in accomplishing the work mentioned above, chiefly through the aid of the few gentlemen who have encouraged me by enlisting their sympathy and interest in my work, and who also supported me financially, ‡ not as a matter of charity, but

* The translation of one tract of section Jurisprudence is also already completed.

† It must be borne in mind that the cost of publishing one volume is \$700 or more.

‡ In my "History of the Talmud" I take notice of the writers who complain that the Jewish people were always opposed to the translation of Jewish lore into foreign languages. They, moreover, assert that all the translations of the Bible, and all the collections of Hebrew manuscripts, as also the Massorah, were supported by different governments and private Gentiles. Zunz ("Ges. Schr.," vol. i., p. 296), in recommending a translation of the Talmud, also relates (p. 273) that the Russian Government, in July, 1829, paid 12,000 thalers to the Abbé Chiarini for a translation of the Talmud in the French language. In one of his works, issued at Paris, the latter complains that the Hebrews opposed and prevented him from accomplishing his commission. See also Wolfsohn's "Jeschurun," p. 242, Breslau,

in the form of a subscription and payment in advance for the forthcoming volumes, for the issue of which in due time they have reposed their confidence in me.

Many friends have assured me that this work is destined to become historical, and as the Talmud has indeed a great history, the first translation of it in a foreign tongue cannot fail to attract attention, and therefore I trust that my work will add somewhat in demonstrating its value and importance. In that event all the names of my supporters and sympathizers who will be known to the future historian (which may be after my death) will be mentioned with honor.

With this view in mind, I enumerate herewith with grateful acknowledgment the names of my supporters since this work began, and especially those who aided me during the last two months of the past year, and enabled me to publish the present volume by paying for from twenty-seven to ten forthcoming volumes, at the rate of \$2.50 each, in advance. May God bless and prosper them in all their undertakings!

I also extend my thanks to all my subscribers, far and near, for their kindness in the past, hoping at the same time that it will be extended in the future. I am also grateful to the rabbis of the city of New York, who, with very few exceptions, sympathize with my work, and have assisted me with their influence and subscriptions.

The list of patrons is arranged alphabetically. The asterisk indicates that the volumes already delivered and paid for are NOT included. Asterisk and dagger indicate also the subscription for two sets. The list of names on page ix shows those added during the last two months of the past year.

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1804. It is also a well-known fact that Emperor Nicholas I. of Russia assigned 100,000 rubles for a translation of the Talmud; and that Dr. Pinner, who translated tract Berachoth into German, a work considered of little merit by all scholars, nevertheless received 10,000 rubles from him. A German translation of the Talmud is now being published through the effort of Gentiles. I am proud to say that I am the first who has not sought the support of Gentiles, and that all that I have done was brought about by my coreligionists.

¹ חמרא למריה טיבותא לשקיה

EXPRESSION OF THANKS.

ix

Abraham, A.,* Brooklyn.....	20 volumes.
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I have to thank once more the following gentlemen and lady, who, besides their subscriptions, have also exerted their influence in insuring me a considerable number of subscribers:

Messrs. Samuel Greenbaum, Daniel P. Hays, Isaiah Josephi, Andrew Saks, and Miss Annette Kohn.

I trust that in the last volume of this section this list of supporters will be greatly increased, as I still need further assistance, till the section is completed, when I am confident that I will derive good financial returns from its sale to booksellers and general agents, who are awaiting the completion of the section, to be sold *en masse* as a complete work by itself.

I am hopeful that the coming generation will be grateful to all those who took part in opening a sealed book to the eyes of the world.

Finally, I express my thanks to my printer, ex-Congressman Hon. Joseph J. Little, who has granted me considerable credit in his establishment, thereby greatly lightening the burden of my work; also to his proofreader for calling my attention to many matters which seemed to him imperfect, and whose assistance I value greatly; and last, but not least, to Mr. A. S. Freidus of the New York Public Library, for many valuable suggestions in bibliographical and other matters.

MICHAEL L. RODKINSON.

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INTRODUCTION TO TRACT YOMAH, OR THE DAY OF ATONEMENT.

THE first seven chapters treat of the manner in which the Day of Atonement was celebrated in the second Temple: the different sacrifices brought on that day, the preparation of the high-priest for his ministry, and the order of service as he performed it, entering fully into minute details of every circumstance connected therewith. Although all this has an historical value only, we cannot refrain from giving an introduction to this tract, on account of that day being so different from all the holidays of Israel.

All the festivals, although they were not observed all the time during the first Temple, were nevertheless observed by some of the kings, who invoked the people to celebrate them some of the time; *e.g.*, the Feast of Passover, with all its sacrifices, in the reigns of Hezekiah and Josiah [2 Chron. xxx.; xxxv.]. There is also related [ibid. xxxv. 18], that in the days of the prophet Samuel, Passover was held. The Feast of Tabernacles was celebrated in the days of Solomon [1 Kings viii. 2], and although the children of Israel did not dwell in the booths since the days of Joshua b. Nun [Neh. viii. 17], nevertheless the feast was celebrated with all its appertaining sacrifices; and also the Pentecost they have kept [2 Chron. viii. 13]. The Day of Atonement, however, is not mentioned in the entire Scriptures, with the exception of Lev. xvi., and among the prescription of the various sacrifices; but even then we see something unusual among the commandments of the Scriptures; namely, the remark that he (Aaron) did as the Lord had commanded Moses. *

* Reading the Scriptures critically, we deem that Lev. xvi. is merely a continuation of Lev. x., where the death of the two sons of Aaron is related when they entered the sanctuary; and after that Aaron is instructed as to the manner in which he can enter the sanctuary *so he shall not die*. In the entire chapter xvi. no mention is made of the Day of Atonement, except that from verse 29 to the end of the chapter, we find the command that it shall be a statute forever for all the Israelites, that on the tenth day of the seventh month the high-priest shall make an atonement

Moreover, we can plainly see from the Scriptures, that at the time of King Solomon the Day of Atonement was one of the seven days of rejoicing, at the dedication of the Temple [1 Kings viii. ; 2 Chron. vii. 8, 9] ; and although it is said in the Talmud that the decision not to keep the Day of Atonement was only a temporary one (as it will be explained in Tract Moed Katan), still we cannot rely upon an individual opinion in the Talmud. The facts are that the Day of Atonement was not observed, not only during the first Temple, but at the beginning of the second as well, for even in Nehemiah the Feast of Tabernacles is mentioned, but the Day of Atonement is not. And even during the middle period of the second Temple the Talmud states that the Day of Atonement was one of the holidays for the people, in which the daughters of Israel, all dressed in white, went forth to dance in the vineyards, as will be explained in Tract Taanith. It would be ridiculous to believe that, while observing the five afflictions of the day (see chapter viii. of this tract), they nevertheless danced and sang, trying to captivate the youths.

Ewald, in speaking of that day, also remarks that it is different in its respect from all the holidays ; but even he does not explain the reason. He only indicates that it may be a remnant of the pre-Mosaic time. In order to give the reader an opportunity of forming his own opinion, we herewith give an extract from Ewald concerning the Day of Atonement :

"The preparatory celebration in the autumn, which took place on the tenth day of the seventh month, was essentially distinguished from that of the spring in not being a terror-stricken celebration at the commencement of the year, which sought to avert the perils of the dim future and, as it were, the wrath of a new coming God, but in being rather a pure feast of penance which endeavored to expiate all the human and national transgressions and impurities which had occurred during the year. For although the searching stringency of Jahveism, already described, required that every, even the smallest, impurity and defilement which had been contracted should be immediately expiated, yet the higher religion was well aware how little all the

for his brother priests, for the sanctuary, and for the people of Israel ; but there is no command that he, on that day, shall perform all the ceremonies prescribed in the same chapter, for that concerns only the entrance of Aaron into the sanctuary. Also Ewald has considered this point ; and it is possible that the sages, during the first Temple, interpreted this passage in the same manner, and all the sages after them, until the middle period of the second Temple, since when the learned priests, for a reason unknown to us, decided that the entire chapter relates to the Day of Atonement ; and the sages of the Talmud, on account of this, afterwards deduced from the scriptural passages the elaborate manner of the service on that day to be found in the Talmud.

secret and slowly advancing desecrations were actually removed from the entire community. Hence this universal festival of penance and expiation was established in order that even all these might be expiated as far as human labor could avail, and that the community, as free as possible from all guilt, might celebrate with joyous feelings the great happy festival of the year which immediately followed. Both this origin and purpose, and also its name, *feast of expiation*, show its genuine Mosaic character. Here, more than in any other, the entire purpose and the absolute stringency of the higher religion found expression, and it was certainly this religion which first founded the festival. Only in one of its rites, which, strictly speaking, is hardly essential, do we find a remnant of pre-Mosaic belief and life. The festival, then, was by no means to be principally of a domestic character, like the Passover; rather, in contradistinction to the latter, was it to become a thoroughly public festival. Accordingly, the people were not to offer any of the regular sacrifices, but a new one, which should go deeper and reach a more sensitive point in taming man's sensuous nature than the regular offerings. This was to be a rigid fast from the evening of the ninth to that of the tenth; the solitary fast which Jahveism annually required. The whole structure of Jahveism did indeed require that a sacrifice of the ordinary kind should be offered on this day, as its peculiar importance demanded; but this continued to be purely sacerdotal. It was a great expiatory offering, to be made by the high-priest or his representative. Not only the human members of the community, including the priests, were now deemed impure and in need of expiation, but even the visible sanctuary as well, as though, like a wall between the nation and its God, it received all the stains of impiety which were incurred in the realm. Hence the high-priest employed expiatory offerings of two kinds: one, purely sacerdotal and serving especially for the atonement of the sanctuary, and another, which had special reference to the share of the community, and must therefore also proceed from it. The latter bore quite a national stamp, and evidently forms that portion of the usages which was derived from a pre-Mosaic time, and still retained subsequently." ("The Antiquities of Israel," by H. Ewald, pages 361 to 364, which see.)

It seems to us that Ewald's opinion is not altogether right. We do not agree that this festival shows more of the Mosaic character than any other festival, nor with his opinion about the he-goat destined for Azazel, which he considers a pre-Mosaic rite. He is also not correct in saying that there were no regular sacrifices on that day, only new ones [*vide* Num. xxix. 7, 8], for the simple reason, if such was the case it would have been observed at the beginning of the second Temple, at least, when the entire Law, as we now have it, was discovered by Ezra; but, as stated above, the observance of that day with pomp and celebration (see Appendix) was begun some time during the middle period of the second Temple.

On the contrary, from the great preparations and parade of

the high-priest to and from the Temple, and from other matters which took place during the service itself, we would be inclined to believe that the Hellenism which crept into Judaism has served a great deal towards their origination; and also concerning the he-goat destined for Azazel we have something to say, but as we do not like to lay before our readers the grounds for our supposition, we refrain from making our statement. We content ourselves with referring the reader to the book "Daath Elohim ba-Arez" ("The Knowledge of God in the Land"), by Abraham Krochmal, where he will find some hints concerning the Azazel of the Scripture and the Tsuk (rock of its destination) of the Mishna, and leave to him to form an opinion of the time of its origin.

Concerning the services proper at the Temple, we have to translate here for our English readers what we have already written in our Hebrew commentary to Tract Shekalim, chapter iv., Mishna D: "From this Mishna we can see that during the time of the Temple the leaders of the priests kept everything secret, and their customs were not known to any one else; otherwise there could not have been a dispute concerning the services there immediately after the destruction of the Temple. Moreover, R. Ishmael, himself a priest, and his forefathers, Elisha and Ishmael, were prominent priests during the time of the Temple; also R. Hanina the Segan was one of the prominent priests, still they knew not exactly the ceremonies and the manner of their performance, and differed in their opinions greatly. This must be borne in mind by the readers of the tracts treating the services and sacrifices."

We have added to this volume the Tract Hagiga, as it relates to the sacrifices of the festivals, and is also of great historical value. Although in the old edition the Tract Hagiga is next to Moed Katan, the last of section Moed, still in our new edition we could not keep up the old rotation, as we have divided the volumes of the above section in approximately uniform size, and each part contains a complete tract. Nevertheless we number the pages of each tract separately, in order that if any one wishes to bind the volumes in the old order, there should be no hindrance.

NEW YORK, *January*, 1899.

SYNOPSIS OF SUBJECTS

OF

VOLUME VI.—TRACT YOMAH.*

CHAPTER I.

MISHNA I. Why the high priest, before the Day of Atonement, and the priest who had to perform the ceremonies of the red cow, were removed from their houses to different chambers in the Temple, and whence we deduce it from the Scriptures. About a substitute of the high-priest. How is it known, when one person communicates something to another, that one has no right to tell it to a third without permission? How did Moses attire Aaron and his children on the days of consecration? Whether the uncleanness of the entire congregation, contracted from a corpse, is not considered, or only postponed. How were the two priests sprinkled? The number of high-priests during the first and second Temples. Why had the first Temple fallen? The second Temple, where the occupations were study of the Law, religious duties, and charity—why fell it? Which one of the Temples was better? Which of the nations are descended from Japheth? Whether the gates of the Temple needed Mezuzahs. Of what material was the girdle of the high-priest made, and whether it was the same as those of the common priests. How was the substitute of the high-priest recognized when the high-priest became unfit during the service, 1-18

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MISHNAS III. to V. What the elders of the Beth Din say to him. What he is free to eat during the seven days, and what on the eve of the Day of Atonement. How the priest selects the offerings he chooses. How the Beth Din left him to the elders of the priests, and what they made him swear. What a high-priest of the Sadducees had done, and what happened to him. What was done when the high-priest began to slumber. How he was occupied, and what was sung to him. How were the ashes cleared away every day and on the Day of Atonement? The miracles that occurred in the Temple. For the crowing of what cock shall one wait before going on the road any night? About the heavenly fire at the second Temple, 22-29

*See introduction to synopsis in Tract Sabbath, Vol. I., p. xxix.; also note at end of synopsis in Vol. V.

CHAPTER II.

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MISHNAS V. to VII. How did the high-priest confess? and what the people responded after him. Which of the officers were on his right and which were on his left during the service? What Ben Katin made for the Temple, and what his mother Queen Helen made. Concerning the house of Garmo, the house of Abtinias, and Hogros b. Levi (the preparer of shewbread, incense, etc.). What one of the members of the house of Abtinias related to R. Ishmael. Whence is it derived from the Pentateuch that when the names of the just are mentioned they must be blessed, and, *vice versa*, those of the wicked? When a man sanctifies himself a little here below, he is sanctified much above, . . . 49-57

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made. How they were inquired of, and to whom. What letters were inserted in them. About the three crowns of the altar, the ark, and the table, who received them? About the priest who was anointed for war, his garments, services, and descendants. How was the ceremony of inquiring the Urim and Tumim, and how the priest received the reply. Whence do we deduce that the inquiries are made for kings only? . . . 98-111

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TRACT YOMAH (DAY OF ATONEMENT).

CHAPTER I.

CONCERNING THE HIGH-PRIEST'S PREPARATIONS FOR THE SERVICE OF THE DAY OF ATONEMENT (WHEN THE TEMPLE WAS IN EXISTENCE).

MISHNA: Seven days before the Day of Atonement the high-priest is to be removed from his house to the Palhedrin Chamber (*παρεδρων*), and another high-priest is appointed to substitute him in case he become unfit for the service by becoming unclean. R. Jedudah says another wife is to be appointed for him also, in case his own wife dies, whereas it is said [Lev. xvii. 11], "and shall make atonement for himself and for his house"; "his house"—that is, his wife. But it was objected that in this manner there will be no end to the matter. (The other wife may die too.)

GEMARA: We have learned in a Mishna (Tract Parah, III., 1): "Seven days before the red cow * was to be burned, the priest who had to perform this ceremony was removed from his house to the northeastern chamber of the Temple," etc. "Whence do we deduce this?" said R. Miniumi bar Helviah in the name of Mahassia b. Iddi, quoting R. Johanan: "It is written [Lev. viii. 34]: 'As they have done this day, so hath the Lord commanded to do farther, to make an atonement for you.' 'To do farther' signifies the red cow; 'to make an atonement for you' signifies the Day of Atonement." But perhaps it signifies the atonement of sacrifices generally? Could we know, in this case,

* Some translators say [Numbers xix. 2] "red heifer"; but this would not be proper, according to the teaching of the Mishna that the red cow must not be younger than three years and is fit even from four to five years, for which the term *heifer* cannot be correctly used.

which priest is going to perform the rite? How, then, could he be removed from his home? But perhaps other festivals are meant? We infer the removal seven days before one day from the removal, seven days (before) for the service of one day,* but not seven days (before) for a service of seven days [of the festivals of Passover and of Tabernacles]. Perhaps Pentecost, which also is only one day, is meant? Said R. Abba: "We infer a day of one bull and one ram (when one such is sacrificed) [as on the days of consecration], from a day of one bull and one ram, which is the offering for the Day of Atonement; but for Pentecost two rams are prescribed." Perhaps New Year's Day is meant (which is also only one day)? Said R. Abahu: "We may infer a day of the bull and the ram at the priest's own cost from a day when the priest must act likewise, and that is the Day of Atonement. But on the days of Pentecost and of New Year the bull and ram are at the public cost." R. Ashi, however, said: "We may infer a day on which the bull is a sin-offering, and the ram a burnt-offering (as on the day of consecration and on the Day of Atonement), but on New Year's Day and Pentecost both are burnt-offerings."

Rabbina said: "We may infer from a day on which the service is allowed only to the high-priest a day on which the same is the case, but on the other festivals [than the Day of Atonement] the service is permitted to other priests."

R. Johanan taught: "Both phrases, 'to do farther' and 'to make an atonement,' refer only to one day, and that is the Day of Atonement." Resh Lakish, however, infers from the same two phrases—from "to do," the red cow, and "to make an atonement," the Day of Atonement (as stated previously). But how can R. Johanan infer only one of these, since we have learned that for the red cow the priest was also removed? That was not biblical, but optional. [To contradict the Sadducees, the priest was purposely made unclean, and therefore he was recompensed by honors, one of them that of being removed seven days before.]

When Rabbin came from Palestine, however, he said in the name of R. Johanan, quoting R. Ishmael: "By 'do farther' the red cow is meant, and by 'to make atonement' the Day of Atonement." Said Resh Lakish to him: "Whence do you deduce this? From the days of consecration! As on those

* See Lev. viii. 33.

days everything mentioned is obligatory, so on these occasions it should be. Perhaps you will say, it is so. But have we not learned that a substitute is prepared? and it is not written that the substitute must also be removed. If you will say, the substitute was likewise removed, then why does the Mishna say, the high-priest was removed, and a substitute was prepared? Let one expression be used concerning both."

Rejoined R. Johanan: "Whence do you, Master, deduce this?" He answered: "I deduce it from what occurred on Mount Sinai. As it is written [Ex. xxiv. 16]: 'And the glory of the Lord abode upon Mount Sinai, and the cloud covered it six days, and he called unto Moses on the seventh day.' Let us see. He called him on the seventh day; to what purpose were the six days? To make a rule for every man who must enter the abode of the Shekhina, that he must be separated six days." But did we not learn "seven days"? Six days are sufficient; but our Mishna is in accordance with R. Jehudah b. Bathyra, who says that seven days are requisite (as will be further explained).

Rejoined R. Johanan again to Resh Lakish: "It is, according to me, who deduce it from the days of consecration, that the following Boraitha should say, that on the priests on both occasions they sprinkled during all the seven days of preparation, from all the ashes of the red cows which were to be found there, because on the days of consecration there was also sprinkling. But according to you, who deduce it from Mount Sinai, where do you find sprinkling on Mount Sinai?" Resh Lakish answered: "Even according to your theory, are they equal? In the days of consecration the sprinkling was of blood, and here water." Rejoined R. Johanan: "It presents no difficulty; because R. Hiya taught the water was later substituted for the blood. But according to your theory, on Mount Sinai there was no sprinkling at all?" Resh Lakish answered: "The sprinkling was an optional improvement."

We have learned of one Boraitha which is in accordance with R. Johanan, and of another which is according to Resh Lakish. The one according to R. Johanan is as follows: It is written [Lev. xvi. 3]: "With this shall Aaron come into the holy place." The phrase "with this" means all that is said concerning the days of consecration. Namely, Aaron was separated seven days, and served but one; during the seven days Moses instructed him, to make him acquainted with the service. So it

should be in later generations; the high-priest should be separated for seven days, and serve one day, and two scholars of the disciples of Moses, excepting Sadducees, were placed in his society during the seven days to make him be practised in the service. Therefore it has been said, seven days before the Day of Atonement the high-priest must be removed from his house to the chamber of Palhedrin. And as the high-priest was separated, so the priest who was to burn the red cow was to be removed to the chamber in the northeast of the Temple. Both priests used to be sprinkled during all the seven days from the ashes of the red cow. And if you will say, on this occasion water of the ashes was sprinkled, and on the days of consecration it was blood that was sprinkled, it can be replied, that that water was a substitute for the blood, as it is written: "As they have done this day, so the Lord commanded to do farther, to make atonement for you" [Lev. viii. 34]. "To do farther" means the red cow; "to make atonement," the Day of Atonement.

The Boraitha according to Resh Lakish is as follows: Moses ascended in the cloud, was covered by the cloud, and was sanctified in the cloud, in order that he should have been able to receive the Torah for Israel in a state of sanctitude, as it is written [Ex. xxiv. 16]: "And the glory of the Lord abode upon the Mount Sinai." This occurred after the day in which the ten commandments were given, which was the first of the next forty days. So said R. Jose the Galilean. R. Aqiba, however, said: "'The Lord's glory abode,' that was the first day of the month (Sivan); 'the cloud covered it,' the mountain, not Moses (for during the six days the latter went from God to Israel and from Israel to God); 'and he called,' he called Moses himself. Although Moses and all Israel stood, yet to do honor to Moses, he called him alone." R. Nathan said: "To what purpose was Moses covered by the cloud six days? That the victuals in his bowels should be digested, so that he should be pure as the angels." R. Matthiah b. Heresh, however, said: "The entire separation was for the purpose of overawing him, that the Torah should be received with awe, shivering, and trembling, as it is written [Ps. ii. 11]: 'Serve the Lord with fear, and rejoice with trembling.'" What is meant by "rejoice with trembling"? Said R. Adda bar Matna in the name of Rabh: "Where there is joy, there should be awe."

On what point do R. Jose the Galilean and R. Aqiba differ?

They differ like the Tanaim of the following Boraitha: "On the sixth day of Sivan the Torah has been given to Israel; R. Jose, however, says, on the seventh." According to him who says that the Torah was given on the sixth day, Moses ascended on the seventh; according to him who says, on the seventh, he received the Torah and ascended on the seventh day, as it is written [Ex. xxix. 16]: "And he called unto Moses on the seventh day." R. Jose the Galilean holds with the first Tana, who maintains that the Torah was given on the sixth of the month; and therefore, he says, "the glory of the Lord abode" after the day on which the commandments had been given. The cloud covered Moses six days, and on the seventh he called him to receive the rest of the Law. But R. Aqiba holds, according to R. Jose, that the commandments were given on the seventh day, and that Moses ascended on the same day.

"And the Lord called unto Moses, and spoke unto him" [Lev. i. 1]. Why was it need to call first, and then to speak? The Torah teaches good manners, that a man should not communicate to another anything before he tells him that he wishes to speak to him. And this is in support of R. Hanina, who has said the same.

Said R. Menasseh the Great: How is it known, when one person communicates something to another, that one has no right to tell it to a third without permission? It is written [ibid.], "spoke unto him out of the tabernacle of the congregation, saying" (in Hebrew "Lemor," which is considered here as equivalent to "Lo Emor," not to speak). From the above saying of Resh Lakish to R. Johanan, that if you infer all this from the days of consecration, etc., we must assume that both agree that whatever is written concerning the days of consecration is obligatory. Now from what has been taught, that about the days of consecration R. Johanan and R. Hanina differed, one says, all that is written is obligatory, and the other, that only which is obligatory for later generations, but what is not obligatory for later generations was not obligatory even then. Infer that R. Johanan is the one who says that all that is written there is obligatory. For were the case otherwise, R. Johanan would have replied to Resh Lakish that it is not so.

In what consists the difference? Said R. Papa, in the separation for the seven days. According to him who says that all that is written there is obligatory, the removal of the high-priest for the seven days is obligatory (and if it was not done, his ser-

vice is invalid); according to the other opinion, this is not obligatory. But how is it known that in the second case this is not obligatory? Because it is written in the Mishna: "A substitute is prepared," and not "removed." What is the reason of him who says that all which is written is obligatory? Said R. Itz'hak bar Bisna: It is written [Ex. xxix. 35]: "And thou shalt do unto Aaron and to his sons, *thus*." *Thus* signifies that it is obligatory. This would be right in regard to all the things written in the chapter about the days of consecration; but whence is it known that other things not written in this chapter are also obligatory (*e.g.*, the breastplate and Ephod, not mentioned in that chapter, yet known to be obligatory)? Said R. Na'hman b. Itz'hak: We infer it from an analogy of expression; in that chapter the "door of the tabernacle of the congregation" is mentioned [Lev. viii. 4], and in the chapter about the breastplate, etc. [Ex. xxix. 4] the same expression recurs. (As in the case of practice it is obligatory, so in the case of the commandment.) R. Mesharshia says: It is inferred from "keep the charge of the Lord" [Lev. viii. 35] (an analogy of expression is not necessary, it is plainly said "keep," hence it is obligatory). R. Ashi says, from "for so I have been commanded" [ibid.]; hence it is obligatory.

How did Moses attire Aaron and his sons on the days of consecration? [That is, to understand the verses of the Bible; we wish to know it, although it does not concern us.] The sons of R. Hiya and R. Johanan differ. One party says he attired Aaron first, and the sons next; and the other, Aaron and his sons at the same time. Said Abayi: About the coats and the mitres they do not differ—namely, that Aaron was attired in them first, and the sons later; for both in speaking of the commandments and the practice Aaron is mentioned first [Ex. xxix. 56; Lev. viii. 7]. What they differ about is the girdle. The party who says, "Aaron, and his sons later," does so because it is written, "and girded *him* with the girdle" [Lev. viii. 7], and later, "girded *them* with girdles" [ibid. 13]. The party who says they were attired at the same time, do so because it is written, "Thou shalt gird them with girdles, Aaron and his children" [Ex. xxix. 9]. But how can it be said that he attired them at the same time (it is written plainly that first he attired Aaron, and then his sons)? There is a difference between a girdle of the high-priest and that of an ordinary priest. That means, when it is written he girdled Aaron first, it is meant,

with the girdle of the high-priest; but with the ordinary girdles he attired them all at once.

"*The high-priest is removed*," etc. For what purpose was he removed? "For what purpose?" Has it not been said above, R. Johanan gave one reason, Resh Lakish another? We mean to ask, why had he to be removed from his home (he could practise at home)? Because it was learned in a Boraitha that R. Jehudah b. Bathyra said, it is apprehended lest he have intercourse with his wife, when there is doubt that she is in her sickness (then he would become unclean for the next seven days, and be unable to serve in the temple).

It was taught: The uncleanness contracted from a dead body is not considered in the case of an entire congregation, according to R. Na'hman. R. Shesheth, however, says, it is only postponed in that case. If there are individuals in the family of priests thus defiled, there is no difference of opinion that those individuals may *not* serve; but if the whole family was thus defiled, there is a difference of opinion between R. Na'hman and R. Shesheth. According to R. Na'hman, clean individuals of another family need not be sought because, where there is a congregation, the defilement is not considered at all. And according to R. Shesheth, who says it is only postponed, individuals of another family may be looked for. According to others, R. Na'hman says: Even the unclean individual also served, as in case of a congregation defilement is not taken into consideration. Said R. Shesheth: The authority for my decree is the following Boraitha: "If one stand sacrificing the Omer, and it become unclean in his hand, he shall so notify, and the congregation shall bring another in its stead. But if there is no other, he is told to have sense and to keep silent." Now we see that in the beginning it is said, another one should be brought in its stead; hence it is not permitted, but only postponed. Said R. Na'hman: I grant that, in a case in which the remains of the sacrifice must be eaten, when undefiled can be obtained, it is better.

On this point the Tanaim of the following Boraitha differed: "The golden plate [Ex. xxviii. 36] which is made for the high-priest, whether it is on his brow or not, it atones for all defilements of the offerings." So said R. Simeon; but R. Jehudah said, when it is on his brow it atones, but not otherwise. Said R. Simeon to him: The high-priest who serves on the Day of Atonement has not the plate on his brow, and nevertheless atones for all sins; hence we see that it atones even when not

on his brow. Answered R. Jehudah: Leave the high-priest on the Day of Atonement alone, for defilement is allowed to him when the whole congregation is defiled. Now, from R. Jehudah's answer that the defilement is allowed, we must conclude that R. Simeon holds that the defilement is only postponed, but not allowed.

Said Abayi: When the plate had been broken, all agree that it does not atone. They differ only when it is suspended on a peg. R. Jehudah says, because it is written [Ex. xxviii. 38], "it shall be upon Aaron's forehead, and Aaron shall atone," etc., (therefore) it only atones when it is on the brow. But R. Simeon's opinion is: Because it is said, "always they may be received in favor before the Lord" [ibid., ibid.]; and it cannot be said that it is meant that it should *always* be on his forehead, because he must satisfy human needs and sleep; hence we must say, it means that it always receives the Lord's favor. But what will R. Jehudah say to this "always"? He explains that it is meant, it should never be absent from his mind.

Shall we assume that the former Tanaim differ as the Tanaim of the following Boraitha: Both the high-priest and the priest that was to burn the red cow were sprinkled upon during the seven days with all the ashes that were there. So said R. Meir. R. Jose, however, said: He was sprinkled only on the third and on the seventh day. R. Hanina the Segan of the priests said: "The priest that was to burn the red cow used to be sprinkled on during all the seven days, but the high-priest was sprinkled only the third and seventh." Now, shall we assume that the point of difference is, because R. Meir says the defilement is only postponed in case of the congregation, and therefore he has to be sprinkled upon during the seven days, and R. Jose holds the defilement is not considered at all? (How can you say this? If R. Jose holds that the defilement is not considered, why the sprinkling at all on the third and the seventh?) Therefore we must say that all the Tanaim of this Boraitha hold that the defilement is only postponed, and not allowed, and the point on which they are at variance is this: R. Meir holds we compare the sprinkling to the bathing; as the bathing at the proper times is a religious duty, so also is the sprinkling. And R. Jose holds, we do not compare (the sprinkling to the bathing). Now, then, what is the opinion of R. Hanina the Segan? If we compare it to bathing, the high-priest has to be sprinkled also every day; and if not, why is the other priest of the red cow sprinkled every

day? He does not compare; only in case of the priest of the red cow it is an optional improvement. R. Jose b. R. Hanina opposes this: Why is he sprinkled on the fourth day? (The law is that one unclean must be sprinkled on the third day and on the seventh [Num. xix. 12]. The first three days it was apprehended lest each be the third or seventh (after his unintentional defilement), but the fourth after the removal from his house can neither be the third nor the seventh. Even without this, could he be sprinkled all the seven days? One of them must have been on Sabbath, and sprinkling does not supersede Sabbath? Therefore we must say that what is said of the seven days, is meant with the exception of Sabbath. The same is the case with the fourth; it is meant, all the seven days, except the fourth. Said Rabba: Therefore the high-priest must be removed seven days before the *Day of Atonement*, whose date is not dependent on us; but on the third day of the month,* he must be removed seven days before that day, no matter when the fourth day falls. But the priest of the red cow, the date of whose removal depends on us, should be removed on such a day that the fourth shall fall on Sabbath.

"To the Palhedrin Chamber." We have learned in a Boraita: R. Jehudah said: Was it called the Palhedrin Chamber, it was called the Chamber of the Lords? He answers: Formerly it was called the Chamber of the Lords, but after the high-priests began to be appointed for money, and changed as government officers (Palhedrin, changed once in twelve months), it began to be called the Hall of the Palhedrin. What is meant by Palhedrin? Officers.

Rabba bar bar Hana in the name of R. Johanan said: It is written [in Proverbs x. 27]: "The fear of the Lord increases man's days, but the years of the wicked will be shortened." "The fear of the Lord increases the days"; that refers to the first Temple, during whose existence of four hundred and ten years there were only eighteen high-priests. "The years of the wicked will be shortened," refers to the second Temple, which existed four hundred and twenty years, and more than three hundred high-priests succeeded each other during that period. Subtract the forty years during which Simeon the Righteous ministered, eighty years of Johanan the high-priest's ministry, and ten years of Ishmael b. Favi—according to others, eleven

* The Day of Atonement always occurs on the tenth day of the month Tishri.

years of R. Eleazer b. Harsum—and compute, you will see that not even one high-priest completed his year.

R. Johanan b. Turtha said: Why had Shiloh fallen? Two sins were committed there: adultery and sacrilege. Adultery, as it is written [1 Sam. ii. 22]: "Now Eli was very old, and heard all that his sons were in the habit of doing unto all Israel; and how they would lie with the women that assembled at the door of the tabernacle of the congregation." And sacrilege, as it is written [ibid. 17]: "And the sin of the young men was very great before the Lord; for the men despised the offering of the Lord."

Why has the first Temple fallen? Because there were three things: idolatry, adultery, and bloodshed. Idolatry, as it is written [Jerem. xxviii. 20]: "For the bed shall be too short for a man to stretch himself out on it; and the covering too narrow to wrap himself in." And R. Johanan said: The bed is too narrow that there should be two, God and the idols. [Said R. Samuel b. Nahmoni: When R. Jonathan used to come to this verse, he used to cry, saying: That the Lord, of whom it is said [Ps. xxxiii. 7], "He gathereth together like heaps the waters of the sea," should feel too little space because of an idol.] Adultery, as it is written [Is. iii. 16]: "Forasmuch as the daughters of Zion are fraud, and walk with stretched forth necks and casting about their eyes, walking and mincing as they go, and making a tinkling with their feet." R. Itz'hak said to this: What is meant by tinkling? They used to fill the shoes with spices, and when a young man was by, they pressed the spices with the feet, to attract his attention.

Bloodshed, as it is written [2 Kings xxi. 16]: "And also innocent blood did Manasseh shed in very great abundance."

But the second Temple, where the occupations were study of the Law, religious duties, and charity—why fell it? Because there was groundless enmity.* From this we can infer that unfounded hatred is equal to all the three sins together: idolatry, adultery, and bloodshed. In the time of the first Temple, although they were wicked, yet because they put their trust in the Holy One, blessed be He, as it is written [Micah iii. 11]: "Her heads judge for bribes, her priests teach for reward, and her prophets divine for money: and yet they will lean upon the

* In the Palestinian Talmud it is said: Because they loved money, and hated each other without grounds.

Lord, and say, Is not the Lord among us? evil cannot come over us." For this, the Holy One, blessed be He, brought on them three chastisements, for their three sins; as it is written [ibid. 14]: "Therefore for your sake shall Zion be ploughed up as a field, and Jerusalem shall become ruinous heaps, and the mount of the house, forest-covered high places."

R. Johanan and R. Elazar both said: In the time of the first Temple, as their sin was laid bare, therefore the date of the end of their suffering has likewise been revealed; but in the time of the second Temple, when their sin was not stated clearly in writing, therefore the date of the end (of their suffering) was not revealed either.

R. Johanan said again: The nail of those of the time of the first Temple was preferable to the belly (whole body) of those of the time of the second Temple. Said Resh Lakish to him: On the contrary, the last were better. Although they were subject to a foreign government, nevertheless they studied and observed the Law. Rejoined R. Johanan: The fact of the Temple can prove it. The first obtained the Temple once more, and the last have it not yet. R. Elazar was asked: Who were greater, the first or the second? He replied: Take the Temple as a sign.

Resh Lakish was bathing in the Jordan: Rabba bar bar Hana came to him, and shook hands with him. Resh Lakish said to him: God detests you Babylonians, as it is written [Solomon's Song viii. 9]: "If she be a wall, we will build upon her a palace of silver; and if she be a door, we will enclose her with the boards of cedar." That signifies thus: If you were all strong as a wall, and went all with Ezra, you would have been like silver, which can never rot; but as you did not, you were like wooden doors, which are subject to decay.

It is possible that Resh Lakish spoke with Rabba bar bar Hana? If with R. Elazar, who was the principal man in Palestine, Resh Lakish did not speak; because it was a rule that, with whomsoever Resh Lakish spoke in the street, money could be given to him without witnesses. Should Resh Lakish then have spoken with Rabba bar bar Hana (who was an inferior man)? Says R. Papa: Substitute another person. Either it was Resh Lakish and Z'eri, or R. Elazar and Rabba bar bar Hana. When the last came to R. Johanan and related to him what Resh Lakish had told him, he said: This is not the reason. If all had come with Ezra, even then the Shekhina would not have dwelt in the second Temple, since it is written [Gen. ix. 27]: "May

God enlarge the boundaries of Japheth, and may he dwell in the tents of Shem"; that signifies, that although God enlarges the boundaries of Japheth, his Shekhina can only dwell in the tents of Shem (*i.e.*, because the second Temple was under the rule of the Persians, who are of Japheth, the Shekhina could not dwell there, but only in Solomon's Temple, which was Shem's). And how is it known that the Persians are descendants of Japheth? Because it is written [Gen. x. 2]: "The sons of Japheth: Gomer, and Magog, and Madai, and Jabon, and Tubal, and Meshech, and Thirass"; and R. Joseph has taught, that Thirass is Persia.

R. Joshua b. Levi said in the name of Rabbi: A time will come, when those who have destroyed the second Temple will fall into the hands of the Persians. As it is written [Jerem. xlix. 20]: "Therefore hear the counsel of the Lord, that he hath resolved against Edom; and his purposes, that he hath devised against the inhabitants of Theman. Surely the least of the flocks shall drag them away: surely he will devastate their habitation." Rabba b. Ula opposed: How is it known that by the least of the flocks Persia is meant? Because it is written [Dan. viii. 20]: "The ram that thou hast seen, him with the two horns, signifies the kings of Media and Persia?" Perhaps Javan (the Greeks) are meant? As it is written [ibid. 21]: "And the shaggy he-goat is the king of Javan (Greece)." When R. Habiba b. Surmika went up to Palestine, he told to a scholar the objection of Rabba b. Ula. He said to him: A man who cannot explain the verses of the Bible should dare oppose Rabbi? What is meant by "the least of the flock"? the youngest of the brothers (that is, Thirass), and R. Joseph has said, Thirass is Persia.

Rabba bar bar Hana in the name of R. Johanan, quoting R. Jehudah b. Ilai, said: Those who have destroyed the second Temple will fall into the power of Persia. And this is an *a fortiori* reasoning: If the children of Shem, who built the first Temple, and the Chaldeans, who destroyed it, fell into the hands of the Persians, how much more the destroyers of the second Temple, which the Persians themselves have built, must fall into the power of the Persians. Rabh, however, said: On the contrary, it will come that Persia will succumb under those who have destroyed the Temple. Said R. Kahana and R. Assi to Rabh: Is it right that those who had built the Temple should fall under the dominion of those who have destroyed it? He answered: Yea, such is the decree of the King. R. Jehudah also said in the name of Rabh: The Messiah, descended from

David, will not arrive until Rome shall have dominated over the entire world nine months. As it is written [Micah v. 2]: "Therefore he will give them up until the time that she who travaileth hath brought forth"; and the end of the verse is, "then shall the remnant of his brethren return with the children of Israel."

The rabbis taught: All the chambers of the Temple had no Mezuzahs,* except the Chamber of Palhedrin, which was a dwelling of the high-priest. Said R. Jehudah: Were there not many chambers in the Temple which were dwellings, and nevertheless were without Mezuzahs? Therefore we must say that the Mezuzah in the Palhedrin Chamber was only as a precautionary measure (lest it be said of the high-priest that he was in prison, which requires no Mezuzah). What is the reason of R. Jehudah's opinion that no Mezuzahs need be in the chambers of the Temple, even those which are dwellings? Said Rabba: R. Jehudah holds that a house not made both for summer and winter is not considered a house requiring a Mezuzah. Abayi objected: Is it not written [Amos iii. 15]: "And I will smite the winter house together with the summer house" (hence each is called a house)? He answered: It is called "winter house" or "summer house," but not *house* alone. Abayi objected again: We have learned in Maasroth, III., 7: "In regard to the booths made for the Feast of Tabernacles, during that feast things are made obligatory by R. Jehudah, but not by the sages." And concerning this Mishna we have learned in a Boraitha: R. Jehudah makes obligatory in regard to them Erub, Mezuzah, and Tithes (hence we see even a booth is considered a house). But perhaps it will be said, this is only rabbinical, but not biblical? This would be right of Erub and Mezuzah, but about Tithes it cannot be said that R. Jehudah makes them obligatory only on rabbinical grounds, lest he will thus tithe grain which is to be tithed rabbinically for that which is to be tithed biblically, and this is forbidden.

Therefore said Rabba: During the whole year nobody differs from the opinion that the booth is exempt from these duties; they only disagree about the seven days of the feast. And the reason for the Sukka is one, and that for the chamber of the Temple is another. The reason for the Sukka is, because R. Jehudah is consistent with his theory that a Sukka must be a permanent dwelling; and a permanent dwelling requires a Mezu-

* See Deut. vi. 9.

zah. The rabbis are in accordance with their theory that a Sukka need be only a temporary dwelling, which requires no Mezuzah. And the reason for the chambers of the Temple is: The sages hold, a dwelling in which a person abides by compulsion is considered a dwelling-house; and R. Jehudah's opinion is, it is not considered so. Therefore biblically it is exempt from a Mezuzah; but the rabbis have ordered a Mezuzah to be made, lest it be said the high-priest is imprisoned.

Who is the Tana of the following Boraitha which the rabbis taught: "All gates which were in the Temple had no Mezuzahs, except the gate of Nicanor, next to (before) which was the Palhedrin Chamber." Shall we assume that this is only according to the rabbis, and not according to R. Jehudah? For, if it were according to R. Jehudah, who thinks the Mezuzah in the chamber itself was only a precautionary measure, how could a Mezuzah be made on the gate; that would be a precautionary measure against a precautionary measure? Nay, that is all *one* precautionary measure.

The rabbis taught: What is written [Deut. vi. 9] "upon thy gates" applies to the gates of houses, courtyards, cities, and countries; all these are under the obligation of this religious duty towards God, as it is written: "And thou shalt write upon the doorposts of thy house, and upon thy gates." Said Abayi to R. Saphra: Why was no Mezuzah made on the city gate of Mechuzah (the majority of whose population were Jews)? Abayi replied: It was not made, because it would have been dangerous. (The government in its ignorance would say it was a charm.*)

As we have learned in the following Boraitha: A Mezuzah of an individual must be examined twice in a Sabbatical period (seven years, whether it is valid); and one of a congregation, twice in a jubilee (fifty years). And R. Jehudah said: It once happened a repairer examined a Mezuzah in the upper market of Ziporeth, and a quæstor surprised him doing this, and fined him a thousand Zuz. But did not R. Elazar say, that harm cannot befall a delegate for religious duties? In cases where harm is usually to be expected, it is different. As it is written [1 Sam. xvi. 2]: "And Samuel said: How shall I go? If Saul should hear it, he would kill me"; and the Lord said: "Take a heifer with thee; and say, To sacrifice unto the Lord am I come." (It

* In our *Philacterien-Ritus* we have explained this differently. The danger was that it should be recognized as a purely Jewish city and exposed to the Jews' enemies.

is therefore evident that in cases of certain danger, even a delegate for a religious duty has to fear.) R. Kahna taught before R. Jehudah: A house where straw, cattle, wood, or grain is kept, is exempt from a Mezuzah, because women wash themselves there. Said R. Jehudah to him: Is that the reason why these houses are exempt? And otherwise, it were not so? Have we not learned in a Boraitha, a stable is exempt from a Mezuzah in any event? What is meant is, that in spite of the fact that women make their toilet there, and they may be considered as dwellings, yet they are exempt from Mezuzahs. Rejoined R. Kahna: Is that so? We have learned in another Boraitha, a stable is exempt from a Mezuzah; but if the women make their toilet there, then a Mezuzah is obligatory? What canst thou answer, except that it is one of several different opinions of the Tanaim? So I can say, that what I have said about the reason of the women's washing themselves, is also one opinion of the Tanaim. R. Jehudah, however, holds that when it is not known that the women make their toilet there, all agree they are exempt.

R. Samuel b. R. Itz'hak taught in the presence of Rabba: Six kinds of gates are exempt from a Mezuzah: those of places where straw is kept, or cattle, wood, grain, or a Median (vaulted) gate, or a roofless gate, or one less than ten spans high. Thou hast said six, and hast enumerated seven? He answered: About the Median gate the opinions of the Tanaim are different.

The rabbis taught: "A prayer-house, a house belonging to a woman, and one belonging to two partners, must have a Mezuzah." Is not this self-evident? One might think, because it is written "in thy house," but not "in her house" or "in their house," such are exempt, he comes to teach us that it is not so. But whence do we deduce that it is not so? It is written [Deut. xi. 21]: "In order that your days may be multiplied, and the days of your children" (a Mezuzah is then useful to longevity; does not a woman wish to live long?). Why, then, is it written "thy house" (Bethcha)? It is according to Rabha, who said, it is equivalent to *Biathcha* (thy entering); as one enters the house with the right foot usually foremost, therefore the Mezuzah should be on the right side of the entrance.

"*Another high-priest is appointed,*" etc. It is certain that when the high-priest became unfit by some accident before the daily morning offering (on the Day of Atonement itself), the substitute was exercised in the service of the daily morning offering

(and made to be recognizable as the high-priest). But if the accident happened after the daily morning offering, how was it? (All the services were done in the four articles of dress of an ordinary priest, not in the garments of a high-priest). Said R. Ada bar Ahba: He was exercised in the girdle. (So that he was recognized to be the high-priest.) It is right, according to the Tana who says that the girdle of the high-priest did not differ from that of an ordinary priest; and on the Day of Atonement, as the high-priest's girdle was of byssus, he was identified as the high-priest, but according to him who says that the high-priest's girdle was different (and to girdle him with the high-priest's girdle, except during service, is forbidden), how then was he identified? Said Abayi: He attired himself in the eight articles of dress, and went with the basin, and turned over the sacrifice on the altar that it burn better. (This is considered a service, and he was thus exercised and recognized.) And that is according to R. Huna, who said: A layman who turns over the sacrifice is liable to capital punishment, because it is a service. R. Papa, however, said: His service is his exercise (no preparatory ones are necessary). Because, did not a Boraitha state that all the vessels Moses had made, were consecrated by their anointment? Who consecrated the vessels made later than the time of Moses? Their use for service consecrates them. So also here, his service is his exercise.

When Rabbin came from Palestine, he said: The girdle of the high-priest on the Day of Atonement was of byssus, according to all; during the whole year all agree it was of Kilaim (mixed of wool and linen). What they differ about is, whether a girdle of a common priest, during the whole year and on the Day of Atonement, was of Kilaim, as Rabbi says, or of byssus, as R. Eliezer b. R. Simeon says. Said R. Na'hman b. Itz'hak: We have also learned so in a Boraitha: It is written [Lev. vi. 3], "upon his flesh." Why is "put upon" necessary? This is to add, that when he removes the ashes he must have on the mitre and girdle also. Such is the decree of R. Jehudah. R. Dosa said: This is to add that the four garments of a high-priest on the Day of Atonement may be worn by a common priest. Said Rabbi: There are two objections to this. The first objection is, the girdle of a high-priest on the Day of Atonement is not the same as that of a common priest; and, secondly, how can it be said that the garments employed for a more important (?) holiness, may be used later for any less important. What else is

the phrase "put upon" to add? That he may use his old garments (and needs not new ones). R. Dosa, who prohibits old garments, except to common priests, decrees according to his theory in the following Boraitha: It is written [Lev. xvi. 23], "And he shall leave them there"; that signifies they must be hidden. R. Dosa, however, said: He may not use them himself the next year (on the Day of Atonement, but a common priest can use them).

The rabbis taught: When the high-priest happened to become unfit for service, and his substitute performed it, then after the Day of Atonement the high-priest resumes his service, and all the laws regarding the high-priesthood apply to the substitute (he can no longer be like a common priest). Such is the decree of R. Meir. R. Jose, however, says: The high-priest resumes his service, the substitute does not become like a high-priest, nor continues to be as a common priest. And R. Jose added: It happened to Joseph b. Alem of Ziporeth, that he was a substitute for the high-priest, who performed the service instead of the high-priest, to whom an accident had happened. Later the sages said, the high-priest should resume his service, and that Joseph b. Alem is fit no longer to be either a high-priest or a common priest. A high-priest, to prevent enmity; and a common priest, because there is a rule, in holiness one may increase but not decrease. Said Rabba bar bar Hana in the name of R. Johanan: The Halakha prevails according to R. Jose. R. Jose grants, that if the substitute *has* performed service in the Temple, this service is valid.

R. Jehudah said in the name of Rabh also: The Halakha prevails according to R. Jose, and R. Jose grants that when it happens the high-priest dies, he may become high-priest. This is self-evident? One might say, since he was his rival in life, he might not become a high-priest after his death. He comes to teach us it is not so.

"*R. Jehudah says, another wife,*" etc. The sages apprehend lest an accident happen to the high-priest himself, and prepare a substitute. Why not prepare another wife also? The rabbis can answer: An accident of defilement can happen, but death (which is rare) is not apprehended.

"*There will be no end,*" etc. The sages have given a good answer to R. Jehudah? R. Jehudah can reply: That one may die, is apprehended; that both should die, is not.

The rabbis taught: The high-priest may sacrifice when he is

an Onen (one of his relatives had died, and not been interred yet), but he may not eat (of the sacrifices). R. Jehudah says, the whole day. What is meant? Said Rabh: If he is in his home, he must be brought to the Temple to perform the service. Said Abayi to him: How canst thou say this? We know that, according to R. Jehudah, he is told to stop, even when he is performing the service, as we have learned in the following Boraitha: "When he stands sacrificing on the altar," and it is reported to him that one of his relatives is dead, he must interrupt the service, and go. So is the decree of R. Jehudah. R. Jose says: He must conclude the service, and then go. And thou sayest he is brought from his home. Therefore says Rabha: What is meant by "the whole day"? The whole day he is not obliged to perform the service, when he is an Onen, lest he eat of the sacrifices (but in the evening he may). Said R. Adda b. Ahba to Rabha: Does R. Jehudah take such a precautionary measure against his eating? Did we not learn in our Mishna, R. Jehudah said, another wife was prepared for him, lest his own wife die? If his wife die, he is expected to perform the service, and R. Jehudah does not take the precautionary measure lest he partake of the sacrifice? Rabha answered: What comparison is this? This is the Day of Atonement, when nobody eats; it is not feared that he shall eat. But on a common day it is apprehended.

MISHNA: During all the seven days he sprinkles the blood [of the daily offerings, to become practised], fumes the incense, trims the lamps, and offers the head and the leg. During all the other days, he sacrifices, if he chooses, since the high-priest offers the first portion as he prefers, and takes for his own use a portion of the first offering.

GEMARA: Who is the Tana who holds so? Said R. Hisda: That is not in accordance with R. Aqiba. For R. Aqiba holds that when a clean man is sprinkled upon, he thereby becomes defiled. And since the high-priest was sprinkled upon all the seven days, how could he perform the service? As we have learned in the following Boraitha: It is written [Num. xix. 19]: "And the clean person shall sprinkle upon the unclean." Infer from this (since *unclean* is written, not *him*), that only an unclean person becomes clean; but if a clean person is sprinkled on, he becomes unclean. So is the decree of R. Aqiba. But the sages said: This only applies to things subject to defilement. Abayi, however, said: It may be said, the

Mishna can be even in accordance with R. Aqiba; and the case is, the whole day he can perform the service, in the evening he bathes, and when the sun has set, he becomes clean.

"Fumes the incense, and trims the lamps." From this we see that the rite of the incense is performed first, and after that, of the lamps. There is a contradiction? We have learned in Tamid, III., 6: "Who has got the privilege to clear the inner altar of the ashes, to trim the lamps and offer the incense" (hence we see, the lamps precede the incense). Said R. Johanan: The Tana who has taught the order of the rites on the Day of Atonement is R. Simeon, the man of Mitzpah, who differed from the sages of the Mishna in Tract Tamid.

And there is a contradiction even in this tract in the order of the rites, as we learn in a Mishna farther on. The second lot is to determine who should slaughter, who should sprinkle, who should clear the inner altar, who shall trim the lamps, and who shall carry up the members on the staircase. The third lot is drawn by nine priests, to determine who should offer the incense. (Hence the lamps here precede the incense also.) Said Abayi: It presents no difficulty. In the one case the two lamps are meant, in the other case the five lamps. (Shall we assume that between the trimming of the two lamps and the five lamps incense was offered?) Did not Abayi, who ordered the rites according to a tradition, say that between the trimming of the two and five lamps the blood of the daily sacrifice was sprinkled? We can say, it presents no difficulty. This is according to R. Abbu Saul, and according to the sages of the following Boraitha: One shall not trim the lamps, and then offer the incense; but he must first offer the incense, and then trim the lamps. Abbu Saul, however, said: He must first trim the lamps, and then offer the incense. What is the reason of Abbu Saul's decree? It is written [Ex. xxx. 7]: "Every morning, when he dresseth the lamps," (and later) "shall he burn it." What will the sages say to this? The sages say, at the same time both should be done, not that the lamps should be before the incense. For if you should not say so, how will the next verse be explained: "And when Aaron lighteth the lamps toward evening, shall he burn it" [ibid. 8]? He should first light, and then offer the incense later? And if you would say that so it is, did we not learn in a Boraitha, it is written, "from the evening to the morning" [Ex. xxvii. 21]? There is no service which is valid from the evening till the morning except this. (Hence we see

the lamps were the last.) (We must therefore say that) the Torah means, that at the same time the lamps are lighted, the incense is to be offered. So also is it with the cleaning of the lamps; when they are cleaned, the morning incense is offered. R. Papa said: The self-contradiction of this tract presents no difficulty, because one decree is according to the rabbis, and one according to Abbu Saul. What did R. Papa mean to say: He wants to ascribe our Mishna to the rabbis, and that speaking of the lots to Abbu Saul. Let us see how the end of that Mishna in Chap. III., namely, "went in to fume the morning incense, and to trim the lamps," will correspond. This is certainly according to the rabbis. Then the first part and the conclusion of the Mishna will be according to the rabbis, and the middle part according to Abbu Saul? R. Papa can say, that this is the case.

In the Mishna in Tamid we have learned: When he comes to the northeastern corners of the altar, he places the blood there, and when he comes to the southwestern corners, he places the blood there. And in addition to this, we have learned in a Boraitha: "That R. Simeon, the man of Mitzpah, makes a difference in the daily offering; namely, when he comes to the northeastern corners, he places the blood on both corners at once, but at the southwestern he first places it on the western corner, then on the southern." What is the reason of R. Simeon? Said R. Johanan in the name of one disciple of the school of R. Janai: Because it is written [Num. xxviii. 15]: "One he-goat for a sin-offering unto the Lord, besides the continual burnt-offering, shall it be prepared with its drink-offering." What is the sin-offering mentioned for, in connection with the burnt-offering? To teach us that though it is a burnt-offering, in one respect it must be sacrificed as a sin-offering; namely, at two of the four corners he places the blood on both corners at once as a burnt-offering, and at the southwestern he puts the blood on the western first, and on the southern thereafter.

We have learned in another Mishna (Tamid, III., 3): "The superintendent said to them, Go and bring a lamb from the chamber of the lambs." The chamber of the lambs was in the northwestern corner (of the house of heating. Such an apartment existed in the temple, to render the marble pavement of the temple warm, on which the priest had to walk barefooted).

There were four chambers: one that of the lambs, one that of the seals, one that of the heating house, and one chamber

where the showbread was made. There is a contradiction to the Mishna in Midoth (I., 7): "Four chambers were in the heating house, like small rooms opening into a great hall: two belonged to the sanctuary, and two were profane; and small wickets parted the sacred ones from the profane ones. And what was their use? The southwestern was for the lambs for the sacrifices. The southeastern was that in which the showbread was made. In the northeastern the Maccabees (Hasmoneans) had hidden the stones of the altar profaned by the Greeks. The northwestern was used as a passage to the bath-house." (There is, then, a contradiction between the two about the names and use of the chambers and situation of the chamber of lambs?) Said R. Huna: The Tana according to whom is the Mishna in Tract Midoth is R. Eliezer b. Jacob, as we have learned (ibid. II., 5): The chamber at the northeast was the place where wood was kept, and the blemished priests examined the wood there, as mouldy wood was unfit for the altar. The northwestern chamber was the place of the cured lepers (who came to the Temple to be sprinkled to sacrifice). The southwestern? Says R. Eliezer b. Jacob: I forget what its use was. Abbu Saul says: Wine and oil for the offerings were kept there, and it was called the chamber of oil. Hence we see the Mishna in Midoth must be in accordance with R. Eliezer b. Jacob. And so it also seems from another Mishna in Midoth (IV.). R. Addi b. Abba said: Our Mishna is in accordance with R. Jehudah of the following Boraitha: R. Jehudah said: The altar stood in the middle of the court, and was in size thirty-two ells, ten ells opposite to the door of the Temple (wide twenty ells), eleven ells toward the north, and eleven ells to the south: so that the altar was opposite to the Temple and to its walls. Now, if you would say that the Mishna in Midoth is according to R. Jehudah, how can it be that the altar should be in the middle of the court? R. Addi the son of R. Itz'hak said: The chamber of the lambs was at the western side, and extended toward both the north and southwestern corners; and to him who came from the southern side it seemed to be the north, while to one who came from the north it seemed in the southern corner (but in reality it was in the southwestern).

"*The high-priest offers the first portion,*" etc. The rabbis taught: What is meant by his offering a portion the first? He may say what burnt-offering or meal-offering he wants to offer (and no other priest may touch it). And what is meant by his

taking a portion the first? He may say of which sin-offering or trespass-offering he desires to partake. And he can take one of the two loaves. He can also take four or five of the loaves of the showbread. Rabbi said: He always took five loaves, because it is written [Lev. xxiv. 9]: "And it shall belong to Aaron and to his sons." We interpret it thus: Half should belong to Aaron (or the high-priest) and half to the children of Aaron (priests). Does not this Boraitha contradict itself? First it is said, he takes one of the two loaves—that means, the half—and this is according to Rabbi, who maintains that the high-priest always takes the half. Now the middle part, which says that he takes four or five, must be according to the rabbis, who say he does not take the exact half; and in the conclusion it is said, Rabbi says he always takes five. It seems, then, that the first part and conclusion are according to Rabbi, and the middle part according to the sages? Said Abayi: The first part and the middle part are according to the rabbis, but they admit that out of two loaves the high-priest could not but receive one, as it was not becoming to give him half a loaf.

MISHNA: He is attended by some elders of the Beth Din, who read to him [out of Lev. xvi.] concerning the ceremonial of the day (of Atonement), and say to him: My lord the high-priest, say it aloud, lest thou hast forgotten, or not studied this. On the morning of the day preceding the Day of Atonement, he is placed at the eastern gate, and bulls, rams, and sheep are passed before him, that he should get a knowledge of the service.

During all the seven days he is free to eat and drink, but on the eve of the Day of Atonement, at dusk, he is not permitted to eat much, as it would induce drowsiness.

GEMARA: It is right that they should say to him, Perhaps thou hast forgotten. But that they should say to him, Perhaps thou hast not studied, is an ignorant man made a high-priest? Have we not learned in a Boraitha: It is written [Lev. xxi. 10]: "And the priest that is highest of his brethren." That signifies, that he must be highest among his brethren in physical strength, in personal beauty, in wisdom, and in wealth.

An anonymous teacher said: Whence do we know that, if he is not rich, his brethren the priests must make him rich? Because it is written: "That is highest of his brethren," that signifies, his brethren must contribute to make him highest.

Said R. Joseph: It presents no difficulty. That was the case

during the time of the first Temple, and this in the time of the second Temple. As R. Assi said: A whole measure of dinars, Martha daughter of Bithas gave to the king Janai, that he should make Joshua b. Gamla high-priest.

"On the morning of the day preceding the Day of Atonement."

We have learned a Boraitha: The he-goats were also passed before him. But why does not our Mishna mention it? Because (it holds that they were not passed), as the he-goats are only for the atonement of sin, he would have become dejected. If so, why were the bullocks passed, they are also for sins? Because the bulls were to atone for his sins and those of the priests, his brethren; he would not have become dispirited, because if they had sinned, he would have been told, and he would have induced them to repent. But the he-goats were to atone for the sins of all Israel: so he could not know who had sinned. Said Rabhina: This is what people say. Even if your sister's son is a (publican), you should not pass him in the street, for, since he knows your affairs, he will take from you more than from others.

"During all the seven days," etc. We have learned in a Boraitha: R. Jehudah b. Naqusa said: They gave to him to eat bread of the best flour, and eggs that it should be digested more easily (that he should not find himself compelled to interrupt his service on the Day of Atonement for a human necessity). The sages said to him: This heats yet more. We have learned in a Boraitha: Symmachos said: They gave him as food no citron, no eggs, no old wine. According to others, he received no citron, no eggs, no fat meat, no old wine. Still others say: Even white wine he did not receive, because white wine brings a man to uncleanness.

MISHNA: The Elders of the Beth Din left him to the attendance of the Elders of the priesthood, who took him up to the house of Abtinah, made him swear, took farewell, and went away. They said: My lord the high-priest, we are delegates of the Beth Din, and thou art our delegate and the delegate of the Beth Din; we conjure thee by Him who has made His abode in this house, that thou shalt not alter one thing about which we have spoken to thee. He took farewell weeping, and they parted weeping.

If he was a teacher, he lectured; otherwise, the scholars lectured before him. If he was practised in reading, he reads; if not, they read to him. From which books of the Scriptures?

From Job, Ezra, and Chronicles. Zechariah b. Kabutal says: Many times I read to him out of Daniel.

GEMARA: We have learned in a Boraitha: Teaching him the service consisted in teaching him to take a handful of incense (which had neither to be spilled nor any left on the top of the hand). R. Papa said: The high-priest had two chambers, one that of Palhedrin, to sleep in, the other that of Abtinah, to learn the service. One was in the north, one in the south. One in the north, as we have learned in Midoth (V., 3): Six chambers were in the court: three in the north, three in the south. Those of the south were the chambers of salt, of Parva, and that where the entrails were washed. The chamber of the salt was where the salt was kept for the sacrifices; that of Parva, where the skins of the sacrifices of the sanctuary were salted, and on its roof was a bath-house for the high-priest on the Day of Atonement. The washing chamber was where the entrails of the sacrifices of the sanctuary were washed. Thence a stone staircase led to the roof of the chamber of Parva. The three in the north were: a chamber for wood, the chamber of Exile, and the chamber of Gazith (hewn marble stones).

About that of wood, said R. Eliezer b. Jacob, I forget for what purpose it was used. Abbu Saul says, the chamber of the high-priest was behind the first two of the above-mentioned ones; the roofs of them all were on the same level. In the chamber of Exile there was a well, which those returned from the Exile had dug; over it was a wheel, whereby water was drawn, to supply the whole Temple. In the chamber of Gazith the Sanhedrin of Israel held session, and examined there the priests. Whatever priest was found to be legally unfit for service, used to dress himself in black clothes, enveloped himself in black, and went away. If he was found fit, he would dress himself in white, envelope himself in white, and enter the Temple to serve with his brethren. One other chamber was in the south, as we have learned in the following Mishna (Midoth V., 4): Seven gates were in the court: three at the north, three at the south, and one at the east. The south one was the Gate of Illumination, the other the Gate of the Sacrifices, the third the Gate of Water. At the east was the Gate of Nicanor; to this gate were adjoined two chambers, one at the right and one at the left. One was the chamber of Pin'has, the superintendent of the priests' wardrobe; the other was where barrels were manufactured. At the north was the Gate of Nitzutz. There was

a balcony and an attic over it, where priests were watching (the Temple) above, and the Levites beneath. Inside was the Choyl (a round walled and roofed place, in the Temple). The other was the Gate of Sacrifices. The third was the Gate of the Heating House, and we have learned in another Boraitha that on that day the high-priest took five legal bathings, and ten times sanctified his hands and feet from the laver. [See Ex. xxx. 18.] Both the bathing and the sanctifications he performed on the roof of the chamber of Parva, in the sanctuary, except the first one, which he did not take in the sanctuary, but near the Gate of Water. The bath-house was on one side of his chamber, only I don't know whether the Chamber of Palhedrin was in the north and that of Abtinias in the south, or *vice versa*.

"*Thou art our delegate.*" Shall we assume that in this Mishna is found an objection to R. Huna b. R. Joshua, who said that the priests are delegates of the Merciful One (not of Beth Din)? If they were our delegates, then are there things which we ourselves may not do, and our delegates may (as in the case with the priests)? They did not say to the high-priest that he is their delegate, but that they conjured him to act according to their opinion and to that of Beth Din.

"*He wept, and they wept.*" He wept for being suspected of being a Sadducee, and they wept because they probably suspected an innocent man, as R. Joshua b. Levi said: "He who suspects an upright man is smitten by God in his body." (See Sabbath, p. 191.) Why had he to be conjured? It was feared lest he prepare the incense on the censer outside of the Holy of Holies, and then enter with the censer, as did the Sadducees. The rabbis taught: It happened to one Sadducee, who prepared outside, and entered the Holy of Holies with it, when he came out, he was rejoicing greatly. When his father met him, he said to him: My son, though we are Sadducees, yet we must fear the Pharisees. He replied: All my years I was anxious to fulfil the verse [Lev. xvi. 2], "For in the cloud will I appear upon the mercy seat," and I said to myself, When will come the day when I might do it? And to-day, when I have had opportunity, should I not have done it? It was said, it did not take long before he died, and lay amidst rubbish, and worms crept out of his nose.

"*Zechariah b. Kabutal,*" etc. R. Hanan b. Rabha taught to Hiya the son of Rabh in the presence of Rabh: Said R. Zechariah b. Kavutal: Rabh made to him a sign with the hand that he

should say Kabutal. Why did he not say it to him? Rabh read Sh'ma' at that time. Is it permitted to make signs when Sh'ma' is read? Did not R. Itz'hak b. Samuel b. Martha say: He who reads Sh'ma' must not wink his eyes, whistle with his lips, nor make signs with his fingers? And in a Boraitha we have also learned: R. Eliezer Hasma has said: He who reads Sh'ma', and winks, or whistles, or makes signs with his fingers, of him the verse says [Isaiah xliii. 22]: "On me hast thou not called, Jacob." It presents no difficulty; in the first part of the Sh'ma' one may not do so, but during the recital of the second one may.

MISHNA: If he began to slumber, the young priests snapped with their fingers Tzreda, addressing him: My lord the high-priest, rise, and cool thyself once on the [marble] floor. He was kept occupied until the time for slaughtering the daily offering.

GEMARA: What is meant by the word Tzreda? Said R. Jehudah, the thumb. R. Huna showed this performance, and the sound went to all ends of the college.

"Cool thyself once on the floor." Said R. Itz'hak: They said to him, show to us Kidah (supported only on his thumbs and great toes, to kiss the floor).

"Until the time for slaughtering." We have learned in a Boraitha: He was not occupied by a violin or harp, but by voices: they sang to him. What? From Psalm cxxvii.: "Unless the Lord do build a house, in vain labor they that build it." The respectable men of Jerusalem forbore to sleep the whole night, and talked among themselves, that the high-priest might hear the sound of voices, and not fall asleep. We have learned in a Boraitha: Abbu Saul says: Even in the countries where the temple was hot, they did it, in honor of the temple, but they came to sin on these occasions. Said Abayi, according to others, R. Na'hman b. Itz'hak: By what Abbu Saul said of the other countries, he meant Nahardea. Elijah said to R. Jehudah, the brother of R. Sala the Pious: You think to yourselves why Messiah does not come. To-day is the Day of Atonement, and many virgins have been lain with to-day in the City of Nahardea. Said to him R. Jehudah; What says the Holy One, blessed be He, to this? Elijah replied: He said in reference to this the verse in Genesis [iv. 7]: "Sin lieth at the door." He asked: What says Satan to this? Elijah answered: On the Day of Atonement he has no right to bring forward accusations.

MISHNA: Every day the altar is cleared of the ashes at the time of the crowing of the Geber (cock), a little while before or after it; but on the Day of Atonement it is done soon after midnight, and on the other holidays after the first watch of the night. And before the cock's crowing the fore court used to be filled with Israelites.

GEMARA: What is meant by Geber? Said Rabh, a *man* (*Geber* signifies "man" also). But the disciples of R. Shila say, a cock. It happened once, that Rabh was at the place where R. Shila was the chief of the college. R. Shila had no interpreter (as he lectured). Rabh assumed the function of his interpreter. When they came to this Mishna, "the cock's crowing," Rabh interpreted, "man's heralding." Said to him R. Shila: Let the Master say, "the cock's crowing." Rabh answered: A song good for educated men is not good for tanners. I have interpreted it thus for R. Hiya; he did not censure me, and you it does not please. Said R. Shila: Is the Master Rabh? Then, leave off. It is not fit that you should be my interpreter (sit on my chair, and I will interpret for you)? Rabh replied: The world says, If one has hired himself to a man, even if he tells him to brush wool (a work only for women) he should do it. According to others, he answered to him: In matters of holiness one increases, but does not decrease.

We have learned in one Boraitha according to Rabh, and in another according to R. Shila. We have learned according to Rabh: Gabini the Herald used to herald: Rise, priests, to your service; and Levites, to your chanting; and Israel, to your standing.* And his voice was heard at the distance of three *parsaoth*. It happened once that Agrippa the king being on the road, he heard Gabini's voice at the distance of three *parsaoth*. When he returned home, he sent him presents. Nevertheless, the voice of the high-priest surpassed in strength that of Gabini the Herald. Because the Master said, when he used to say on the Day of Atonement, "I pray Thee, O Lord," his voice was heard at Jericho, and Rabba bar bar Hana said in the name of R. Johanan: Between Jericho and Jerusalem is the distance of ten *parsaoth*, and although on the Day of Atonement one is weak from fasting, and though his voice was heard by day, whereas Gabini heralded only by night.

And we have learned in a Boraitha according to R. Shila: "He

* See Shekalim.

who walks on the road before the "Kriath Hageber" (cock's crowing), his blood is on his head. R. Josiah says: Before the second cock's crowing. And according to others, before he crows the third time. Of what sort of cock is this said? Of a moderate cock (not a hasty or tardy one). R. Jehudah in the name of Rabh said: "When Israel used to come on the three pilgrimages, they stood crowded. But when they prostrated themselves, they had much space, and stationed themselves eleven ells behind the mercy-seat." What does he mean? Although they were eleven ells behind the mercy-seat, and were crowded, yet when they prostrated themselves they had much room, and this was one of the ten miracles that occurred in the Temple. (See Aboth, V., 2.)

Were there only ten miracles? Did not R. Ushia say that when Solomon built the Temple, he planted there all kinds of golden fruit-trees, and they bore fruits at the proper times, and when the wind blew on them, they fell down and were ripe? As it is written in Psalm lxxii. 16: "Its fruits shall shake like the trees of Lebanon." And when the Gentiles had entered the Temple, the fruit-trees became withered (blighted), as it is written [Nahum i. 4]: "The flowers of Lebanon wither," and the Holy One, blessed be He, will restore them. As it is written [Is. xxxi. 2]: "It shall blossom abundantly and rejoice; yea, with joy and singing, the glory of the Lebanon shall be given unto it." (So we see there were miracles besides the ten?) In the Mishna are counted only the perpetual miracles, but those happening on certain times only have not been reckoned.

The Master says elsewhere that in Jerusalem were two perpetual miracles: the rain never extinguished the fire on the outer altar, and the smoke was always straight in spite of the winds, in whichever directions they might blow. But we have learned in a Boraitha: Five things have been said of the fire on the altar: It had the form of a lion, it was clear as the sun, it was palpable, it consumed moist things as dry ones, and never emitted any smoke. (There is, then, a contradiction, since there was no smoke at all?) The smoke was that of the fire kindled by men. As we have learned in a Boraitha: It is written [Lev. i. 7]: "And the sons of Aaron the priest shall put fire upon the altar." Infer from this, that although the fire descended from heaven, it was a merit to kindle an earthly fire also. (There is another contradiction?) You say it had the form of a lion. We have learned in a Boraitha, R. Hanina the Segan of

the priests said: I have seen it, and it had the form of a dog? It presents no difficulty: in the time of the first Temple it was like a lion, and of the second, like a dog.

But in the second Temple there was no heavenly fire at all, as R. Samuel b. Inia said: It is written [Haggai i. 8]: "That I may take pleasure in it, and be glorified"; it is written "Veikabed," and it is read "Veikabdah." Why is the "h" missing? This is to hint that five (the numeral value of "h") things were missing in the second Temple. What are they? The ark, the mercy-seat, the cherubim, the heavenly fire, the Shekhina, the Holy Spirit, and the Urim and Tumim. So we see there was no heavenly fire in the second Temple at all? We may say, it was there, only it did not assist in consuming.

It is said above, that no wind could divert the smoke. But this is not so? Did not R. Itz'hak b. Abdimi say: At the expiration of the Feast of Tabernacles, all looked on the smoke of the *altar*: when it was inclined to the north, the poor rejoiced, and the wealthier were dejected, for it showed there would be too much rain, and the fruit would rot: but when it was inclined to the south, the poor were out of spirits, and the rich were glad, for this was a sign there would be little rain, and the fruit would remain well-preserved, and fetch a high price. When it was bent eastward, all rejoiced, and westward, all were deploring it (thus we see that the smoke *was* swayed by the wind?). It was made by the wind oblique, but not crooked.

CHAPTER II.

CONCERNING THE LOTS THE PRIESTS DREW, WHAT PRIESTS SHOULD GO TO THE ALTAR, AND HOW MANY PRIESTS WERE NEEDED FOR EACH SACRIFICE.

MISHNA: Formerly, whoever desired to clear the altar of the ashes did so. When there were many of them (priests), they ran on the staircase (leading to the top of altar). Whoever first came within four ells, merited it. When two were on a par, the superintendent said to them (all priests): Put forth your fingers. Which did they put forth? One or two, but not the thumb in the Temple (which were counted instead of the persons they belonged to, and the service was given to the last).

Once an accident happened: one of two who were running up the staircase pushed his companion, so that he fell, and broke his foot. Seeing that it is attended by accidents, the Beth Din made the reform, that the altar should be cleared by lot. There were four lots: this is the first lot.

GEMARA: Why had not lots been used formerly? Previously it was thought that since it is done by night and not considered an important service by the priests, they would not come in considerable number, but when it was seen that the case was otherwise, this reform was made.

Was this reform only for this purpose? We know that he who cleared the ashes also arranged the pieces of wood on the altar, and brought the two measures of wood, and that was considered an important service? Said R. Ashi: Two reforms were made: at first, when it had been thought they would not come in considerable numbers, no lot was used at all; then, when it was observed that they came and accidents happened, the use of the lot was introduced. Then the priests ceased to come, since they were not sure of drawing the lot at all. It was then reformed, that he who clears the ashes should arrange the pieces of wood and bring the two measures also, that the priests might come to draw the lot, since it would be for important services.

"Put forth your fingers." We have learned in a Boraitha:

"He said to them thus. Put out your fingers, that they be counted." Why did he not count the persons themselves? This can be a support to what R. Itz'hak has said: "Israel must not be counted, even for religious duties." As it is written [1 Sam. xv. 4]: "And Saul ordered the people to assemble, and he numbered them by means of lambs." * Said R. Elazar: Whoever numbers Israel, trespasses a negative commandment, because it is written [Hosea ii. 1]: "Yet shall the number of the children of Israel be like the sand of the sea, which may not be numbered." R. Na'hman b. Itz'hak says: He trespasses two commandments, as it is written, which cannot be measured nor numbered. R. Samuel b. Na'hman, in the name of R. Jonathan, found a contradiction in the same passage: It is written that the number of Israel will be like that of the sand (then a definite number is given), and then it is said, it cannot be counted—that is, has no number. It presents no difficulty: When Israel shall do the will of God; they will be without number; but when they do not do God's will, they will be of a definite number. Rabbi in the name of Abbi Joseph b. Dustai says: There is no contradiction in it. Men cannot count the sand, but in Heaven they can count it.

R. Huna said: How secure and careless should the man feel that knows that the Lord helps him: Saul committed only one sin; he lost his royalty: David committed two sins, and yet retained it. Saul's sin was, that he spared Agag. But he massacred the priests of Nob? That which is written [1 Sam. xv. 11], "I repent that I have set up Saul as king," was said already on the occasion of the sin of Agag [which was the first, chronologically]. What are David's two sins? That of Uriah and his numbering of Israel. But there is a third one? That of Bath-Sheba? For that of Bath-Sheba he was punished, as it is written [2 Sam. xii. 6]: "For the ewe he shall pay fourfold." What were the four punishments? The death of Bath-Sheba's child, the death of Amnon, the misfortune of Tamar, and Absalom. But for numbering Israel he was also chastised? As it is written [2 Sam. xxiv. 15]: "And the Lord sent a pestilence in Israel from the morning even to the time appointed." In that case all Israel was chastised, but not he himself. But in those instances it was also his children on whom the wrath was visited, not on

* The Talmud translates *Telaim* lambs, but the ordinary versions regard it as a proper name.

himself? Nay, he was personally punished, too. As R. Jehudah says in the name of Rabh: For six months David became leprous, and the Sanhedrin separated themselves from him, and the Shekhina. As it is written [Ps. cxix. 79]: "Let those that fear thee return unto me, and those that know thy testimonies." And it is written [ibid. li. 14]: "Restore unto me the gladness of thy salvation." (The first refers to the Sanhedrin, and the second to the Shekhina.) But did not David also believe calumnies? (of Ziba). For this he was also punished, for R. Jehudah said in the name of Rabh, when David said to Mephibosheth [2 Sam. xix. 30], "I have said, Thou and Ziba shall divide the field," a heavenly voice was heard, proclaiming that Rehoboam and Jeroboam should divide the kingdom.

It is written [1 Sam. xii. 1]: "One year old was Saul in his reign." * Said R. Huna: That means, he was innocent of sin as a child of one year. R. Jehudah said in the name of Samuel: Why did not Saul's dynasty last long? Because there was no stain on his whole family. And R. Johanan in the name of R. Simeon b. Jehozadak said: A man must not be made the head of a congregation unless he has a whole heap of reptiles (family disgraces) at his back, in order that, if he should become haughty, people should be able to say to him: Look around, behind your back. R. Jehudah in the name of Rabh said: Why was Saul punished? Because he was willing to dispense with honors. As it is written [1 Sam. x. 27]: "But the worthless men said, in what can this one help us? And they despised him, and brought him no presents. But he acted as though he were deaf." And soon after this is written: "Then came up Nachash the Ammonite," etc.

R. Johanan in the name of R. Simeon b. Jehozadak said again: A scholar who is not revengeful and remembers not injuries as a serpent, cannot be called "Talmud Hakham" (a teacher). But it is written [Lev. xix. 18]: "Thou shalt not avenge nor bear any grudge"? There precautionary matters are spoken of (but in regard to bodily pain or honor it is different). As we have learned in the following Boraitha: "What is called revenge, and what is called bearing a grudge? Revenge is such a case: When one comes to the other, and asks him to lend a sickle to him, he says: Nay. On the morrow, the second comes to the first, and wants to borrow an axe. He answers:

* Literally it is thus, but translators have it, "When he had reigned one year."

I do not wish to lend to you, as you have not lent to me. This is called revenge. What is bearing a grudge? When one comes to another, and asks him to loan him an axe, and does not get it. On the morrow the second comes to the first, and wants to borrow a shirt. He answers: I lend it to you, because I am not like you, who did not want to lend me yesterday. This is called bearing a grudge." But in case of bodily pain, has not the Torah forbidden vengeance? Have we not learned in the following Boraitha: "Those who are wronged and not wronging, bear their shame and do not reply, do good deeds out of love, and rejoice not at afflictions, of them says the verse [Judges v. 31]: 'Those that love him are as the rising sun in his might.'"

Reply they should not, bear a grudge in their hearts they may (and if *another* party avenges them, they need not interfere). Is that so? Did not Rabha say: He who leaves his injuries unavenged, will have his sins forgiven in Heaven? That means, if the offender comes to propitiate him, he should pardon.

"Which? One, or two?" If two, why is it said at all, one (or two)? This applies to those who have a disease, that they cannot stretch forth one finger, without stretching out the other also. We have learned in the following Boraitha: They used to put out one finger when healthy, but when diseased, they could stretch out two.

"Once an accident," etc. The rabbis taught: It once happened two priests were running, and were on a par. When they came to the top, one outstripped the other by four ells; he took a knife and stuck it into the other one's breast. R. Zadok stood on the staircase of the porch, and said: Brethren of Israel, hear! It is written [Deut. xxi. 1]: "If there be found a slain person in the land . . . shall take a heifer." For whom shall we bring the heifer? For the city, or for the Temple? The whole people began to weep. Then the father of the young man arrived, and found him yet agonizing. He said: "May he (the dead) be an atonement for your sins; and as he shows yet signs of life, the knife has not become unclean (since he still lived)." We may infer from this, that the defilement of the knife was considered by them as a yet greater misfortune than bloodshed.

The rabbis taught: It is written [Lev. vi. 4]: "He shall put off his garments, and put on other garments, and carry forth the ashes." We might think that, as on the Day of Atonement, he should strip himself of his holy garments and put on profane

garments, for removing the ashes. Therefore it is written in both cases "garments," that from the analogy of expression we should understand that both are holy garments. And by "other," older ones are meant. R. Eliezer, however, said: From the expression "other garments, and carry forth," we can infer that even a blemished priest may carry forth the ashes. Said Resh Lakish: As R. Eliezer and the first Tana differ about the carrying forth of ashes, so do they differ about the lifting up of the ashes from the altar. R. Johanan, however, said: They differ only about the carrying forth of the ashes, but about the lifting up all agree that it is a respectable service, which only an unblemished priest may perform. What is the reason of Resh Lakish, who says they differ on this point too? The reason of Resh Lakish is: If it were a real service, could it be performed only in two garments [ibid. 3]? And what will R. Johanan say to this? He says: The Torah only specifies these two, but all four are meant.

Rabh said: For performing the following four services a layman deserves capital punishment: namely, sprinkling, offering of incense, officiating at the water-offering and the wine-offering. And so also Levi taught in his Boraitha; also as to the lifting of the ashes. What is the reason of Rabh's decree? Because it is written [Num. xviii. 7]: "And thou and thy sons with thee shall keep your priesthood concerning every matter of the altar, and for that within the vail, where ye shall serve; as a service of gift do I give you your priesthood; and the stranger that cometh nigh shall be put to death." Service of gift, but not of removing. Levi says: It is written, "Every matter of the altar," which includes all things. Rabha propounded a question: How about a service of removing from an altar in the Temple (inner)? Is this considered by Rabh like a service of gift, or like a service of removal? Rabha decided later, it is written [ibid.], "and for that within the vail"; but it is written, "and within the vail": that makes the service like to a service of removing. We have learned in one Boraitha according to Rabh, and in another according to Levi. According to Rabh we have learned as follows: "The services for which the layman is guilty of death are: Sprinkling of blood, inside or in the Holy of Holies (on the Day of Atonement); sprinkling the blood of a sin-offering of a bird; wringing-out of a bird's blood which is a burnt-offering [Lev. i. 15]; and officiating at the offering of three *lugs* of water or three *lugs* of wine." We

have learned according to Levi as follows: "The services for which a layman is guilty of capital punishment are: Removing the ashes; performing the seven sprinklings within, and on a leper; and offering on the altar something either fit or unfit."

Wherefore was the drawing of lots repeated? Said R. Johanan: To cause more excitement in the Temple, as it is written [Ps. xv. 15]: "So that we took sweet secret counsel together, and walked unto the house of God in a great company."

In what garments were the lots drawn? R. Na'hman says, in ordinary garments; R. Shesheth says, in holy ones. R. Na'hman says, in ordinary clothes, because some of the priests being strong men, they could snatch the lot by force, and go to perform the service, if they had the holy garments on. R. Shesheth says, in holy garments, because, if they had the ordinary ones on, they might by absence of mind perform the service in them, since they were very eager to perform the service.

MISHNA: The second lot (determined) who should slaughter, who sprinkle, who should clear of ashes the inner altar and who care for the lamp, who should take up members to the staircase of the altar: the head, the leg, the two forelegs, the tail (tip of tail), the (left) leg (hind), the chest, the windpipe, the two flanks, the entrails, the fine flour, the things made in pans [1 Chron. ix. 31], and the wine.

Thirteen priests are privileged to do all this. Ben Azai, however, said, in the presence of R. Aqiba, in the name of R. Joshua: It (the animal) was offered as it had walked. (See Gemara.)

GEMARA: The schoolmen propounded a question: Were the lots drawn for each service separately, or at once for all services? Come and hear: R. Hiya taught, the lots were not drawn for each service separately; but the priest who had drawn the lot of the daily offering, obtained the service for the other twelve following him.

"*The second lot,*" etc. The schoolmen propounded a question: Who received the blood into the basin, the priest that slaughtered or the priest that sprinkled? Come and hear! We have learned that Ben Katin made twelve cocks for the laver, that twelve priests might sanctify their hands at once. If the priest that slaughtered received the blood, then thirteen cocks would have been needed. Hence infer that the sprinkler did it.

"*Ben Azai said,*" etc. The rabbis taught: What is meant

by "it had walked"? In the following order: The head and the leg, the chest, the stomach, the windpipe, the two forelegs, the two flanks, the tip of the tail, and the other hind leg. R. Jose says: As it has been stripped, so it was offered. How had it been stripped? The head, the leg, the tail, the other leg, the two flanks, the two forelegs, the chest, the windpipe.

R. Aqiba says: As it has been cut to pieces. How had it, then, been cut to pieces? The head, the leg, the two forelegs, the chest, the windpipe, the two flanks, the tail, and the other leg. R. Joseph the Galilean says: According to the excellence of the members. How is that? The head, the leg, the chest, the windpipe, the two flanks, the tail, the other leg, and the two forelegs. Said Rabba: Our Tana and R. Jose both agree that the members are to be offered in the order of their excellence. One, however, says, according to the size of the members; the other, according to the fatness. Why the head and leg together, according to all? Because the head contains too many bones, the leg, which contains more flesh, is added.

MISHNA: The third lot was drawn by new (priests) who had not yet fumed incense; the fourth, by new and old ones, (to determine) who should take up the members (parts) from the staircase to the altar.

GEMARA: We have learned in a Boraitha: No man has repeatedly offered incense. What is the reason? Said R. Hanina: Because the offering of incense renders rich. Said R. Papa to Abayi: Whence do we deduce this? Shall we assume this, because it is written [Deut. xxxiii. 10], "They shall put incense before thee," and in the next verse, "Bless, O Lord, his substance"? Then it should not be due to incense alone, since at the end of the tenth verse it is also written, "and whole burnt sacrifice upon thy altar." He answered him: A burnt-offering is frequent (besides being a daily sacrifice, it was offered by many individuals, and all could not get rich), but incense is not frequent.

Rabba said: You will not find a young scholar who decides questions in Law, who should not be of the tribe of Levi or Issachar. Levi, as it is written [ibid.]: "They (the tribe of Levi) shall teach thy ordinances unto Jacob; and Issachar, because it is written [1 Chron. xii. 32]: "And of the children of Issachar, those who had understanding of the times." But why not also Jehudah? As it is written [Ps. lx. 9]: "Judah is my lawgiver." I mean, to deduce the traditional

sayings from the written Law (this can only do those of Levi and Issachar).

R. Johanan said: For the evening daily offering, lots were never drawn; he who had drawn the lot for that of the morning performed this service also.

MISHNA: [The parts of] the daily sacrifice are offered [according to circumstances] by nine, ten, eleven, twelve—no less and no more. How so? Itself by nine. During the Feast [of Booths] one carries a pitcher of water; thus it is ten. Toward evening by eleven, itself by nine, and two carrying two measures* of wood. On Sabbath by eleven, itself by nine, and two having in their hands two spoonfuls of frankincense for the showbread. On the Sabbath which occurs in the middle of the Feast [of Booths], one carrying a pitcher of water [added to the eleven].

GEMARA: Said R. Abba, according to others Rami b. Hama or R. Johanan: Water must be offered during the Feast of Tabernacles only with the morning daily offering, but not with that of evening. This we deduce from the Mishna which states: When the Sabbath occurs during the festival, one is added for carrying water. If water had to be offered with the evening offering also, then it would occur on another day of the festival than a Sabbath, as two carry measures of wood, and a third would be needed for carrying the water (and twelve were needed).

We have learned in a Boraitha: R. Simeon b. Jochai said: Whence do we deduce that the daily evening offering requires two measures of wood, carried by two priests? Since it is written [Lev. i. 7], "And (they shall) lay the wood in order," and as this cannot occur in case of the morning daily offering, as it is written [ibid. vi. 5], "The priest shall burn wood upon it every morning, and he shall lay in order upon it the burnt-offering," we must suppose, then, that what has been said before, applies to the daily evening offering.

R. Hiya taught: The lots amounted sometimes to thirteen, sometimes to fourteen, or fifteen, or sixteen (fourteen on the Feast of Tabernacles, for the pitcher of water; fifteen on the Sabbath; sixteen for the Sabbath during the Feast of Taber-

* The Hebrew term is Gizrin—גִּזְרִין. After Jost, we have translated it in *Shekalim*, VI., f., p. 28, "cords"; but as it is too heavy for two men to carry two cords of wood, we have here translated only "measures," and according to all commentators on the Mishna it is a certain measure of wood for the altar, unknown to us.

nacles). But did we not learn, seventeen? That Boraitha is not according to R. Eliezer b. Jacob, but according to R. Jehudah.

MISHNA: A ram was offered by eleven: the flesh by five; the entrails, fine flour, and wine by two, respectively. A bull is offered by twenty-four: the head by one, the hind leg by two, the tail by two, and the [left] hind leg by two; the chest by one, the windpipe by three, the two forelegs by two, the two flanks by two; the entrails, fine flour, and wine by three, respectively. This refers to public sacrifices. ! A private sacrifice could be offered, if one chose, by one. In respect of skinning and cutting to pieces, both [sacrifices] are equal [private or public, both may be skinned, etc., by a stranger].

GEMARA: We have learned in a Boraitha: The flaying and cutting into pieces may be performed by a layman. Said Hezekiah: Whence do we deduce this? Because it is written [Lev. i. 7]: "And the sons of Aaron the priest shall put fire upon the altar." Hence only the fire must be put by priests, but the flaying may be done by others. But this verse is needful for its own sake, how can it be deduced from it? Said R. Simeon b. Ashi: I once heard how Abayi explained it to his son as follows: It is written [ibid. 5]: "*He* shall kill." A layman is meant. How is this known? Because it is written [Num. xviii. 7], "And thou and thy sons with thee shall keep your priesthood," one might say, that the slaughtering is also meant. Therefore it is written: "And he shall kill the young steer before the Lord, and the sons of Aaron the priest shall bring near the blood." From this we see that all that precedes the bringing near of the blood may be done by a layman. And it is also written [Lev. iii. 2]: "And he shall lay his hand . . . and kill it." From this it can be deduced that the layman who has laid his hand upon it may kill it.

[Rashi explains, that all this is stated in a Mishna elsewhere, and Abayi explained to his son that what Hezekiah had said is in accordance with that Mishna.] Now let us see: We have concluded that from the sprinkling of the blood onwards all must be performed by priests; and the fire is put upon the altar later. Why is it then necessary to say that Aaron's sons should do it? This is to exclude the flaying and cutting into pieces, which, though they come after the sprinkling of the blood, may be done by a layman.

It was taught: R. Assi in the name of R. Johanan said: If a layman has put the two measures of wood on the altar, he is

liable to capital punishment, as it is a service belonging to the following day (and not the final service of the night). Rabba opposed: According to this supposition (that it is a service of the day), a lot had to be drawn? Rabba has forgotten what we have learned above, that he who drew the lot to lift the ashes, also obtained the privilege to arrange the measures of wood. Said Mar Zutra, according to others R. Ashi: How can it be said it is a service of the next day? Did we not learn further in the Mishna: "Go and see whether it is time to slaughter"? If the arranging of the wood was also a service of the next day, why was not this mentioned likewise (for if it were done when it was yet night it would be invalid)? This is no difficulty. If the animal was slaughtered before the time, it was invalid, but if the wood was put on before the time, it could be removed and replaced by a priest after daybreak.*

* In the text there is still another interpretation, that R. Johanan means to say that the service in question is but the final service of the night and does not belong to the day; and again, questions and answers are raised and made, and it is so complicated that both Rashi and Tosaphoth could not explain it without additions and omissions, and the result seems to be, after all, that the service belongs to the day. We have therefore, contrary to our method, omitted it.

CHAPTER III.

REGULATIONS CONCERNING THE TIME OF SLAUGHTERING THE DAILY OFFERING, THE ENTERING OF A LAYMAN INTO THE COURT OF THE TEMPLE, AND THE ORDER OF THE HIGH-PRIEST'S SERVICE ON THE DAY OF ATONEMENT.

MISHNA: The Superintendent used to say to them: Go out and see whether the time for slaughtering has come. If it had come, the one who saw it said: "*(Barqai)* It becomes light." Matthew b. Samuel says: He used to ask: "Is the whole east bright, as far as Hebron?" and he answered: "Yea."

[Why was all this necessary? Because on one occasion the moonlight was bright, and they mistook it for dawn. They slaughtered the daily sacrifice, and removed it to the place of burning (finding it unfit).] The high-priest used to be then taken down to the bath. This was the rule in the temple: After necessary human needs a bath had to be taken, and after making water one had to wash his hands and feet.

GEMARA: We have learned in a Boraitha: R. Ishmael said: He said: "*Baraq barqai.*" And R. Aqiba said: "*Ala' barqai* (The light has risen)." Ne'huma b. Aphaqshyon said: He said: "It has become light even at Hebron. But R. Jehudah b. Bathyra said: He said: "The whole east is bright, as far as Hebron." Then each went to do his work. When each went to his work, it was full day. Did they wait so long? It is meant, those who needed laborers went to look for them. Said R. Sophra: The Mincha prayer of Abraham was when the walls begin to be blackened by shadow. Said R. Joseph: Have we to imitate Abraham? Said Rabha: The Tana learns from Abraham, why shall we not? As we have learned in the following Boraitha: It is written [Lev. xii. 3]: On the eighth day shall the flesh of his foreskin be circumcised." But those who are devout do this religious duty early in the morning. As it is written [Gen. xxii. 3]: "And Abraham rose up early in the morning." Therefore says Rabha: How can we learn of Abraham? He was an older

man, who taught the public,* and his actions are not to be applied to common men.

"*Matthew b. Samuel says,*" etc. Who used to say, "Yea"? If you wish, I will say, he who stood on the roof used to say: "The east is bright," and as the one who stood beneath asked him: "As far as Hebron?" he would reply: "Yea." And if you wish, I can say: He who stood beneath used to say: "Is the east bright?" The one on the roof would then say: "As far as Hebron?" He would reply: "Yea." (Rashi explains: It is written elsewhere: Why Hebron? To remind of the merit of the patriarchs.)

"*Why was all this necessary?*" How could they have made this mistake? Did we not learn in a Boraitha: Rabbi said: The beams of the moon are not like to those of the sun. For those of the moon rise straight like sticks, whereas those of the sun diverge in all directions. The disciples of R. Ishmael taught: That time it was a cloudy day, and the moon's rays were multiplied in all directions as those of the sun.

R. Na'hman said: The heat during a clouded day is worse than the solar heat itself. A similar instance I can show: A barrel of vinegar smells more strongly when one hole is made in it than when it is wholly opened. A mixed light (of the sun and fire) is more unendurable (by the eye) than the solar light itself. A similar case: It is more difficult to stand under a shower, than to enter wholly into water. The thoughts about women are more exhausting than the sin itself. A similar case: The smell of wasted meat is more irritating than the meat itself. The heat of the end of summer is worse than that of the summer itself (because it is easier to catch a cold, because the body has been inured to heat during the summer). A similar case is: When an oven is heated four or five times a day, then even a couple of pieces of wood render it hot. Fever is much worse in the winter than in the summer. A like case is: In a cold oven much wood is necessary to heat it; hence if one has a high temperature in the winter, the fever must be great. To study old subjects is much more difficult than a wholly new subject. A like case: It is easier to make clay of new sand than of sand which had once been part of a building.

* Here follows a passage to prove that whenever "old man" is used in the Bible, one who teaches in a college is meant; but as it is mentioned elsewhere we omit it.

R. Abahu said: What is the reason that Rabbi says that the solar rays are in all directions? Because it is written [Ps. xxii. 1]: "To the chief musician upon the hind of dawn." As a hind has her horns diverging, so are the sun's rays.

R. Elazar said: Why are the prayers of the upright compared to a hind? As the horns of a hind diverge as long as they grow, so the more prayers they will offer, the more they are heard.

"*They slaughtered the daily sacrifice.*" To what does this refer? If all the year (they mistook the passage beginning with "The high-priest" to be connected with the foregoing), why was the high-priest taken to the bath? During the whole year he does not sacrifice? If it refers to the Day of Atonement, then there is no moon in the middle of the night (as it is the tenth day in the month). The answer is, the two passages have no connection. When it was bright, they took him to the bath.

"*This is the rule,*" etc. The feet he had to wash, since it was possible they had been defiled while performing the function; but the hands? Said R. Abba: Hence it can be inferred, that it is a merit to clean with one's hand the feet in such a case. And this is in support of what R. Ammi had said: A man may not go out into the street when his feet have been thus defiled, lest it be said that he is suffering from a certain infirmity [Deut. xxiii. 2, end]—lest it be said his children are bastards.

MISHNA: No one may enter the forecourt [even of Israelites, not priests] to do service, even when he is clean, before he has bathed. On this day the high-priest bathes five times, and washes his hands and feet ten times. All these ablutions are taken within the sanctuary, over Beth Haparva, except the first. A screen of linen [byssus] was placed between him and the people.

GEMARA: B. Zorna was asked: What was the bathing needed for? He said: If one passes from one holy place to another, and from a place which it is *Karath* to enter, to a similar place, still one must take a bath; how much more when one passes from the forecourt, which is not a holy place, and which it is not *Karath* to enter, to the sanctuary. R. Jehudah says: The bathing is not obligatory. It is only used as a reminder. If he was once unclean, and forgot to bathe, he will now remember it, and will wait after bathing till sunset. On what point do they differ? In case he entered without having bathed, according to R. Zorna, he has committed a sin, and rendered the service invalid; according to R. Jehudah, he has not.

Abayi asked R. Joseph: Ought there to be nothing between his body and the water in this bathing, as in other bathing? Or if it is only as according to R. Jehudah, that does not matter? He answered: All that the rabbis have ordered must be done as if it were biblical. He asked him again: If only a part of his body (as head, foot, hand) is introduced into the sanctuary, is a bathing also necessary? He replied: The thumbs and great toes of a leper, which must be besprinkled by the priest with blood [Lev. xiv. 14], he yet introduced into the sanctuary, while standing in the gate of Nicanor, as we have learned in a Boraitha. We see, then, that this was not considered entering, as he could not enter himself.

"*Bathes five times.*" The rabbis taught: Five times the high-priest bathed, and washed his hands and feet ten times, all this in the sanctuary over the Beth Haparva, except the first, which was not in the sanctuary, but over the Gate of Water, and near the high-priest's chamber.

"*A screen of byssus,*" etc. Why one of byssus? That is according to R. Kahna, as he says further, to remind him that the service of this day is in the linen clothes (not golden). So we say it is meant in this case.

MISHNA: He undressed, went down, and dived. After he had come out again, and wiped himself (dried himself with a sponge?), the garments of cloth of gold were brought to him, which he put on, and then washed his hands and feet. They brought to him the daily sacrifice; he made an incision, and another completed the slaughtering in his presence. He took up the blood, and sprinkled it, went in to fume the morning (matinal) incense, and to trim the lamps, as well as to offer the head, the members, the things made in pans, and the wine.

The morning incense was offered between the blood and the members; that of evening, between the members and drink-offerings. If he was an aged or delicate high-priest, the cold water of the bath was mixed with water warmed previously.

GEMARA: Our Mishna, which says that after bathing he put on the garments of cloth of gold without having washed his hands and feet previously, is not in accordance with R. Meir, who maintains that the hands and feet must be washed twice at each time of his putting on the garments. As we have learned in the following Boraitha: A screen of linen was placed between him and the people. He undressed himself, went down, dived, came out, wiped himself. They brought him the garments of

cloth of gold, he put them on, he washed his hands and his feet. R. Meir, however, said: He undressed himself, washed his hands and feet, and then went down, and dived. He came up, dried himself. They brought him the garments of cloth of gold, he put them on, then washed his hands and his feet. It is right, according to R. Meir, who says that for each diving two washings of the hands and feet are needed; that ten times he should wash his hands and feet, as in the Mishna. But according to the rabbis, who say only once, there will be but nine? The rabbis can reply, that the last time he washed his hands and feet, was when he stripped himself of the holy garments and had to put on his week-day clothes, after the whole service.

We have learned in a Boraitha: Rabbi Jehudah said: How is it known that the high-priest has to dive five times, and wash his hands and feet ten times? Because it is written [Lev. xvi. 23]: "And Aaron shall then go into the tabernacle of the congregation, and he shall take off the linen garments, which he had put on when he went into the holy place, and he shall leave them there. And he shall wash his flesh with water in a holy place, and put on his garments, and come then forth, and offer," etc. From this we infer that between one service and the other he had to dive. So also said Rabha, with the addition: Because it is written [ibid. 4], "These are holy garments," that proves that all holy clothes are equal. This day there were five services: The daily morning offering, in garments of cloth of gold; the service of the day, in linen clothes; his ram and the people's ram, in garments of cloth of gold; the spoon and the censer, in linen clothes; the daily evening offering, in garments of cloth of gold. (For the five services, were five divings.) How is it known that for each diving two times have the hands and feet to be washed? Because it is written [ibid.]: "He shall take off his garments . . . and shall wash, . . . put on . . ." The phrase "shall wash" applies to the taking off and the putting on of the garments. From this we see only that when he takes off the linen garment, and puts on cloth of gold, he must wash himself. How do we know that when he takes off the garments of cloth of gold, and puts on the linen ones, he must wash himself? The disciples of R. Ishmael have taught: This can be inferred by a reasoning *a fortiori*. If when he puts off the linen clothes, whose atonement is not great, still he must have a bathing, how much more when he puts off the cloth of gold, whose atonement is great?

But it may be asked, Is the atonement of the linen clothes not great? Did not the high-priest enter in them the Holy of Holies? It is written [ibid. 4]: "These are holy garments, therefore shall he wash his flesh in water (and both the cloth of gold and linen garments are holy.)"

"*He made an incision.*" How much? Says Ulla: The greater part of the windpipe and the gullet. So also have said R. Johanan and Resh Lakish. Abayi ordered the services according to a tradition he had, and it agrees with that of Abbu Saul. The (first) great arrangement of wood preceded the second arrangement of wood on the southwestern corner of the altar (as will be explained in Tamid). This preceded the two measures of wood, and they preceded the removal of the ashes from the inner altar, and this preceded the trimming of the five lamps. This preceded the sprinkling of the blood of the morning daily offering, and this preceded the trimming of the two lamps; and this preceded the offering of the incense, which came before the offering of the members; this was before the meal-offering, and this was before the things baked in pans. This preceded the drink-offering, and this preceded the additional offerings (for Sabbath or festival), and these were before the spoonfuls of frankincense, that preceded the daily evening offering, as it is written [Lev. vi. 5]: "He shall burn thereon the fat of the peace-offerings." From the word *Hashlamim* (peace-offerings) can be inferred that they should complete the service of the day (this word means, also, *completion*).

The Master says: "The first great arrangement of wood preceded. The second," etc. How is it known? Because it is written [Lev. vi. 2]: "It is the burnt-offering which shall be burning upon the altar all night. And after that it is written: "And the fire of the altar shall be burning upon it." By this the other arrangement of wood is meant. How is it known that this precedes the two measures of wood? Because it is written [ibid. 5]: "The priest shall burn wood on it every morning." On it, and not on the other fire. From this we infer there is another fire. Which? That of the two measures of wood. How is it known the two measures of wood precede the clearing of the inner altar? Although in both places it is written, "every morning," yet we understand that preparation for service precedes the mere removal of ashes. Whence do we deduce that this precedes the trimming of the five lamps? Says Abayi: I have it so by tradition, but I know no reason. Rabba says:

I know it is according to Resh Lakish, who says when one meets an opportunity to perform a meritorious act, one should not pass by it. When the priest enters, he meets first the altar, then the lamps. And what is the reason that this precedes the blood of the daily morning offering? And this precedes the two lamps? Says Abayi: Since it is written of the measures of wood "every morning" twice, (in Hebrew) superfluously, let it apply to the five lamps and to the two lamps, the one to precede the blood of the morning sacrifice, the other to follow it. How do we know that these two lamps precede the incense? Because it is written [Exod. xxx. 7]: "When he dresseth the lamps, (then) shall he burn it." How is it known that the incense comes before the members? Of the incense [ibid.] it is said "every morning," but of the daily sacrifice only "morning." [The first precedes the second.] Why do the members come before the meal-offering? Because we have learned in a Boraitha as follows: Whence do we deduce, that before the daily morning offering has been sacrificed nothing else shall be offered? Because it is written [Lev. vi. 5]: "He shall lay in order upon it the burnt-offering." In addition to this Boraitha, said Rabba: By the word *the* burnt-offering is meant the first burnt-offering; that is, the daily offering. How is it known that the meal-offering precedes the things made in pans? Because they are mentioned [Lev. xxiii. 37] in this order. How is it known the things made in pans precede the drink-offering? Because they are also a meal-offering, and added to the daily sacrifice [Num. xxviii. 5]. And why do these precede the additional sacrifice? Because in that verse [Lev. xxiii. 37] they are mentioned in this order. And why do these precede the spoonfuls of frankincense? Did we not learn in a Boraitha that they succeed the frankincense? About this, Tanaim differ. (Pesachim, p 107.) Said Abayi: It seems to me the Halakha prevails, that the additional sacrifices ought to precede the frankincense. Because we have seen that of which it is said "every morning" precedes that of which it is said "morning." [See Lev. xxiv. 7 and 8.] Here of the additional sacrifice is said "every and each *day*," hence—not morning.

"*The morning incense was offered between the blood and members.*" According to whom is this? If according to the rabbis, it should have been between the blood and lamps; and if according to Abbu Saul, it should have been between the lamps and the members? The whole Mishna is according to the rabbis,

but about the order the arranger of the Mishna has not been particular.

"That of evening, between the members and drink-offerings."

How do we know this? Because it is written [Num. xxviii. 8]: "As the meat-offering of the morning, and the drink-offering thereof, shalt thou prepare it." As in the case of the meat-offering the incense precedes the drink-offering, so in the evening the incense shall precede the drink-offering.

The rabbis taught: It is written [ibid. 7]: "The drink-offering thereof shall be the fourth part of a hin." "Thereof," of the evening sacrifice [ibid. 4]. We deduce concerning the morning sacrifice from the evening sacrifice. Rabbi, however, said: On the contrary, we deduce concerning the evening offering from the morning offering. It is right, according to the rabbis, since that of the evening is mentioned last. But what is Rabbi's reason? Said Rabba b. Ulla: Because it is written [ibid. 7], "for the one sheep," and [ibid. 4] "the one sheep," hence in both cases the same morning offering is meant.

"If he was an aged or delicate high-priest." We have learned in a Boraitha: R. Jehudah said: Iron plates were heated on the eve of the Day of Atonement, and were on the Day of Atonement plunged into the cold water, to warm it for the high-priest. But the iron gets tempered thereby (which is forbidden as a work)? R. Bibi answers: The iron had not been heated so much as to become tempered. Abayi, however, says: It does not matter, since it is not intentional, and therefore not forbidden.

MISHNA: They brought him to Beth-Haparva, which was in the sanctuary; a linen screen was spread out between him and the people; he washed his hands and feet and stripped himself. R. Meir says: He undressed, and washed his hands and feet. He went down and dived, came up and dried himself, white garments were brought to him, which he put on, and he washed his hands and feet.

In the morning, he put on linen of Pelusium, costing twelve Minas. In the evening, Hindoo linen, of 800 Zuz [8 Minas]. This is according to R. Meir. The sages say, in the morning he put on garments worth 18 Minas, in the evening of 12 Minas—together amounting to 30 Minas. This from public money [*another version*, taken from the holy funds?]; but if he chooses, he can have them more costly out of his private means.

GEMARA: Why is it called Parva? Said R. Joseph: Because it was built by one Parva, one of the magi.

"*In the morning he put on linen of Pelusium.*" Wherefore does he tell us the price? He comes to teach us that linen less costly were invalid. Let us see: All agree that what he put on in the morning was more costly than that in the evening. Whence is this deduced? Said R. Huna, the son of R. Ilai: Because [Lev. xvi. 4] linen is mentioned four times in that verse; in reference to the morning garments, they are to be of the best linen.

R. Huna b. Jehudah, according to others R. Samuel b. Jehudah, taught: After the service of the congregation was finished, if the high-priest possessed a linen coat made by his mother at her own cost, he might put it on, and perform the services appertaining to an individual (not congregation: carry out the spoons from the Holy of Holies, and the censer; the first had been used for frankincense, the second for incense), provided that when he puts it on, he shall bestow it on the congregation. It was said of R. Ishmael b. Phabi: His mother had made him a linen coat worth 100 Minas; he used to put it on, perform the services of an individual, and bestow it (in his mind) on the congregation. Of R. Eliezer b. Harsum it was said: His mother had made him a linen coat worth 20,000 Minas. His brethren the priests did not permit him to put it on, as in it he seemed to be naked (so delicate was its texture). How could this be, if it is said to have been thick, the threads six times twisted? Said Abayi: As wine is seen through a glass, however thick it be.

The rabbis taught: In the world to come, when a poor man, a rich man, and a wicked man come before the judgment, when the poor is asked, "Why hast thou not studied the Law?" if he answers: "I have been poor, I had to earn my bread, and had no time," they answer him: "Wast thou poorer than Hillel the Elder?" Of Hillel the Elder it was said: Every day he went to work, and earned a Tarpeik (a *Stater* coin of 4 Dinars). Half he gave away to the porter of the college, to let him in, and on the other half he and his family lived. Once it happened he did not earn anything, the porter did not let him in. He ascended the roof where there was an opening, and listened to the words of the living God, from the mouth of Shemaia and Abtalian. It was said: That day was a Friday, and in the season of Tebeth (winter), and he was besnowed. When it dawned, Shemaia said to Abtalian: "Every day it becomes light at this time, and now it is dark. Is it such a cloudy day?" They raised their eyes, and saw the figure of a man. When they went

up, they found on him a layer of snow three ells thick. They took him down, washed him, dressed him with oil, placed him before a fire, and they said: "Such a man deserves that Sabbath should be violated for his sake (by the making of fire)."

When the rich man is asked: "Why hast thou not studied the Law?" if he answers: "Because I was a rich man, and had many estates, and had no time to study," they answer him: "Wast thou richer than R. Elazar b. Harsum?" Of him it was said: His father had bequeathed to him a thousand towns on land, and a thousand ships on the sea, and he himself used to take a bag of flour on his shoulder, and wander from town to town and land to land to study the Law. Once his own slaves found him, and put him to hard labor. He said to them: "I pray you, let me go to study the Torah." They replied: "We swear, by R. Elazar b. Harsum's life, we will not let you go before you work." Thus, as long as he lived, he did not attend to his affairs, but studied all day and all night the Law.

When the wicked man is asked: "Why hast thou not studied the Law?" if he replies: "I was handsome, and was absorbed by my sins," they answer him: "Wast thou more handsome than Joseph?" It was said of Joseph the Righteous, that every day Potiphar's wife used to try to seduce him by her talk. The clothes she used to put on in the morning (to attract his attention) she did not put on in the evening, and *vice versa*, and her refrain was always: "Listen to me; do what I ask of you." He answered: "No." She said: "I will imprison you." He replied [Ps. cxlvi. 7]: "The Lord looseneth the prisoners." She then said: "I will bend your loftiness." His reply was [ibid.]: "The Lord raiseth up those who are bowed down." She said to him: "I will blind you." He answered [ibid. 8]: "The Lord causeth the blind to see." She gave him a thousand talents of silver. He was averse to her, or "to lie with her, or to be with her" [Gen. xxxix. 10]. "To lie with her" in this world, "to be with her" in the world to come.

From this we see that Hillel makes the poor man guilty, R. Eliezer b. Harsum the rich, and Joseph the wicked.

MISHNA: He went to his bullock, which stood between the porch and the altar, his head due south, but his face due west. The high-priest stood on the east, his face due west. He put his two hands on him and confessed himself in the following terms: I beseech thee, Jehovah, I have committed iniquities, have transgressed, and have sinned before thee, I and my house.

I beseech thee, Jehovah, forgive, pray, the iniquities, the transgressions, and the sins, which I have committed, transgressed, and sinned before thee, I and my house, as it is written in the Torah of Moses thy servant, "For on that day shall he make an atonement for you," etc. [Lev. xvi. 30]. They respond after him: "Blessed be the name of His kingdom's glory for ever!"

GEMARA: "*His head due south, but his face due west.*" If his head was turned to the south, how could his face be turned to the west? Said Rabh: His head was turned aside. Why? Says Abayi: It was apprehended, lest he should excrete. The rabbis taught: How were the hands imposed on his head? The sacrifice stood in the north, his face turned westward; he who imposed his hand stood in the east, his face westward; he placed both his hands between the two horns, provided that there was nothing between his hands and the head of the sacrifice; then he confessed himself. On the sin-offering he confessed the sins for which a sin-offering has to be brought; on a trespass-offering, the sins corresponding to it; and on a burnt-offering, sins of preventing the poor to gather, not forgetting for the poor, and not leaving corners [Lev. xix. 9]. So said R. Joel the Galilean.

The rabbis taught: How did the high-priest confess? He said: "I have committed iniquities, transgressed, and sinned." So he confessed over the goat [Lev. xvi. 21]: "And confess over him all the iniquities of the children of Israel, and all their transgressions, in all their sins." (The order of the terms is the same.) So also by Moses is it written [Ex. xxxiv. 7], "Forgiving iniquity and transgression and sin." So says R. Meir. The sages, however, say: By iniquities are meant intentional transgressions, for it is written [Num. xv. 31]: "That person shall be cut off, his iniquity is upon him." By transgressions are meant rebellion. As it is written [2 Kings iii. 7]: "The King of Moab hath rebelled." (The term in Hebrew is the same.) By sin is meant unintentional wrong, as is written [Lev. iv. 2]: "If any person sin through ignorance." Now, is it possible that after he has confessed the intentional and rebellious sins, he will confess the errors? Therefore we must say that he used to say differently: "I have sinned, committed iniquities, and transgressed, I and my house." And so it is written by David [Ps. cvi. 6]: "We have sinned together with our fathers, we have committed iniquity, we have done wickedly. . . ." And so also Solomon says [1 Kings viii. 47]: "We have sinned, we have committed iniquity, we have acted wickedly." So also

Daniel [Dan. ix. 5]: "We have sinned, and have committed iniquity, and have done wickedly, and have rebelled." Why, then, is it said by Moses: "Forgiving iniquity, and transgression, and sin." Moses said to the Holy One, blessed be He: "Lord of the Universe, when the children of Israel will sin before thee, and then repent, mayest thou consider their intentional sins as sins done through ignorance." Said Rabbi b. Samuel in the name of Rabh: The Halakha prevails according to the sages. Is not this self-evident? R. Meir is an individual, the sages are a majority, and we know that the decree of an individual is prevailed over by that of the majority? Lest one say, In this case the Halakha ought to prevail according to R. Meir, as he takes in his support what Moses said. He comes to teach us that here also the Halakha is according to the majority.

One of the scholars prayed for the people in the presence of Rabba, and followed R. Meir's decree. Said Rabba to him: Thou departest from the rabbis, and doest as R. Meir says. He replied: I hold with R. Meir, for it is written in the Bible that Moses said so.

"*They respond after him.*" We have learned in a Boraitha: Rabbi said: It is written [Deut. xxxii. 3]: "When I call on the name of the Lord, ascribe ye greatness unto our God." So said Moses to Israel: "When I mention the name of the Holy One, blessed be He, ye shall add greatness to it." Hananiah the son of R. Joshua's brother said: From the following verse [Prov. x. 7]: "The memory of the just is blessed." That means, the prophet says to Israel: "When I mention the Just One of the Worlds, ye shall add a blessing."

MISHNA: He came to the eastern part of the forecourt, to the north of the altar, the Segan of the high-priest on his right, and the head of the family ministering during the week [Rosh-Beth-Ab] on his left. There were two he-goats; and a box was there wherein were two lots. Of box-tree they were. [The high-priest] Ben Gamla made them of gold, for which his memory was praised.

[The high-priest] Ben Katin made twelve cocks to the laver, which had had only two. He also made a machine to the laver [to take it down into a well at will], that its water should not become unfit by being kept over night [in free air]. The king Monobaz made all the handles of the utensils used on the Day of Atonement—of gold. Helen, his mother, made a golden can-

delabrum over the temple-gate. She likewise made a tablet of gold, whereon was inscribed the section about a woman who goes aside [Num. v. 12]. Miracles happened to the gates which Nicanor brought. Therefore all these persons' memory was praised.

GEMARA: "*The Segan on his right.*" R. Jehudah said: One who goes on the right of his Master is a boor. An objection was raised from this Mishna: It is written that the Segan was on his right. And we have learned in a Boraitha, that when three walk, the Master ought to be in the middle, the greater of two on his right, and the other on his left. And so we find that of the three angels that came to Abraham, Michael was in the middle, Gabriel on his right, and Raphael on his left. (How, then, is he a boor?)

R. Samuel b. Papa explained before R. Adda, that it is meant, he should walk on his right, but a little behind, and not side by side. Did we not learn in a Boraitha that he who precedes the Master is rude, and he who walks behind his Master is too ostentatiously humble? He should fall a little back—not precede, and not follow.

"*And a box was there,*" etc. The rabbis taught: It is written [Lev. xxi. 8]: "And Aaron shall put lots upon the two goats." Hence, lots of any kind. Should we assume, that he must place two on each goat? Therefore it is written: "One lot for the Lord, one lot for Azazel." Therefore one ought to be for the Lord, and one for Azazel. Should we assume that he should place both lots on one goat, and then draw them and then place them on the other goat, and draw again? Therefore it is written, "one lot." What, then, means the word "lots"? This signifies that they should be equal: one should not be made of gold, the other of silver; one large, the other small. It is said in the Boraitha, lots of all kinds. This is self-evident? It must teach us this because of another Boraitha: Because the plate on the high-priest's brow, on which the name of the Lord was written, was of gold, one might think this lot must also be so. Therefore it is written, "one lot," twice, to teach that they may be of many kinds, of olive-tree wood, of nut-tree wood, of box-tree wood.

"*Ben Katin made twelve cocks,*" etc. We have so learned in a Boraitha, to the end that the twelve priests engaged in the service of the morning daily offering might wash their hands and feet at the same time. We have learned again in a Boraitha: In

the morning, when the laver was full, the high-priest washed his hands from the upper cock; but in the evening when he departed, when it was not full, he did it from the lower cock.

"*He also made a machine.*" What machine? Says Abayi: He made a sort of wheel, which brought it down into the well.

"*Helen his mother,*" etc. We have learned in a Boraitha: When the sun rose, from the golden candelabrum emanated rays, and all knew it was time to read Shema.

"*Miracles happened to the gates,*" etc. The rabbis taught: What miracles have happened to his gates? It was said, when Nicanor had gone to Alexandria, and was returning with the gates, the waves of the sea threatened to drown him; they took one of the gates and cast it into the sea. The sea was not appeased. They desired to cast the second gate overboard also. He took it on his body, and said: "Fling me together with it." Thereupon the sea became quiet. He grieved for the other gate. When he came to the coast at Accho, the gate appeared by the ship. According to others, some beast of the sea had swallowed the gate, and afterward spit it out. Therefore all gates of the Temple were gilt, except Nicanor's, because miracles had happened to them, and they were therefore left as they were. Others say, because their bronze was brilliant. R. Eliezer b. Jacob says: It was polished bronze, and glittered like gold.

MISHNA: And the memories of the following were mentioned with blame; those of the house of Garmo, they were unwilling to teach the art of making the showbread; those of the house of Abtinas, who did not want to teach the art of preparing the incense; Hogros b. Levi, who knew something in music which he was unwilling to instruct others in; Ben Kamtsar did not want to teach the art of writing. Of the first it is said: "The memory of the just is blessed" [Prov. x. 7]; but of the rest is said: "But the name of the wicked shall rot."

GEMARA: The rabbis taught: "The house of Garmo were skilled in making the showbread, and did not want to teach it to others. The sages sent for workers from Alexandria, and they could bake as well, but could not take it out from the oven [it got broken]. They heated the oven from outside, and baked it there, and took it from there, while the house of Garmo heated it inside and baked it inside (and removed it from there). Also the showbread of the Alexandrian bakers used to become mouldy, and that of the former never became so. When the sages heard this, they said: All which the Lord hath created, He created

only for His glory. As it is written [Is. xliii. 7]: "Every one that is called by my name, I have created for my glory." So the Beth Garmo had to be invited again to resume their post. The sages sent for them, they did not come: so their wages had to be doubled. They used to receive 12 Minas daily, and henceforth 24. R. Jehudah says: They had received 24, and thenceforth 48. Then the sages inquired of them: "Why are you unwilling to instruct others?" They replied: "Our family knows by tradition that this Temple will one day fall, and then, if we will have taught it to an improper person, he may go and serve thereby other idols." And for this thing their memory was praised: their children were never seen to use bread of pure flour, that it should not be suspected they took it from the flour for the showbread. They did it, to fulfil what is written [Num. xxxii. 22]: "And ye be thus guiltless before the Lord, and before Israel."

"*Those of the house of Abtinās,*" etc. The rabbis taught: The house of Abtinās were skilled in the preparing of incense, and were unwilling to teach it. The sages sent for workers from Alexandria. These could prepare the incense, but could not make it so that the smoke should not bend. The smoke of the incense prepared by the house of Abtinās rose straight, like a rod, and the smoke of the others' incense bent hither and thither. When the sages heard of this, they said, etc. [the same as previously; the reason they gave for not teaching was also the same]. For the following thing they were mentioned with praise: Never a bride of their house went out perfumed, and even when one of their house married a woman of another family, it was on the condition that she should not be perfumed, that it be not said: "They take it from the incense." To fulfil what is written, etc. [as before].

We have learned in a Boraitha: R. Ishmael said: I once was in the road, and met one of their grandchildren. I said to him: Your ancestors wished to increase their own glory, and diminish that of the Lord; now the Lord's glory persists, and yours has ended in nothing. R. Aqiba said: R. Ishmael b. Luga has related to me: I and one of their grandchildren once went out into the field to gather grass. I observed that he wept and rejoiced. I inquired of him: Why weepest thou? He replied: I recall the honor my ancestors once had enjoyed, and weep. And why did he rejoice? "Because I feel sure that the Holy One, blessed be He, will restore it to us." He asked him: Why hast thou

been reminded of it just at present? He said: Because I see the grass we used to put in to make the smoke straight. He said to him: Point it out to me. He replied: We are under an oath not to show it to anyone. Said R. Johanan b. Nuri: It happened once I met an old man, who had a scroll on which was a list of the names of the spices composing the incense. I asked him: Whence art thou? He replied: I am descended of the house of Abtinas. "And what do you hold in your hand?" He said: The scrolls of the spices. I said to him: Show it to me. He said: As long as our family was in life, they did not show it to any man. But now, when they have all died, and the Temple itself no longer exists, I can give it to thee, but be cautious with it. When I related all this to R. Aqiba, he said: From this time one need not blame them any longer. To this said Ben Azai: "By thy name thou shalt be called and to thy position thou shalt be restored, and thine thou wilt always receive, as so it is recorded Above." It is a rule, one man cannot touch what is destined for another [as they were recalled and paid double wages].

"*Hogros b. Levi*," etc. We have learned in a Boraitha: When he had to render his voice melodious, he placed his thumb in his mouth, and the index in his mustache. When all his fellow-priests heard his voice, they bent to the ground (from ecstasy).

The rabbis taught: Ben Kamtsar did not want to teach the art of writing. It was said of him: He used to take four quills between his four fingers, and when he had to write a word of four letters, he wrote it at once. (Jehovah's name is of four letters.) When they inquired of him: Why dost thou not teach it to others? he found no answer. Therefore of the first it is said: "The memory of the just is blessed"; and of Ben Kamtsar and his tribe it is said: "The name of the wicked shall rot." What is meant by "rot"? How can a name "rot"? Said R. Elazar: Their name shall contract such a rottenness that children shall not be named after them.

Rabbina said to one of the scholars who arranged for him the Agada: How do we know that the rabbis have said: "The name of the just is blessed"? He replied: Why rabbis—it is in the Bible, in the Proverbs? He said: Nay. How is it known from the Pentateuch? It is known from the following verse [Gen. xviii. 17]: "Shall I hide from Abraham what I am about to do?" And the next verse is: "Abraham shall surely become a

great nation." And how is it known from the Pentateuch that the name of the wicked shall rot? Because it is written [ibid. xiii. 12]: "And pitched his tents close to Sodom." And the next: "The men of Sodom were wicked and sinners." R. Elazar said: From the blessings awarded to the righteous, one can infer what curses are bestowed on the wicked; as it is written [ibid. xviii. 19]: "For I know him, that he will command," etc. And the next verse is: "The Lord said, Because the cry against Sodom and Gomorrah is great." And from the curses given to the wicked the blessings reserved for the righteous can be inferred, as it is written [ibid. xiii. 13]: "The men of Sodom were wicked and sinners." And the next verse says: "And the Lord said unto Abram, Lift up now thy eyes and look," etc.

R. Elazar says again: Even for one just man is a whole world created. As it is written [Gen. i. 4]: "And God saw the light, that it was good." And good is only a just man, since it is written [Is. iii. 10]: "Say to the just, that he is good."* R. Elazar says again: Whoever forgets something of his study, causes exile to his children, as is written [Hosea iv. 6]: "As thou hast forgotten the law of thy God, so will I myself also forget thy children." R. Abahu says: He is degraded from his high station, as it is written [ibid.]: "Because thou hast rejected knowledge, so will I also reject thee from officiating before me."

R. Hiya b. Abba said in the name of R. Johanan: A righteous man does not depart from the world, till another righteous man like him has been created, as it is written [Eccles. i. 5]: "The sun rises, the sun goes down." Before the sun of Eli had been extinguished, the sun of Samuel of Ramah already shone. The same said again: The Holy One, blessed be He, perceived that righteous men are few: He planted them in every generation, as it is written [1 Sam. ii. 8]: "For the Lord's are the pillars of the earth, on which He hath set the world." And the same said once more, on the same authority: Even when there is only one just man in the world, the world can exist through his merit, as it is written [Prov. x. 25]: "The righteous is the foundation of the world." R. Hiya says, on his own authority, as it is written in a different verse [1 Sam. ii. 9]: "He ever guardeth the feet of his pious ones." But they are spoken of in the plural? Says R. Na'hman, it is read in the plural, but it is written in the singular. R. Hiya b. Abba says again, in the

* The Talmud translates it thus, literally.

name of R. Johanan: When a man has lived the greatest part of his life without having sinned, he will sin no more, for they will guard him Above, and this he infers from the above passage. The disciples of R. Shila have said: When a man has had occasion to commit a sin once and twice, and he escapes committing it, he will be guarded Above from sinning. They infer it from the same verse. Resh Lakish said: It is written [Prov. iii. 34]: "The mockers He will mock, but to the modest He will give grace." From this we can infer: If one wishes to defile himself (to sin) the door is opened to him; but he who comes to purify himself, he is assisted. The disciples of R. Ishmael have told a parable in reference to this: When one sells both naphtha and perfumes, when one arrives to buy naphtha, he saith to him: "Measure the quantity you need"; but if one arrives to buy perfumes, he says: "Wait, we will both measure it, and contract the odor." The same disciples taught: A sin stops up a man's heart, as it is written [Lev. xi. 43]: "And ye shall not make yourselves unclean with them, that ye should be defiled thereby." Do not read **וַיִּשְׁמְעוּ** but **וַיִּשְׁמְעוּ** (stop up).

The rabbis taught: This verse signifies that when a man defiles himself a little here below, Above he is defiled much; and if he defiles himself in this world, he is defiled in the world to come. And it is written [ibid. 44]: "Ye shall sanctify yourselves, and be holy." When a man sanctifies himself a little here below, he is sanctified much Above, and when he sanctifies himself in this world, he is sanctified in the world to come.

CHAPTER IV.

REGULATIONS CONCERNING THE TWO GOATS OF THE DAY OF ATONEMENT : HOW THEY WERE SLAUGHTERED, SENT AWAY, ETC.

MISHNA: He shook the box, and took out two lots. On one is written, "to Jehovah"; on the other is written, "to Azazel." The Segan is at his right, and the head of the family [see above] on his left. If that of Jehovah was taken up by his right hand, the Segan says to him, "My lord the high-priest, raise thy right hand." If that of Jehovah was taken up by his left hand, the head of the family addresses him: "My lord the high-priest, raise thy left hand." He placed them [the lots] on the two he-goats, and uttered: "To Jehovah a sin-offering." R. Ishmael says: It was not necessary for him to say "sin-offering," but "to Jehovah" sufficed. They responded: "Blessed be the name of His kingdom's glory for ever."

GEMARA: Why had he to shake the box? That he should not have intentionally taken that for Jehovah in his right hand (as it was a good omen if he took it up by chance). Rabh said: The box was of wood, and was not sacred, and could contain only the two palms of the hand. Rabbina opposed: It is right that it had only capacity for the two palms, that he might not intentionally take the lot for the Lord; but if it was profane, he should have sanctified it? The answer is: If he had sanctified it, it would have been a wooden sacred vessel, and in the Temple wooden sacred vessels were not used. Let them have made it of silver or gold? Because the Torah wished to spare the wealth of Israel. The Mishna is at variance with the Tana of the following Boraitha: R. Jehudah says in the name of R. Eliezer: The Segan and the high-priest both placed their hands in the box. When that for Jehovah was picked up by the high-priest, the Segan said to him: "My lord the high-priest, raise thy right hand." But if it was picked up by the Segan, the chief of the family said to him: "Speak thy words." Why not the Segan himself? The lot came into the hand of the Segan, and

not of the high-priest; therefore the spirits of the latter would have been depressed. On what point do they differ? One thinks, the right hand of the Segan is better than the left hand of the high-priest, and therefore both should put into the box their right hand; whereas the other thinks that the left hand of the high-priest is as good as the right hand of the Segan, and therefore he ought to place both his hands in the box. And who is the Tana who differs from R. Jehudah? That is R. Hanina, the Segan of the priests. As we have learned in the following Boraitha: R. Hanina the Segan of the priests said: Why did the Segan ever walk on the right of the high-priest? In case the high-priest became unfit for service, the Segan should enter at once to do the service.

The rabbis taught: In the time of the forty years during which Simeon the Upright was high-priest, the lot for Jehovah always came into the high-priest's right hand, but thereafter it sometimes fell into his right, sometimes into his left hand. And the tongue of crimson wool, during the time of Simeon the Upright, always became white. But after Simeon the Upright, sometimes it became white, sometimes it remained red. In Simeon the Upright's time the western light ever burned, but after him it sometimes burned and sometimes went out. The fire of the altar ever waxed in strength, and except the two measures of wood prescribed they had not to add any wood, in Simeon the Upright's time; but after him, sometimes the fire persisted and sometimes wood had to be added. In his time a blessing was sent into the Omer, the two loaves of bread, and the show-bread, and every priest who received only the size of an olive became satiated, and some was left over; but after him, these things were cursed, and every priest got only the size of a bean. And the delicate priests refused to take it altogether, but the voracious ones accepted and consumed. It once happened, one took his own share and his fellow's: he was nicknamed "robber" till his death.

The rabbis taught: The year when Simeon the Upright had to die, he told the sages: "Children, know ye that this year I am going to die." They asked him: "How dost thou know?" He said: "Every year when I entered and left the Holy of Holies, I was accompanied by one old man, dressed in white and enveloped in white; but this year it was an old man attired in black and in a black turban, and he entered with me but did not go out with me." And after the festivals, he got sick, and died.

And thenceforth priests ceased to bless Israel with the name of Jehovah, but used "Adonai" (the Lord).

The rabbis taught: Forty years before the Temple was destroyed, the lot never came into the right hand, the red wool did not become white, the western light did not burn, and the gates of the Temple opened of themselves, till the time that R. Johanan b. Zakkai rebuked them, saying: "Temple, Temple, why alarmest thou us? We know that thou art destined to be destroyed. For of thee hath prophesied Zechariah ben Iddo [Zech. xi. 1]: 'Open thy doors, O Lebanon, and the fire shall eat thy cedars.'"

"*He placed them on the two he-goats.*" The rabbis taught: Six times the high-priest pronounced God's name, as it is written (Jehovah), during the Day of Atonement: three times in the first confession and three times in the second confession, and the seventh time when he had drawn the lot. It happened, when the high-priest said, "I beseech thee, Jehovah," his voice was heard in Jericho, ten *Parsas* distant from Jerusalem, according to Rabba bar bar Hana. And the sound of opening the Temple gates was heard at the distance of eight legal limits of Sabbath (16,000 ells). The goats that were in Jericho used to sneeze at the incense offered at Jerusalem. A bride in Jerusalem had never to perfume herself, as the odor of the incense imbued them all with aromatic smells. R. Joel b. Diglai said: My father had goats on the mountains of Michmar. They sneezed at the incense. R. Hiya b. Abbin said in the name of R. Joshua b. Kar'ha: A certain old man has related to me, that since the time when he was walking in Shiloh, he still felt the smell of its formerly offered incense.

R. Janai said: To take out the lots from the box was obligatory, but to place them on the goats was not so. R. Johanan says: Even taking them out was not obligatory. An objection was made from the following Boraitha: The disciples asked R. Aqiba, If the lot came into his left hand, might he not put it into his right hand? He replied: Do not give the Sadducees opportunity to rebel (by declaring it unbiblical). Now here the reason is only that the Sadducees should not rebel; but otherwise, we would say, he may transfer it from one hand to the other. How, then, can R. Janai say that it was obligatory? Then the lots would not be changeable. Said Rabba: They mean to say, not that he may transfer the lot in his left hand to his right hand, but that when the lot has been placed on the

goat for Azazel, whether he may transfer him to his right, and design him for the Lord? The answer to this was: Although one may use a thing appointed to a less holy purpose for a more holy, yet the Sadducees will rebel.

MISHNA: He tied a tongue of crimson wool to the head of the goat that was to be sent away [the scapegoat], and placed him opposite to the gate through which he was to be transferred; and the one to be slaughtered, opposite to the place of its slaughtering. He went to his bull a second time, putting his hands on him, and confessing in these terms: "I beseech thee, Jehovah, I have committed iniquities, transgressed, and sinned before Thee, I and my house, and the sons of Aaron, Thy holy people: I beseech Thee, Jehovah, forgive the iniquities, transgressions, and sins which I have committed, transgressed, and sinned, I and my house, and the sons of Aaron, Thy holy people, as it is written in the Torah of Moses Thy servant: 'For on that day shall he make atonement for you, to cleanse you from all your sins, that ye may be pure before Jehovah.'" They respond after him: "Blessed is the name of His kingdom's glory forever."

GEMARA: The schoolmen propounded a question: The Mishna states: He was placed opposite to the gate, and the one to be slaughtered opposite to the slaughtering-place. Were they to be tied in their places, or only placed there? Come and hear! R. Joseph taught: He tied a tongue of crimson wool to the head of the goat that was to be sent away, and placed him opposite to the gate, and the one to be slaughtered opposite to the slaughtering-place, for the purpose that they should not be confounded with one another, as with other goats. Now, if the Mishna means they were tied there, it is right; but if only placed, this can only prevent their being confounded with each other, as the one has the tongue of red wool tied to it, but with other goats the other may be confounded? It is meant, then, that they should be tied in their places.

R. Itz'hak said: I have heard a Halakha about two tongues of wool, one for the red cow and the other for the scapegoat, that one must be of a prescribed quantity and the other need not, and I do not know which it is. Said R. Joseph: Let us see. The wool for the goat which was sent away must be divided into two parts: one part tied to its horns, and one to the rack; therefore it seems that it must be of a prescribed quantity. But the wool for the red cow, which need not be divided, need be of no prescribed quantity. Rami b. Hama opposed: Even that for

the red cow must have a certain weight (as will be explained). Rabha answered him: Concerning the weight, the opinions of the Tanaim are different; consequently, no prescribed quantity is needed. When R. Dimi came from Palestine, he said in the name of R. Johanan: I have heard of three tongues of wool: one for the red cow, one for the scapegoat, and one for lepers. I have heard, one must be of the weight of 10 Zuz, one must have the weight of 2 Selas, and one of 1 Shekel, but I cannot explain which. When Rabbin came from Palestine, he explained this in the words of R. Jonathan: That for the red cow must weigh 10 Zuz, for the scapegoat 2 Selas, and for lepers 1 Shekel. (For the red cow, which must have a certain weight, it is 10 Zuz; that of the goat, which must be divided, 2 Selas; and the leper's, which need be neither, it is a Shekel.)

R. Itz'hak said: I have heard about the two slaughterings, of the red cow and of the high-priest's bull, one, if done by a layman, is valid, and the other is, in such a case, invalid; but I cannot explain which it is. It was taught: Concerning the slaughtering of the red cow and the high-priest's bull, Rabh and Samuel differed. One said, if the red cow was slaughtered by a layman, it is valid, and the bull, invalid; and the other says the reverse.

It may be ascertained that Rabh is the one who says that the red cow slaughtered by a layman is invalid, because (when Rabh heard) R. Zerah said that the red cow slaughtered by a layman is invalid, Rabh said: The reason is, that in connection with the red cow is mentioned Elazar (a priest) and "statute."

It was taught: Concerning the slaughtering of the red cow by a layman, R. Ammi said: It is valid; R. Itz'hak of Naph'ha said: It is invalid; Ulla said: It is valid; and others say: It is invalid. R. Joshua b. Abba objected to the statement that it is valid, and wanted to support Rabh from the following Boraitha: It is certain to us that the sprinkling of the water of the red cow is invalid, if a woman has done it instead of a man, or when it was not sprinkled in the daytime. But whence do we deduce further that the slaughtering of it, and receiving of the blood, and sprinkling of the blood, and burning it, and the putting in of the cedar-wood, hyssop, scarlet string, is invalid in such cases? Therefore it is written, "The law."

Shall we assume that to them shall be added the gathering of the ashes, and the drawing of the water, and the *sanctification*? Therefore it is written: "*This*" is the statute [Num. xix. 2].

But what is the reason of including those, and excluding these? Because we find here an extension and a limitation, we will say that we may deduce all the ceremonies from the sprinkling of the water. As the sprinkling of the water must be done by a male, not by a female, and is valid only in the daytime, we may add to it the slaughtering, the receiving and sprinkling of the blood, the burning, putting in of cedar-wood, hyssop, a scarlet string; as it is certain to us that all these things are invalid when done by a female, so we conclude it is valid only in the daytime; and we will exclude the gathering of the ashes, the drawing of the water, and the *sanctification*, as they may be done by a female, so we will conclude they may be done also in the night-time. What is the objection? If you will say: "Because it is prohibited to a female, it is also prohibited to a layman," you can infer from the sprinkling of the water, which is invalid when done by a female, but nevertheless is valid when done by a layman. Said Abayi: The objection is this, What is the reason that a female may not sprinkle it? Because it is written "Elazar," and we say Elazar, but not a woman. In the same manner, we say Elazar (*i.e.*, a priest), but not a layman. Said Ulla: If you will read carefully the whole section about the red cow, you will see that one case cannot be compared with the other. Some apparently analogous inferences are yet in reality contradictory. And there are apparently analogous inferences which are really analogous. (Therefore care must be taken in making inferences.) Said R. Assi: (It is so), for when R. Johanan and Resh Lakish learned the section of the red cow, they carried away in their heads no more than a fox does earth when it runs across a ploughed field, for some apparently analogous inferences are really so, and some not.

One Tana taught in the presence of R. Johanan: All slaughterings may be done by a layman, except that of the red cow. Said R. Johanan to him: "Go and teach it outside of the college; for we find no single kind of slaughtering invalid when done by a layman." And R. Johanan not only disregarded this Tana's teaching, but even his own Master's; for R. Johanan said in the name of R. Simeon b. Jehozadak: "The slaughtering of a red cow by a layman is invalid." But I say it is valid, because we do not find any kind of slaughtering invalid when done by a layman.

"*He went to his bull.*" Why did he not say in the first confession, "The sons of Aaron, Thy holy people," but does so in

the second? The disciples of R. Ishmael taught: So is it right according to the law, for it is better that one guiltless should atone for the sinners than that one not yet purified from sins himself should atone for other sinners. (Before the first confession, he was not atoned for himself.)

MISHNA: He slaughtered it [the bull], and received in a basin its blood, giving (presenting) it to him who stirred (mixed) it, on the fourth row of marble stones in the Temple, that it should not become congealed. He took the censer, mounted the top of the altar, and cleared the coals on either hand: taking a censerful of the inner glowing coals, then he came down again, and placed it [the censer] on the fourth row of stones in the forecourt.

Every day he scooped up with a silver censer, and emptied into a golden vessel. On this day he filled a golden censer, and also carried it in. Every day he used to scoop [the coals] up in one measuring 4 Kabs, and poured them into one of 3 Kabs; but on this day he filled one of 3 Kabs, and also carried them in it. R. Jose says: Every day he filled one of a Seah [6 Kabs], and emptied it into one of 3 Kabs; but on this day he filled one of 3 Kabs, and carried them in it.* On all days it was a heavy (massive) one, but on this day he took a light one. Every day its handle was short, on this day long; all days its gold was yellow, but on that day red. This is according to R. Mena'hem. On all days he used to offer half a Mina [50 Dinars in weight] of incense in the morning, and one half in the evening; but on this day added a handful more. Every day it was pounded finely, but on this day it was the finest [Lev. xvi. 12]. On all days priests went up on the eastern staircase [of the altar], and descended on the western. On this day the high-priest went up on the middle one, and came down on the same. R. Jehudah says: The high-priest ever mounts and descends on the middle one. All days the high-priest washed his hands from the laver, and on this day from the golden pitcher [cyathus]. R. Jehudah says: The high-priest ever washes his hands and feet from a golden pitcher. All days there were four fires [on the altar]; on that day five: this is according to R. Meir. R. Jose says:

* The reason is, because the coals must be live coals, so as to give a flame. As the top ones become somewhat dull, he drops them on the floor and only the middle ones are used. They differ, however, as to the measure of coals extinguished. According to the rabbis, no more than one quarter of the amount extinguishes, while according to R. Jose about one half extinguishes.

Every day three, and on this day four. R. Jehudah says: Every day two, on this day three.

GEMARA: The Mishna states: He gave it to one who stirred it, on the fourth row of the marble stones. Is it not written [Lev. xvi. 17]: "And there shall not be any man in the tabernacle"? Said R. Jehudah: Read not "of the Temple," but "from the Temple"—the fourth row of stones away from the Temple.

The rabbis taught: It is written: "There shall not be any man in the tabernacle." Shall we assume, that one may not be in the corridors either? Therefore it is written, "in the tabernacle" (but outside one may). All this has been said of the tabernacle in Shiloh. How is it known that it applied also to the Temple in Jerusalem? Therefore it is written [ibid.], "in the holy place." All this is said of the time when he offers the incense. How is it known that when he sprinkles the blood no man should be in the holy place either? Therefore it is written, "when he goeth in." But how is it known that no man is to be found there till he comes out? Because it is written, "until he come out." After that it is written, "shall he make an atonement for himself, and for his household, and for the whole congregation of Israel"; from this is seen that first he must atone for himself, then for his household, then for the priests, and then for Israel.

The Master says: It only applies to the time when he offers the incense. Whence is this inferred? Said Rabba, and so said also R. Itz'hak b. R. Dimi, and also R. Elazar: It is written: "He shall make an atonement for himself, for his household, and for the whole congregation of Israel." What atones for all these at once? Only the incense. But how is it known that incense atones at all? Yea, for R. Hanania has taught: How is it known that incense atones? Because it is written [Num. xvii. 12]: "And he put on the incense, and made an atonement for the people." And the disciples of R. Ishmael have taught: For what does the incense atone? Slander. Why? Slander is (quietly) done, so incense is (quietly) offered.

"*Every day he scooped up with a silver censer,*" etc. What is the reason (why not a golden one)? Because the Torah has been sparing of Israel's wealth.

"*On this day he filled a golden censer,*" etc. Why did he not do on this day as on all days? Because of the high-priest's weakness (from fasting).

"*One measuring four Kabs,*" etc. We have learned in a Boraitha: If one Kab of coals was spilled on the ground, he swept them into the trench. In one Boraitha we have learned one Kab, and in another, two Kabs? It is right, *one*. This is according to the rabbis, who say he emptied one of four Kabs into one of three; but this is neither according to the rabbis nor R. Jose (according to whom *three* Kabs were left over). Said R. Hisda: The Boraitha is according to R. Ishmael the son of R. Johanan b. Beroqa of the following Boraitha, who says that he carried them into the Holy of Holies only in a censer of *two* Kabs. R. Ashi says this Boraitha can be according to R. Jose, and can be explained thus: Every day he used one of a *Seah* of the desert, which is one-sixth less than a *Seah* of Jerusalem, and emptied it into one of three Jerusalem *Seahs*.

"*It was a massive one,*" etc. We have learned in a Boraitha: On all days its sides were thick, but on that day thin. Every day the handle was short, and this day long? That the high-priest should not need to make such an effort to hold it.

In another Boraitha we have learned: Every day the censer was without a bell, and on this day with a bell ("His sounds shall be heard when he goeth in into the holy place" [Exod. xxviii. 38], since he carried it in in his white garments devoid of bells), so said the son of the Segan.

"*The gold was yellow,*" etc. Said R. Hisda: Seven kinds of gold there are: Gold, and good gold, gold of Ophir, best gold [Muphaz], beaten gold [Sha'hut], pure gold [Sagur], and gold of Parvaim. Gold and good gold, as it is written [Gen. ii. 12]: "And the gold of that land is good"; gold of Ophir, which comes from Ophir; best gold, which is scintillating [1 Kings x. 18]; beaten gold, which is ductile like wire; pure gold—when this gold is exhibited all other wares are locked up; that of Parvaim is like blood of bulls in redness. R. Ashi says: There were only five, only there was gold of each kind of good and bad quality; hence "gold" and "good gold" are deducted. We have learned also in a Boraitha: All days the gold was yellow; this day it was of Parvaim, which is red like the blood of a cow.

"*Finely pounded, but this day finest.*" The rabbis taught (whence do we deduce this?): Because it is already written [Ex. xxx. 36]: "Thou shalt pound some of it fine." Why has it to be repeated, "finely pounded"? That means, on this day it must be finest.

"Washed his hands from the laver, on this day from the golden pitcher." Why so? For the honor of the high-priest.

"All days there were four fires," etc. The rabbis taught: All days were two, this day three; namely, one, the ordinary large fire, the second for the incense, one for this special day (for the extra incense of the Holy of Holies). So says R. Jehudah. R. Jose says: All days were three, this day four; namely, those enumerated by R. Jehudah, and one to keep the fire perpetual, as it is written: "A perpetual fire shall be burning upon the altar, it shall not go out" [Lev. vi. 6], and one specially for this day. Rabbi says: "On all days four, this day five." The four above mentioned, and one for the unconsumed sacrifices which had not yet been burned in the evening.

Now, we see that all agree that this day a special fire was made. Whence do they deduce this? From the expression, "and the fire" [ibid. 5]. And even he who does not deduce it from the "*and*," deduces it from "*and the*." What? As we have learned in the following Boraitha: It is written, "a perpetual fire, it shall not go out." This is to teach that the second fire shall be on the outer altar. But how do we know there had to be fires for the censer and lamps? Therefore it is written, "perpetual fire shall be burning on the altar, it shall not be extinguished." This signifies, the perpetual fire of the lamps which, I have taught you, shall be taken only from the outer altar. From this we know that on the altar must be kept fire for the lamps, but whence do we deduce that fire for the incense must be kept also? Therefore it is written [Lev. xvi. 12]: "He shall take a censer full of burning coals of fire from off the altar, from before the Lord." When do we find an altar which was partly before the Lord, and partly away *from* the Lord? We must say that was the outer altar, which was in part outside in the forecourt.

R. Elazar said in the name of Bar Qapara: R. Meir said, if members of the burnt-offering were left from the day before, he made a separate fire, and had them consumed, even on Sabbath. What does he come to teach us? We have learned in the Mishna that there were four fires? Said R. Abhin: He informs us, that even the members of a burnt-offering which had become invalid, were burnt by a separate fire, provided that they had been already attacked by the fire of the day before, but not those not touched by the fire. This we have also learned in the Mishna; namely, this day five? Says R. A'ha b. Jacob: He had to teach this to

us. We might think all this applies to a Day of Atonement which falls on a Sunday, as we had learned somewhere else, that the fat left over from Sabbath should be burnt on the Day of Atonement next to it; but we might think, if it fell on other days of the week he had not to do so. Therefore he tells us.

Says Rabba: Who is this man, that hears not what he speaks? In the Mishna it is said: "Every day." So it is all days of the week. The objection remains.

It was taught: If one extinguishes the fire of the censer, and of the lamps, Abayi says he is culpable. Rabba says: He is guiltless. If he has taken it from the altar to light it and has dropped it on the ground, and it is extinguished, all agree, he is not culpable; but if he took it from off the altar, and extinguished it there, Abayi says he is culpable, since it is the fire of the altar, of which it is written, "It shall not go out." Rabba says he is guiltless: the moment he has removed it from the altar, the fire is not regarded any more as that of the altar. Now, what R. Na'hman has said in the name of Rabba b. Abahu, that he who has taken a coal from the altar, and extinguished it, is culpable, will be neither according to Abayi nor to Rabba? What comparison is there? In that case he took it for a religious purpose, to light the lamp, or so, and it was extinguished, but in this case he removed a coal and extinguished it wantonly.

CHAPTER V.

REGULATIONS CONCERNING THE REMAINING SERVICES OF THE HIGH-PRIEST ON THIS DAY IN THE TIMES OF THE FIRST AND SECOND TEMPLES.

MISHNA: They brought to him a [golden] spoon and censer: he took two handfuls [of incense] and filled the spoon with it. If he had a large hand, it was much; otherwise, it was a little: he used the hand as the measure. He took the censer in his right hand, and the spoon in his left hand.

GEMARA: In a Boraitha we have learned: They brought him an empty spoon from the chamber of the utensils, and a censer full of incense from the chamber of Beth Abtinias.

"He took two handfuls." What was the spoon needed for on the Day of Atonement? It is written [Lev. xvi. 12] merely, "both his hands full of incense, and bring it within the rail"? He could not dispense with a spoon. If he had carried in the censer first, and thereafter the incense, he would carry in twice, and it is written "bring in" only once? If he should take the incense in both his hands, and put the censer upon them, and carry them in at once, what should he do then? Take off the censer with his teeth, and put it down? If it would be unbecoming to do so in presence of a human king, how much more in presence of the King of Kings, the Holy One, blessed be He? Therefore it is impossible, and he is to do as the princes [Num. vii. 14], "One spoon . . . full of incense."

"He took the censer in his right hand," etc. Shall the citizen be seated on the ground, and the stranger on the heaven of heavens? ("The spoon of incense in his *left* hand," etc.) The spoon is small, and more easily carried in the left hand, while the large censer is borne in the right hand. And if they should be equally heavy, as occurred to R. Ishmael b. Qim'hith, who is said to have taken two handfuls of four Kabs of incense, even he had to take the censer in his right hand, as the censer was hot (and he had to be more careful).

It was said of R. Ishmael, the son of Qim'hith: It once hap-

pened on the Day of Atonement he spoke in a public place with an Arab, whose saliva was sprinkled on the high-priest's clothes. He became unclean (as the Arab might be so). Then his brother Jeshohab entered and took his place, so his mother saw two high-priests of her sons the same day. Another day it happened that he spoke with a Gentile nobleman, and the same happened. Then Joseph his brother took his place. And the rabbis taught: Seven sons had Qim'hith, their mother, and all officiated as high-priests. When the sages asked her: How hast thou deserved it? She replied: The ceiling of my house never looked on my hair. The sages answered: Many did so, and it did not profit them.

The rabbis taught: It is written [Lev. vi. 8]: "He shall lift up from it his handful." We might think, his hand might be overfilled; it is therefore written, "his hand *full*," not more. We might think, he may take some with the tips of his fingers. Therefore it is written, "hand *full*." He should bend his three middle fingers on his palm, and remove with the extreme finger and thumb the incense found outside of the three. This was one of the difficult services in the Temple.

R. Johanan said: R. Joshua b. Uza'ah propounded a question, What is the matter with the incense between the middle fingers? Is it considered as belonging to the handful, or the overflow? He himself, said R. Johanan, decided later that it is doubtful. What, then, shall he do therewith? Says R. Hanina: First he should offer the handful, and then this; for if he offered this first, perhaps it is superfluous: and elsewhere we have learned that if the remains of a meal-offering have been lost before the handful was offered, the handful must not be brought.

R. Papa propounded a question: These handfuls, were they exactly measured according to the hand, or too full? Said R. Abbi to R. Ashi: Come and hear the following Boraitha: The handfuls were not exactly according to the measure of the hand, nor overfull, but middling.

R. Papa propounded another question: When the incense happened to be spilled by him, how is the law? Shall it be said, his hand is like the neck of an animal, and the incense is invalid (if the blood has been received from the throat, it is valid, but not if spilled on the ground), or shall we say his hand is like other utensils of the Temple, and if it had been spilled, it may yet be offered? This question is not decided.

The schoolmen asked R. Shesheth: If he had taken the blood

with his left hand, and placed it on the altar, is it valid, or invalid? He answered: We have learned it in our Mishna, that he took the spoon in his left hand (and yet it was offered). An objection was raised: We have learned in a Boraitha: "A layman, a mourner on the first day, a drunkard, and one who has a blemish, if one of these has received the blood, or carried it to the altar, or sprinkled it, he makes it invalid. The same is the case if he did it sitting, or with his left hand." This objection remains.

R. Papa propounded a question: If his companion took two handfuls, and emptied them into the priest's hands, how is the law? Shall we say, he has two handfuls, and it is valid, or shall we say, since it is written, "he shall take, and bring," it is invalid? This question is not decided. R. Joshua b. Levi propounded a question: When he had filled his hands with incense, and suddenly died, how then? Can another take it out from his hands and bring it in, or is other incense required? R. Hanina said: Come and see what kind of questions our predecessors have asked. Was R. Joshua b. Levi older than R. Hanina? Did not R. Joshua b. Levi say that R. Hanina had given me the permission to drink a beverage of *cress* on Sabbath? (See Sabbath, Mishna, p. 226.) He means, R. Hanina asked a profound question like to those asked by the ancestors. How is the law? Come and hear: "That was the measure." From this we must infer, that as the measure was outside, so it must be inside (that priest has a different hand, hence other incense is to be taken).

Perhaps the Mishna means to say that he may use his hand as a measure, or that he may not add to it or take away from what he has grasped? Come and hear: How did he do it (empty the frankincense from the spoon into his hands, both of which were occupied)? He took the handle of the *spoon* with his fingertips—others say, in his teeth—and moved his thumbs up the handle (being thus able not to spill the frankincense) till the handle fell, near his armpits, and the *head* of the spoon was above his palms. He then overturned the spoon, thus emptying the frankincense thence into his hands, and heaped the frankincense on the censer, that the smoke might be retarded; some say, he spread it out that it should smoke more rapidly.

This was one of the most difficult services of the difficult services that were in the Temple. Hence we see, he took of the frankincense once two handfuls, and then once more.

The schoolmen propounded a question: If he died while

slaughtering, might the blood be sprinkled? Shall we say, that since it is written "with a bullock," it is meant, the blood of the bullock alone, or the whole bull (so that the substitute cannot use him)? R. Hanina says, the entire bullock; Resh Lakish says, the blood alone. Said R. Papa: The hide and the flesh and the dung, all agree, are only parts of the bull; about the blood they differ. One says, the blood is not the bull; the other thinks the blood only is the bull. Says R. Ashi: It seems to me, the one who says that the blood is considered as one with the bull is in the right. Because it is written [Lev. xvi. 3], "With this shall Aaron come into the holy place: with a young bullock," is it meant that he should lead him by the horns? and not simply that he should bring the blood; hence the blood is considered as one with the bullock. And what can the other reply to this? His answer is: It is written, "for a sin-offering"; the word "come" refers, not to the bullock, but to the sin-offering. Let him who says that the blood is one with the bull, give the reason that a sin-offering whose owner has died cannot be used for any purpose, and is only put to death.

Said Rabbin b. R. Adda to Rabba: Thy disciples have said in the name of R. Amram that this bullock is considered a sin-offering for the congregation (who are considered its owners, because he comes to atone for himself and for his fellow-priests), and such is not put to death.

MISHNA: He walked through the Temple till he reached the place between the two vails which separated the sanctuary from the Holy of Holies—one ell wide. R. Jose says: There was but one vail, as it is said [Ex. xxxi. 33]: "And the vail shall divide unto you between the holy place and the most holy."

GEMARA: Did not R. Jose say very correctly to the rabbis? The rabbis may say: This was only the case in the tabernacle, but as in the second Temple there was no ell for the entrance at all (because a partition only an ell thick could not support itself, for the walls of the Temple were a hundred ells high) and only in the first, it was doubted whether this ell of the entrance belonged to the Holy of Holies or the sanctuary. Therefore they made two vails.

The rabbis taught: He walked between the altar and the lamps, so said R. Jehudah. R. Meir says, between the table and the altar. Others say, he walked between the table and the walls. Who are the others? That is R. Jose, who says the

door of the Temple was in the north. R. Jehudah says the door was in the south.

R. Jose says that he walked between the table and wall, which is a public entrance, because the Israelites are a people beloved by God, and need no delegate to pray for them (as it is written [1 Kings viii. 38]: "When they shall be conscious every man of the plague of his own heart, and he shall then spread forth his hands"), therefore their delegate to God needed no private entrance, but could do it in sight of the public.

R. Nathan said: The ell of the entrance was a matter of doubt to the sages, whether it was holy as the Holy of Holies or the sanctuary, and that is what R. Johanan has said: Joseph the man of Hutzal has propounded a question: It is written [1 Kings vi. 19]: "And the Debir in the house *within* did he prepare, to set therein the ark of the covenant of the Lord." They did not know what is meant: whether the place inside of the Debir was prepared for the ark, or that the Debir was itself inside.

MISHNA: The outer one was raised and looked to the southern [wall] and the inner one to the northern. He walked between them, till he reached the northern [wall]: having arrived thither, he turned his face to the south, he walked back with his left hand to the curtain, reaching the ark [which was on his right in the Holy of Holies, reaching the place where the inner curtain was]. Coming there, he placed the censer between the staves, heaped the incense on the top of the coals, so that the whole house was filled with smoke. He departed in the same manner as he had come [facing the Holy of Holies, walking backward], and said a short prayer in the outer sanctuary, but not making it a long one, so as not to alarm the Israelites [about his absence, lest he had been killed by God].

GEMARA: Of which Temple is it spoken? In the first Temple there was a partition, not a curtain, before the ark; if the second, there was no ark in it? As we have learned in the following Boraitha: Since the ark was concealed, with it were hidden the flask of manna [Ex. xvi. 33] and the flask of anointing oil, Aaron's staff, its almonds and buds, and the box the Philistines sent as a gift to the God of Israel with the golden vessels. And who concealed them? King Josiah. Why? Because it is written [Deut. xxviii. 36]: "The Lord will drive thee and thy king whom thou wilt set over thee," he concealed it; as it is written [2 Chron. xxxv. 3]: "And he said unto the Levites that

instructed all Israel, who were holy men unto the Lord: Set the holy ark in the house which Solomon the son of David the King of Israel did build; ye have not to carry it any more upon your shoulders: now serve the Lord your God, and His people Israel." And R. Eliezer said to this: From the analogy of expression—namely, that of the ark—it is said "there" [Ex. xxx.], and of the flask of manna also "there" [ibid. xvii.]; and there are also mentioned "generations" and "for preservation." R. Eliezer infers that Josiah concealed them. There was then no ark? The second Temple is meant; and not the ark, but the place where it had to stand, is meant. But it is said, "between the two staves." The place they would occupy is meant.

"*Heaped the incense on the top of the coals.*" Our Mishna will agree with him who has said in a Boraitha: Heap it, that the issue of the smoke be retarded (made slow). In one Boraitha we have learned: He heaps it inside, away from him. In another Boraitha: He heaps it outside, toward himself. How will they agree? Says Abayi: There is a difference of opinion between two Tanaim; one says one way, the other, otherwise. Abayi says again: It seems to me the Halakha is according to him who says that he must heap it inside, away from himself; because, as we have further learned in a Mishna, they teach him not to heap near his face, lest he burn himself.

The rabbis taught: It is written [Lev. xvi. 13]: "He shall put the incense upon the fire, before the Lord." "Before the Lord": he must not prepare it outside, but inside, in the Holy of Holies. This is to contradict the Sadducees, who said that he must prepare outside. Why? Because, they say, it is written [ibid. 2]: "For in the cloud will I appear upon the mercy-seat." Cloud is interpreted, the cloud of the incense. When he prepares outside, he enters with a cloud of incense. The sages said to the Sadducees: Is it not written: "He shall put the incense upon the fire *before the Lord*"? So it has to be prepared inside. They rejoined: What will you make of the "cloud"? The rabbis say: From this we deduce that he must put in the herb which straightens the smoke. How is it known that that herb has to be put in? Because it is written [ibid. 13]: "That the cloud of the incense may envelop." Without that herb, how will the mercy-seat be enveloped? If he has omitted to put in this herb or any ingredient, he is liable to capital punishment. Why give this reason, when, if he come in without the incense being entirely prepared, he enters the Holy of Holies

gratuitously, which involves capital punishment? Says R. Shesheth: The case is, he had omitted one ingredient intentionally, but entered unintentionally. R. Ashi says: Even if he did both things intentionally, but entered with two kinds of incense, one kind prepared as is lawful and the other not, for entering he is not culpable, but for having prepared incense lacking some ingredient he deserves capital punishment.

"He departed in the same manner as he had come." Whence do we deduce this? Said R. Shama b. Na'hmain in the name of R. Jonathan: It is written [2 Chron. i. 13]: "Then came Solomon from the high place that was at Gibeon to Jerusalem" (literally, *at*). How comes Gibeon to be in Jerusalem? His return from Gibeon to Jerusalem is compared to his entering Gibeon from Jerusalem. As when he entered Gibeon from Jerusalem his face was turned to the high place, so when he left it, his face was still turned to the high place. So did also the priests after service, the Levites after their song, and the Israelites after they had been standing. When they left, their countenances were turned to the Temple. So also a disciple, leaving his Master, should do. So R. Elazar, when he used to part from Johanan. When R. Johanan desired to leave first, he bent himself in his place till Johanan was out of his sight; when R. Elazar was to leave first, he walked backwards till he could see him no longer. Rabba, leaving R. Joseph (who was blind), used to walk backwards till his feet struck against the threshold, so as to cause them to bleed. When this was related to R. Joseph, he said to Rabba: May God's will be that you shall raise your head above the whole city. R. Alexandri said in the name of R. Joshua b. Levi: Who prays, should make three steps backwards, and then say, "Maketh peace," etc. Said R. Mordecai to him: If he has made three steps backwards, he must stop there a while. It is like a disciple who has taken farewell of his Master, and then returns to him on the instant, which is like a dog returning to his vomit. If he has failed in doing so, he would better not have prayed at all. In the name of Shemaia it has been said: When he says these words, he should first bow to the right, then to the left; as it is written [Deut. xxx. 2]: "From his right hand a fiery law." Rabba saw Abayi, who said "He maketh peace" first on the right, and then on his left. He said to him: Thinkest thou, thou must say this to the right side of thyself? nay, of the Holy One, blessed be He, who is opposite to thee and whose right side thus corresponds to thy left side. R. Hiya the son of R. Huna

said: I saw Abayi and Rabha making the three steps backwards with one bow.

"*And said a short prayer.*" What was the prayer? Rabba and Rabbin the sons of R. Adda both said in the name of Rabh: May it be Thy will, Lord our God, that if this year will be a hot one, Thou mayest give plenty of rain. R. A'ha the son of Rabha said in the name of R. Jehudah that the high-priest used to conclude the prayer as follows: May no ruler cease from the house of Judah, and may Thy people Israel not depend for livelihood on each other (not be paupers), and mayest Thou not heed the prayers of travellers who ask for the cessation of rain.

R. Hanina Dasa happened to be on the road. It began to rain. He said: Lord of the Universe, the whole world enjoys, but Hanina is afflicted. The rain ceased. When he reached home, he said: The whole world is in anxiety because no rain comes, only Hanina is contented (having no fields). Rain began to come again.

Says R. Joseph: What availed the prayer of the high-priest against the prayer of R. Hanina Dasa?

The rabbis taught: It happened that one high-priest made his prayer very long. When the priests became alarmed, they went to see whether he had died, and met him returning. They inquired of him why he had made his prayer so long. He said: Is this displeasing to you, when I prayed the Lord that the Temple might not be destroyed? They said to him: Do not thou repeat it, as we have learned in the Mishna, "He should not make the prayer long, lest he alarm the congregation."

MISHNA: When the ark had been taken away, there was a stone from the time of the first prophets, "Shethia" [foundation] it was called, three-finger high above the ground. Thereupon he placed [the censer]. He took the blood from the one who stirred it, went to the place whither he had gone, and stopped where he had stopped [in the Holy of Holies], and sprinkled from his position once upward and seven times downward [Lev. xvi. 14], without being intent on sprinkling it either upward or downward, but holding the palm open, either turned outward or toward himself [meaning doubtful]. Thus he was counting: one [upward], one and one [downward], one and two, one and three, one and four, one and five, one and six, one and seven. He departed, and placed it [the basin] on the golden stand in the Temple. They brought to him the he-goat, he slaughtered it, and received in a basin its blood. He went to

the former place, stopping where he had stopped, and sprinkled thereof once upward, and seven times downward, without taking care to sprinkle upward or downward, but holding his palm open, turned in or out, and counting thus: one, one and one, one and two, etc. He came out, and placed it on the second stand that was in the Temple. R. Jehudah saith: There was but one stand there. He took up the bull's blood, and put down the he-goat's blood. He sprinkled thereof at the curtain which was opposite to the ark outside, once upward, and seven times down, without taking care, etc., and thus counting, etc. He lifted the blood [filled basin] of the he-goat, and put down that of the bull's blood; he sprinkled of it on the curtain opposite to the ark outside, once upward, seven times down, etc. He emptied the bull's blood into the he-goat's blood, and transferred (the contents of) the filled basin into the empty one.

GEMARA: The Mishna says, "When the ark was taken away," not *concealed*; it holds, therefore, that it was removed to Babylon. As we have learned in a Boraitha, R. Eliezer said: The ark was taken into exile in Babylonia. As it is written [2 Chron. xxxvi. 10]: "And with the expiration of the year did King Nebuchadnezzar send, and had him brought to Babylon, with the precious vessels of the house of the Lord" (precious; that is, the ark). R. Simeon b. Jochai infers this from another passage [Is. xxxix. 6]: "No thing shall be left": no word (for "thing," "word," and "commandment" the same Hebrew word is here used) will be left, none of the ten commandments (or the ark which contained them). R. Jehudah, however, says: The ark was concealed in its place (Temple), as it is written [1 Kings viii. 8]: "And they had made the staves so long, that the ends of the staves were seen out in the holy place in the front of the Debir, but they were not seen without; *and they have remained there until this day.*" And he who says that R. Simeon b. Jochai thinks that the ark was taken into exile, differs from Ulla, who says as follows: R. Mathia b. Heresh had asked R. Simeon b. Jochai in Rome: We see that R. Eliezer infers from two verses that the ark was taken into exile. One verse is quoted above; the other is [Lam. i. 6]: "There is gone forth from the daughter of Zion all her splendor." Thereby the ark is meant. What hast thou to say thereto? He replied: I say, the ark was concealed on the spot, and the proof is the verse quoted above. Said R. Na'hman b. Itz'hak: We have also learned it in a Mishna in Shekalim [VI., 6]: "Once a priest was engaged there, and he

noticed that one of the paving stones on one place appeared different from the others. He went out to tell others of it; but he had not yet finished speaking, when he gave up the ghost. Thereby it was known to a certainty that the ark of the covenant was hidden there." What was he engaged in? Says R. Helbo: He was busy sporting with his axe. The disciples of R. Ishmael have taught: There were two blemished priests who picked out the wood, which was not mouldy. The axe of one fell down on the place where the ark was concealed; a fire issued, which consumed him.

"*A stone, Shethia.*" We have learned in a Boraitha: The word *Shethia* means, that the universe has been created from it, as *Shethia* means *foundation*. This is according to him who says, that from Zion the world began to be created, as we have learned in the following Boraitha: R. Eliezer said: The world was created from the very middle, as it is written [Job xxxviii. 38]: "When the dust is poured out as molten metal, and the clods are made to cleave fast together" (first the central piece was made, then the other parts adhered to it). R. Joshua says: The world was created beginning with the extremities, as it is written [ibid. xxxvii. 6]: "For to the snow he saith, Be thou earth. Likewise to the pouring rain, and to the pouring rains of his strength." Four times the word "rain" is repeated here (in Hebrew, but "rain" means in Talmudic dialect "matter"). There were then four pieces of matter, and of them was composed the world. R. Itz'hak says: The Holy One, blessed be He, threw a stone into the sea, and therefrom a world was made. As it is written [ibid. xxxviii. 6]: "Upon what are her foundation-pillars placed at rest? or who threw her corner-stone"? The sages, however, said: The world was created beginning with Zion. As it is written [Ps. l. 1, 2]: "The God of Gods, the Lord Speaketh," etc. "Out of Zion, the perfection of beauty." That signifies, from Zion began to be the beauty of the whole world. In another Boraitha we have learned: R. Eliezer the Great said, It is written [Gen. ii. 4]: "These are the generations of the heavens and the earth when they were created, on the day that the Lord God made earth and heaven." The luminous stars, etc., were created from the heavens, and all earthly things from the earth. But the sages say: Everything was created from Zion. As it is written [Ps. l. 1]: "A Psalm of Assaph. The God of gods," etc. "The perfection of beauty," *i.e.*, the beauty of the whole world.

"*Holding the palm open.*" What is meant by this? Said R. Jehudah: As one uses a lash first from the right to the left, and then downward.

"*He took the blood from the one who stirred it,*" etc. We have learned in a Boraitha: When he sprinkled, he did not sprinkle on the top of the mercy-seat, but opposite; and not that the blood should fall on it, but on the ground. When he sprinkled on the top of the mercy-seat, he bent the palm downward, that it should not fall on the mercy-seat, and when he sprinkled beneath it, he held his palm bent upward, that it should not fall on the mercy-seat, but on the ground. Whence do we deduce this? Because it is written [Lev. xvi. 15]: "He shall sprinkle it above the mercy-seat, and before the mercy-seat." This had not to be written, as it has already been written in the case of the bullock [ibid. 14]. It is meant to make the "before" and "above" equal; as by "before" the mercy-seat, it is meant that it should not be sprinkled at it, but opposite to it; so also by "above" is meant, not upon it, but opposite to it.

The rabbis taught: It is written: "And he shall sprinkle it above the mercy-seat." From this we know only once above (*it*, in case of the goat). How many times had he to sprinkle downward? This we have to infer from the bullock: as it is written of him seven times, so we infer in regard to the he-goat. We know that it is equal in case of the bullock and goat, downward; but we do not know how many times he is to sprinkle downward in case of the bullock? We apply to the bullock the law in reference to the goat: as in the case of the goat, so in the case of the bullock—once downward, seven times upward.

"*One, one and one,*" etc. The rabbis taught: He counted one, one and one, one and two, etc., up to seven. So said R. Meir. R. Jehudah says: One, one and one, two and one, three and one, four and one, five and one, six and one, seven and one. They do not differ. Each said according to the custom in his part of the country (in the one place they said, *e.g.*, twenty-one, in the other one and twenty). Now we see that all agree that the first time of sprinkling had to be counted along with each of the other seven? What is the reason? Said R. Elazar: He should make no mistake in the number of countings. R. Johanan says: Because it is written again [ibid. 14]: "Shall he sprinkle," superfluously, it is to teach us that the first he ought to count with all the others. What is the point of their difference?

R. Elazar says: If he has failed to do it, but made no mistake, it is valid; but according to R. Johanan, it is not.

"He departed, and placed it on the golden stand." One of the scholars read the prayer in the presence of Rabha, and read, "He departed, and placed it on the second stand"; and after this he read, "He took the he-goat's blood, and put down the bullock's blood." Said Rabha to him: The first thing thou readest according to the rabbis (who say there were two stands), and the second according to R. Jehudah (who says there was but one stand, and therefore he took down the bullock's blood when he came with the goat's blood), you thus contradict yourself. You should say: He put down the goat's blood (on the second stand), and took up the bullock's blood (from the first stand).

The rabbis taught: It is written [ibid. 16]: "So shall he do for the tabernacle," etc. Wherefore had this to be written? It comes to teach us, that as in the Holy of Holies he had to sprinkle once and seven times, both from the bullock's blood and the goat's, so he had to do in the sanctuary.

"That abideth among them in the midst of their uncleanness." This signifies, even when they were unclean, the Shekhina continued to be among them. A certain Sadducee said to R. Hanina: At the present time, when the Temple is destroyed, ye are certainly unclean, as it is written [Lam. i. 9]: "Her uncleanness on her skirts." He replied to him: Come and see. It is written: "That abideth among them in the midst of their uncleanness."

We have learned in a Boraitha: When he sprinkled on the vail, he sprinkled not upon it, but opposite to it (that the blood fell on the ground). R. Eliezer b. R. Jose, however, said: I have seen on the vail in Rome the marks of the drops of blood of the bullock and goat of the Day of Atonement.

What is the law, when the bloods of the bullock and goat got mingled? What shall he do therewith? Says Rabha: He sprinkled thereof once upward, and seven times downward, and this sufficed for both. This Halakha has been communicated to Jeremiah in Palestine: He said: Ye Babylonians are stupid. Because ye live in a dark land, ye say dark Halakhas. In this manner, he will sprinkle the he-goat's blood before the bullock's, and it is written [Lev. xvi. 20]: "When he hath made an end of atoning for the holy place." "The end"—hence everything must be in its proper turn. What, then, shall he do? Says

R. Jeremiah: Once he sprinkles it as the bullock's, and then a second time as the he-goat's blood.

How if the bloods got mixed, when he has already sprinkled the bullock's blood upward? Said Rabha: He should sprinkle it seven times downward as the bullock's, and then upward and downward as the he-goat's, blood. How if he has confounded the basins? What shall he do then? He should sprinkle three times, once for the bullock, then for the he-goat, and the third time for the he-goat (lest the he-goat's blood had preceded the bullock's when he sprinkled the first time).

"He emptied the bull's blood into the he-goat's." Our Mishna will be according to him who maintains that the bloods must be mixed, for the purpose of putting it on the corners of the altar. Because it was taught: R. Josiah and R. Jonathan said, one of them that they had to be mingled, and the other that they ought not to be mingled, but put separately on the corners of the altar. It seems that R. Josiah was the one who said they had to be mingled, as we have heard elsewhere, though it is not written "together" [Lev. xvi. 18]; yet since it is written "and," it is as good as though it had been written "together."

We have learned in another Boraitha: It is written: "He shall take from the blood of the bullock and the blood of the he-goat." That signifies, they should be mixed together. But whence do ye know that it means that they should be sprinkled together, not separately? Therefore it is written [Ex. xxx. 10]: "And Aaron shall make an atonement upon its horns once in a year": *once*, not repeatedly. We see that the anonymous Boraitha is according to R. Josiah.

"He transferred (the contents of) the filled one into the empty one." Rami b. Hama propounded a question of R. Hisda: If he had placed one basin in the other, and therein received the blood, how is it? Should we say, as they are of one kind, that forms no invalidation? or that though of one kind, it is an invalidation? R. Hisda answered him: We have learned it in our Mishna: He has transferred the filled one into the empty one. Shall we not assume that it means, he placed the full basin in the empty one? Nay. It means, he poured the contents of the full basin into the empty one. But this is already mentioned in the beginning of the sentence? He transfers the mixed blood again into an empty vessel, to mix the two kinds of blood the better.

MISHNA: He then went out to the altar which is before the Lord, which is the golden altar, and began to cleanse it, downward. Whence does he begin? From the northeastern corner [horn] to the northwestern, southwestern, southeastern. Where he begins to cleanse the outer altar, at that spot he finishes cleansing the inner. R. Eliezer says he remains where he stands, and thence cleanses [the altar being one éll square]. Everywhere he sprinkled from below upward, except at the spot where he stood, whereat he sprinkled from above downward.

He sprinkled on the clean place of the altar [where the gold was to be seen] seven times, and what remained of the blood he poured at the western base of the outer altar, and what remained of the blood of the outer altar he poured at the southern base. Both kinds of blood mingled in the trench, and flowed out into the brook Kidron. And it was sold to gardeners as manure, but one offends by [using without paying for] them.

GEMARA: We have learned in a Boraitha: Why is it necessary to repeat here, "before the Lord"? Said R. Nehemiah: Because we find that when he held the bloods of the bullock and he-goat he stood inside of the altar, and sprinkled the blood on the vail, we might think that at the same time he should sprinkle on the golden altar: therefore it is written [Lev. iv. 7], "the altar of the incense of spice, before the Lord," to let us know that the altar was before the Lord, but not the priest. What, then, should he do? He had to come out to the outside of the altar, and thence sprinkle.

"*Began to cleanse it, downward.*" The rabbis taught: He began to cleanse from above downward. And whence did he begin? From the southeastern to the southwestern, northwestern, northeastern. So is the decree of R. Aqiba. R. Jose the Galilean said: From the northeastern to the northwestern, southwestern, southeastern. So that at the place where, according to R. Jose, he begins, according to R. Aqiba he finishes, and *vice versa*. Now we see that, according to all, he does not begin with the corner he meets first, but some definite corner. What is the reason? Said Samuel: Because it is written, "He went out to the altar," till he has come out from the place inside of the altar, and comes outside. (What is the point of difference between the two Tanaim?) The following: R. Aqiba thinks he has to walk round the altar, and R. Jose that he ought only to cleanse the altar at all corners, making its round with the *hand*. We have learned in a Boraitha: R. Ishmael said: Two high-

priests remained of the first Temple. One said, he had passed round the altar with his hand; and the other, he had walked round it with his feet. And both gave their reasons. The one said: As it is written, "round." The inner altar was like the outer, which was large, and had to be walked around; while the other said: It was small, and with his hand one could reach all corners, as it was only in size like one corner of the outer altar: hence it was not necessary to walk round it.

"*He sprinkled at the clean place of the altar.*" What is meant by the clean place? Said Rabba b. R. Shila: Where the altar was not covered, as it is written [Ex. xxiv. 10]: "Like the color of heaven in clearness." We have learned in a Boraitha: Hanania says, he sprinkled on the northern side, and R. Jose says, southern. On what point do they differ? The one says the door of the sanctuary was at the north, the other says, at the south; but all agree, that where he finished to put the blood on the corners, at that side he sprinkled on the top. What is the reason? Because it is written [Lev. xvi. 19]: "He shall cleanse it and hallow it." That signifies where he had hallowed it, there he shall cleanse it.

"*What remained of the blood,*" etc. This is because it is written [ibid. iv. 7]: "All the (remaining) blood of the bullock shall he pour out," and when he comes out, he meets the western base of the outer altar first.

"*Of the outer altar, he poured at the southern base.*" The rabbis taught: By the base of the altar, the southern base is meant.

And another Boraitha states that, according to R. Ishmael, it was the western. The disciples of R. Ishmael, however, taught in the name of R. Ishmael, as the disciples of R. Simeon b. Jochai, that it was the southern (that is, R. Ishmael revoked what he said).

"*One may offend,*" etc. The rabbis taught: One becomes guilty, when he uses the blood for his benefit. So is the decree of R. Meir and R. Simeon. The sages, however, said: The blood may be used. They are at variance only as to whether it is rabbinically an offence or not; but all agree that, biblically, one cannot offend (for if they thought it was biblical, they would not sell it to gardeners. *Tosphath.*) Whence do we deduce this? Says Ulla: It is written [Lev. xvii. 11]: "I have appointed it for you upon the altar to make an atonement for your souls": for *you*, it should belong to you. The disciples of R. Simeon taught: To make an atonement, but not an offence.

R. Johanan says: In the same verse it is written, "For the blood it is that maketh an atonement for the soul." It is (after the atonement) as it had been before the atonement.

MISHNA: It holds true of all the rites on the Day of Atonement, whose order is prescribed by the Bible (and stated in the above Mishnas), that if they are performed in a wrong order, one has done nothing. Had he used the blood of the he-goat previously to that of the bull, he should sprinkle once more some of that he-goat's blood after that bull's blood, and if while he had not completed the offering of the gifts in the inner part [Holy of Holies], the blood was spilled, it is incumbent upon him to fetch other blood, and once more sprinkle it inside, and the same is the case in the Temple, and also of the golden altar, because all [rites] are separate atonements. R. Elazar and R. Simeon say, however: From where he had been mistaken, he should begin anew.

GEMARA: The rabbis taught: It holds true of all ceremonies of the Day of Atonement whose order is stated in the Mishna, if one of them has been performed earlier than that which should precede it, it is as nothing. R. Jehudah, however, said: This is only true of the rites performed in the white garments in the Holy of Holies, but of the ceremonies performed in the white garments outside (*e.g.*, the lots, emptying the remaining blood, or confessions), it is true that if he has done them out of the right order, they are still valid. R. Nehemiah said: The case is simply, all ceremonies performed not in the right order in the white garments, whether in the Holy of Holies or outside, are invalid; but the rites performed in the golden garments outside must not be done again. Said R. Johanan: Both have deduced it from the same verse. It is written [Lev. xvi. 34]: "And this shall be unto you as a statute for everlasting, to make an atonement for the children of Israel for all their sins once a year." R. Jehudah holds, what is meant by "once a year"? Where the atonements are made once a year, and that is in the Holy of Holies. R. Nehemiah holds, that not the place where once a year the rites are performed is meant, but the rites done for atoning once a year, and that is inside and outside.

How can R. Jehudah say, the place is meant? It is only written "once a year." We must say, the reason of R. Jehudah is this: It is written, "and *this* shall be," and then "*once* a year." Hence two limitations, one excluding what is performed in the white garments outside of the Holy of Holies, the other

excluding what is done in the golden garments. And R. Nehemiah says: The one expression excludes what is performed in the golden clothes, and the other the remainders of the blood, which, if not emptied at all, involves no transgression.

R. Hanina said: If he has taken the handfuls of frankincense before the bullock has been slaughtered, he has done nothing. This cannot be according to R. Jehudah, for according to R. Jehudah it is only the rites performed in the Holy of Holies, but this is done outside? Nay; even according to R. Jehudah it would have been invalid. Why? Because it is a preparatory service for a service performed in the Holy of Holies (it is equal to such a service).

Ulla said: If he has slaughtered the goat before the bullock's blood had been sprinkled, he has done nothing. An objection was raised: It is said in our Mishna, if he has sprinkled the he-goat's blood before the bullock's, he should sprinkle once more. If it were as Ulla says, it should have been said: he should slaughter a second time. Ulla explained the Mishna: That is the case with the offerings in the sanctuary, but in the Holy of Holies the bullock's blood must be sprinkled first, then the he-goat must be slaughtered. And so has also R. Ephes explained.

"*The same is the case in the Temple,*" etc. The rabbis taught: It is written [Lev. xvi. 33]: "He shall make an atonement for the sanctuary of holiness, and for the tabernacle of the congregation and for the altar shall he make an atonement; and also for the priests and for all the people of the congregation shall he make an atonement." The sanctuary of holiness—that is, the Holy of Holies; by the tabernacle the Temple is meant—the altar, literally; "shall he make an atonement"—by this is meant the court where the priests might walk; "the priests," literally, "the people of the congregation," Israel; "make an atonement" once more—that means the Levites.

All are then equal in their atonement; that is, all are atoned for by the scapegoat for all sins except uncleanness. So said R. Jehudah. R. Simeon, however, said: As the blood of the he-goat, sprinkled inside, atones for Israel only the uncleannesses of the Temple and all sacred things, so the blood of the bullock atones for the priests only the sins of uncleanness. And as the confession over the scapegoat atoned for Israel's other sins, so also the confession over the bullock atoned for the other sins of the priests.

In a Boraitha we have learned: Rabbi has said: My Master, R. Jacob, has taught me this difference of opinion of R. Elazar and R. Simeon in our Mishna is only in relation to the *logs* offered by lepers.

R. Johanan said: The trespass-offering of a leper, if slaughtered for a wrong purpose, is where the same difference of opinion of our Mishna exists. According to R. Meir, who says that if he has made a mistake, he must begin anew, he must in this case also bring another trespass-offering. But according to R. Elazar and R. Simeon, who say that he must begin where he had made the mistake, there is no mending of this mistake; for it has been slaughtered already (and if he should slaughter another, he will offer *two*, while it is written *one*). The following Boraitha is according to R. Johanan: If a leper's trespass-offering has been slaughtered for another purpose, or some of its blood was not put on the thumbs and great toes of the leper, it may be offered on the altar, and requires a drink-offering; but another trespass-offering has to be offered.

The rabbis taught: All things mentioned in our Mishna—bullocks, he-goats—that have become invalid, defile the garments of him who burns them, and they must be burned in the place where the real sacrifices are burned. [See Lev. xvi. 27, 28.] So is the decree of R. Eliezer and R. Simeon. The sages, however, say: They are not to be burned, because only those which have been used the last, because used for the atonement, must be burned there. Rabha asked R. Na'hman: (If the he-goats have become invalid, two others are required) how many shall he despatch as scapegoats? R. Na'hman answered him: Shall he send a whole flock? R. Papi says in the name of Rabha: He sends the first. R. Simi says in the name of the same: The last. It is right according to R. Simi, because the other of the couple has been used for the atonement; but what is the reason of Rabha, according to R. Papi's saying? He holds as R. Jose of the following Boraitha: If one separates his Paschal lamb and the same be lost, and after he purchases another one in its stead the first one is found, he may offer either one of them. So is the decree of the sages. R. Jose, however, says: There is a merit to offer the first one, unless the second was a better one.

CHAPTER VI.

REGULATIONS CONCERNING THE HE-GOATS OF THE DAY OF ATONEMENT AND THE SENDING TO THE DESERT, AND THE CONFESSION THEREAT.

MISHNA: It is a merit that the two he-goats for the Day of Atonement should be equal in color, stature, and price, and both (bought) at the same time; but if they are not equal, they may still be used. If one was bought to-day, and the other on the morrow, they are valid. If one of them died, then if this occurs before the lots are drawn, another is purchased to make up the pair; but if later, then a new pair should be acquired. Lots should be drawn again, and this should be said: If the Lord's he-goat has died, "The one on which the lot has fallen for the Lord may substitute him"; and if that of Azazel has died, "The one on which the lot has fallen for Azazel may substitute him." And the remaining one of the previous pair should be allowed to feed (graze) till it chance to get a blemish, when it is sold, and the money goes as a gift-offering, since an animal designed to atone for the congregation is not put to death. R. Jehudah says, it is (put to death). Also said R. Jehudah: If the blood [of the Lord's he-goat, when slaughtered] had already been spilled, the scapegoat should be put to death; if the scapegoat had died, the other one's blood should be poured out [and a new pair purchased].

GEMARA: The rabbis taught: It is written [Lev. xvi. 5]: "He shall take two goats." Why is it mentioned, *two*? If it were in the plural, we would know, not less than two. It is meant, then, the two should be equals. How, then, do we know that when they were unlike they were still valid? Because it is written twice "goats" [ibid. 9, 10]. That shows, that if they were not alike they were still valid. But if "goat" were not repeated twice, they would have been, according to you, invalid? Whence would you deduce this? At the first glance, we would say, because it is written thrice "two" [ibid. 5, 7, 8]; but if the repetition of "goat" makes it valid, wherefore is this

repeated thrice? Infer from this, it is a merit that they be, first, equal in color; secondly, in stature; thirdly, in price. We have also learned thus in a Boraitha of sheep offered by lepers: It is written "two sheep." *Sheep* would suffice? From this it is also inferred they should be like each other, as stated above. But how do we know that if they are unlike each other they are valid? Because it is written "one sheep." The same Boraitha states in relation to the burnt-offering of a leper; there it is also written "two birds." The *two* could be dispensed with; and from the word *two* it is inferred that they should be alike. If it is so, why should we not say the same of the daily offerings, about which it is also written "*two* sheep"? This *two* is needed for what is stated in the following Boraitha: It is written [Num. xxviii. 3]: "Two on every day." From this we infer that it must be before the day's arrival (daybreak). (This is explained in Tract Tamid.)

The rabbis taught: Should the two he-goats of the Day of Atonement have been slaughtered outside of the Temple, if this was done before the drawing of the lots, he is culpable for both; but if later, he is culpable only for that designed for the Lord (not that for Azazel. Why should he be culpable?) Before the lots have been drawn, what are as yet these simple he-goats fit for? Said R. Hisda: Because they are fit for the additional sacrifices of the Day of Atonement, which are sacrificed outside of the Temple. (But how is this to be understood?) Why are they not fit to be sacrificed inside? Because the lots have not been drawn. The same is the case with the additional sacrifices; since all the services preceding these have not yet been performed they are not fit for additional sacrifices either?

R. Hisda holds: The inappropriate time is not to be compared with the unfitness of the goat itself (before the lots are drawn).

"*If the Lord's he-goat dies.*" Said Rabh: The second of the first pair must be sacrificed, but the second of the second pair must be left to graze. R. Johanan says conversely. On what point do they differ? Rabh says: A living thing is not postponed. (The second goat of the first pair, being fit, should not be postponed in favor of another goat to be sought out), and R. Johanan says, that such are postponed. What is Rabh's reason? Because he deduces it from the too early time; as he was unfit only as long as he had no fellow, he is fit henceforth. What comparison is this? In that case the he-goat was not yet

fit for anything, but here he has been already postponed. Why not continue to be postponed? Therefore we must say: Rabh deduces it from a temporary blemish. After the blemish has passed away, he is fit; so here, his unfitness is considered temporary.

According to Rabh's theory (that a living thing is not postponed), why only the second of the first pair and not as well of the second pair, say, then, he can choose which he likes? Said Rabha: Rabh holds as R. Jose that it is a merit to use the first (as mentioned at the end of the preceding chapter). Rabha said: It seems to us, that our Mishna is in accordance with Rabh, and a Boraitha is in accordance with R. Johanan. In our Mishna, it is stated: If the Lord's he-goat dies, the one on which the lot has fallen for the Lord shall substitute him; from this we infer that the other one continues to be as it has been. A Boraitha is according to R. Johanan, as we have learned: It is said in the Mishna*: The second should be allowed to graze. We do not know whether the second of the first or second pair. As it is written [Lev. xvi. 10]: "Shall be placed alive." Placed *alive*, not the one whose fellow is dead. How can that be inferred? "*Shall be placed alive*," signifies that it shall be placed alive *now*. But the one whose fellow had died has been left alive already. An objection was raised from the following sentence in our Mishna: "R. Jehudah said also: If the blood of the Lord's he-goat had been spilled, the scapegoat should be put to death; if the scapegoat had died, the other one's blood should be poured out." It is right according to Rabh, who says that, according to the first Tana, living things are not postponed, and the second of the second pair is to be left to graze; and what R. Jehudah says of its being put to death refers to the second of the first pair. It is right according to Rabh, who says that according to the first Tana a living thing is not postponed, as it is said in the Mishna, "also said R. Jehudah." That is to say, he differs on two points: first, whether a sin-offering for the congregation is put to death (he says, it shall be put to death), and whether a living thing is postponed. R. Jehudah says, it is postponed, and shall be put to death, and the second of the first pair shall be put to death. But according to R. Johanan, who explains that the first Tana means to say the second of the second pair

* This is according to Rashi's explanation, although it is unusual for a Boraitha to mention a Mishna.

(shall be sacrificed), but of the first shall be put to death, because a living thing can be postponed, consequently R. Jehudah differs from the first Tana only on one point, on the congregational offering. Why does the Mishna say, "and also"? This difficulty remains. (From this we see, the Mishna is according to Rabh, not R. Johanan.)

"If the blood has been spilled, the scapegoat should be put to death." It is right that if the blood has been spilled, the scapegoat should be put to death, because the duty with the blood has not been fulfilled yet; but if the scapegoat has died, why should the blood be poured out? The duty (of drawing the lots, and of slaughtering the first) has been fulfilled already. Why need the blood be poured out? Said the disciples of R. Janai: Because it is written [ibid.]: "Shall be placed alive before the Lord, to make an atonement for him." That means he (the scapegoat) shall be alive till the atonement with the blood (of the other goat) has been made (and when he has died before, the blood must be poured out).

We have learned in a Boraitha about the Mishna in Shekalim, II., a. "If the inhabitants of a town sent their Shekalim," etc., as far as, "and nothing is credited to next year's account" (pp. 7, 8). R. Jehudah, however, said, they may be credited to next year's account. What is the reason of R. Jehudah? Said Rabba: R. Jehudah holds, the duties to be paid this year may be paid the next year. Abayi objected: From the following Tosephtha: The bullock and the he-goat of the Day of Atonement, if lost, and the he-goats offered for idolatry, if lost, and substituted by others and then recovered, then all should be put to death. So says R. Jehudah. If the duties of this year can be paid the next year, they could be left for the next year? Rabh answered: You want to compare the he-goats for idolatry to congregational sacrifices. The latter are quite different. This is as R. Tebi said in the name of R. Joshiah: It is written [Num. xxviii. 14]: "This is the burnt-offering of the new moon for every month throughout the months of the year." The Torah says: Proclaim it a new month, and also bring a sacrifice from *the new products* (Rosh Hashana, p. 9). This would be right in case of the he-goat, for it comes from the congregational funds; but the bullock, which is from the high-priest's, what can be said to it? And, secondly, what R. Tebi said in the name of R. Joshiah is only a merit, but not a duty, as R. Jehudah said in the name of Samuel [ibid., ibid.], that if it was done it is acceptable?

Therefore says R. Zerah: The reason is, that the lot cannot determine during this year for the next year. Let him draw lots the next year? It is a precautionary measure, lest it be said that the lot does determine during one year for the next year. All this is right of the he-goat? But why should the bullock, for which no lots are drawn, be put to death? It is a precautionary measure, lest one should deal with the he-goat as one would with the bullock.

Shall he then be put to death for a precautionary measure against what itself is a precautionary measure? Therefore, says Rabha: It is a precautionary measure, lest there should be a mistake. What mistake can be made? That of sacrificing them (if left to graze). Then this apprehension ought to exist in all cases where animals are left to graze (till they get a blemish and are sold)? If that of shearing their wool, or using them for work, the same fear ought to exist in all cases where invalid sacrifices are left to graze? The mistake of sacrificing them is meant, but for others there is no intention to sacrifice them at any time, as they are left to graze until they get a blemish; therefore a mistake cannot come to pass. But here, as the he-goat must be kept until the Day of Atonement of the next year, and it may be sacrificed by mistake before (the owner will take care it should *not* get a blemish). And whether a precautionary measure is taken against a mistake or not, the Tana'im of the two following Boraithas differ: one states, that a paschal sacrifice that has not been sacrificed during Passover may be sacrificed during the second Passover (the succeeding month, when those unclean before, celebrate it); and when not during the second Passover, it may be reserved for the Passover of the next year. And in another Boraitha we have learned: It may not be sacrificed at all. They differ, then, about the apprehension of a mistake; the Tana of the last Boraitha fears a mistake, and that of the first does not.

MISHNA: He comes to the scapegoat, and puts both hands on him, and confesses, using the following expression: I beseech Thee, Jehovah, they have committed iniquities, transgressed, sinned before Thee, Thy people the House of Israel. I beseech Thee, for the sake of Jehovah, forgive the iniquities, transgressions, and sins that they have committed, transgressed, and sinned before Thee, Thy people the House of Israel, as it is written in the Torah of Moses Thy servant, thus: "For on that day shall he make an atonement for you, to cleanse you,

that ye may be clean from all your sins before Jehovah." And the priests and people who stood in the forecourt, hearing the expressed name [of God, *i.e.*, *Jehovah*], issuing from the mouth of the high-priest, used to kneel, prostrate themselves, and fall on their faces, and say: "Blessed be the name of His kingdom's glory for ever." They delivered him [the scapegoat] to the man who was his conductor. All were fit to perform this function. Only the high-priests fixed a usage, that Israelites should not be permitted to do it. Said R. Jose: It happened the conductor was Arsala of Tsipore, who was an Israelite [not a priest]. An elevated walk had been constructed for him [the he-goat], on account of the Babylonians [Babylonian Jews; according to the Gemara, Alexandrian Jews], who used to pull him [the he-goat] by the hair, saying: "Take [the sins] and go, take and go."

GEMARA: We see that in this confession the children of Aaron are not mentioned. According to whom is it? Said R. Jeremiah: This is not in accordance with R. Jehudah; as he said, the priests are also atoned for by the scapegoat. Abayi, however, said: This may be according to R. Jehudah. Are not the priests included in the general phrase, "Thy people Israel"?

"*They delivered him to his conductor.*" The rabbis taught: It is written [Lev. xvi. 21]: "A man appointed thereto." From the word "man," it is inferred a layman is also fit. "Appointed" means, appointed from the day before, even when the Day of Atonement falls on a Sabbath, and even if he is unclean. Wherefore does he tell us, even a Sabbath? If the he-goat has become sick, and cannot walk, he may take him on his shoulder, and carry him. Said Raphram: From this it is inferred, that the law of Erub and carrying applies to Sabbath only, but not to the Day of Atonement (else what difference between a Day of Atonement falling on a week-day and a Sabbath?)*

Why is it mentioned, even when unclean? What case of uncleanness can be here? Said R. Shesheth: Even if the conductor became unclean, he may enter the Temple and take the he-goat.

R. Eliezer was asked: When the he-goat had become sick, might he be taken on the shoulders? He replied: The he-goat was so healthy that it could bear away you and me together. They asked him again: When the conductor had become sick, may another be appointed? He replied: Let us be healthy; do not

* What Raphram said is declared in Tract Tamid to be unfounded.

ask us about a case of sickness. They asked him again : If after having been pushed down he did not die, shall he go down and kill him? He gave them as answer the verse in Judges v. 31 : "Thus may perish all Thy enemies, O Lord." The sages, however, said : If he had become sick, he must be taken on the shoulders ; if the conductor is sick, another should be appointed ; if he had been pushed and has not died, he should go down and put him to death.

R. Eliezer was asked whether a certain man would enjoy the world to come. He replied : You inquire of me concerning *that* man (he named a different man).^{*} They asked of him again : May a shepherd rescue a sheep carried away by a lion? He replied : Do you ask me of a sheep? They asked him again : May the shepherd be rescued from the lion's mouth? He answered again : You ask me only of the shepherd. They asked him again : May a bastard be heir of his father? He asked them : May he espouse his dead and childless brother's wife? They asked him : If he possesses a house, must a memorial of the Temple's destruction be left, when his house is whitewashed (an ell is left bare)? He answered : I think you ask me whether his sepulchre is to be whitewashed? He answered thus, not because he wanted to repel them, but he never decided what he had not heard from his Master.

A wise woman asked R. Eliezer : What was done with the golden calf being equally forbidden, why were the penalties different, some being slaughtered with the sword, some dying by water, or by a plague? He answered : The wisdom of a woman relates only to the spindle, as it is written [Ex. xxxv. 25] : "All the wise women spun with their hands." It was taught : Rabh and Levi said—the one, that he who slaughtered to the golden calf and offered incense was slain by the sword ; he who embraced and kissed it, died by the plague ; and he who rejoiced in his heart thereat, died from dropsy. And the other says : They who did it in spite of warning by witnesses, were slain ; they who were not warned but only witnessed, by the pest ; and those whom witnesses had not seen, died by dropsy.

R. Jehudah said : The tribe of Levi was not idolatrous (in relation to the golden calf), as it is written [ibid. xxxii. 26] : "Whoever is on the Lord's side let him come unto me. And

^{*} Rashi and Tosphath say, the question was about Solomon, and he answered, "Do they mean Absalom?" But it does not seem probable to them.

there assembled themselves unto him all the sons of Levi." Rabhina was sitting and repeating this saying. The children of R. Papa b. Abba objected to him: It is written [Deut. xxxiii. 9]: "Who said of his father and his mother, I have not seen him." * By this is meant, those who slew for worshipping the calf, inflicted penalty on their relatives. Whence we see some of the Levites were guilty. Rabhina replied: By *father* is meant the maternal grandfather, who was of Israel, by brother a half-brother of the mother, and by children, the daughter's children, whose father was an Israelite.

"*An elevated walk had been constructed,*" etc. We have learned in a Boraitha: R. Jehudah says: They were not Babylonian, but Alexandrian (Jews). Said R. Jose to him: May thy mind be appeased, as thou hast appeased mine (for he was a Babylonian himself).

"*Take and go.*" We have learned in a Boraitha: They used to say: Wherefore are they detaining the goat, the sins being so great?

MISHNA: Some of the prominent men of Jerusalem used to accompany him [the goat] as far as the first booth [of the ten, supplied with provisions for the conductor]. There were ten booths between Jerusalem and Tsuk [the rock of its destination], a distance of 90 Ris [$7\frac{1}{2}$ Ris are equal to one mile]. At each booth they said to him [to the conductor]: "Here is food, and here is water." And they [persons of the booth] accompanied him from booth to booth, excepting the last of them, for the rock was not reached by them; but they stood at some distance looking on what he [the conductor] did [to the scapegoat]. What did he do? He divided the tongue of crimson wool: the half of it he tied to the rock, and the second half between his [the scapegoat's] horns; he pushed him down backward. He went rolling and falling down; he did not reach halfway of the mountain before he became separated limb from limb. He [the conductor] returned to sit down under the last booth, till dark. And since when became his clothes unclean? After he had issued from the walls of Jerusalem. R. Simeon says: After he had pushed it down from the rock.

GEMARA: The rabbis taught: There were ten booths, and twelve *miles*: so says R. Meir. R. Jebudah says: There were nine booths, and ten miles. R. Jose says: Five booths, and

* We follow Leeser's translation in all our biblical quotations, which see.

ten miles. All were combined by an Erub. Said R. Jose: Elazar my son told me, if there were an Erub, two booths at ten miles would have been sufficient. Who is the Tana according to whom is what we have learned in our Mishna, that the last stood at a distance and looked? This is according to R. Meir, who says there were ten booths, and twelve miles.

"At each booth they said to him," etc. We have learned in a Boraitha: They never made use of it, but they were cheered by the consciousness that they could have it?

"The half of it he tied to the rock," etc. Why not the whole of it? Because he had not yet fulfilled the duty of pushing down the goat, and as soon as he had tied it to the rock, it might have become white: he would have rejoiced so much at the thought of the sins having been pardoned, that he might not have attended to the pushing him down. Why did he not tie it wholly to the horns? Because it might happen that the goat bent his head, so as to make him unable to perceive whether it had become white or not.

The rabbis taught: Formerly the tongue of crimson wool used to be tied to the door of the porch, outside (that all should see). When it became white, all were rejoiced; when not, all became out of spirits and ashamed. Therefore it has been reformed that it should be tied to the door of the porch inside. However, they used to take a look at it even then. It was then reformed that half should be tied to the rock, another half to the horns.

"Before he attained half way of the mountain," etc. The rabbis taught: It is written [Lev. xviii. 4]: "My ordinances shall ye do." This signifies, such things as, even were they not written, it would be wrong to do, as idolatry, adultery, bloodshed, robbery, and blasphemy. "And my statutes shall ye keep" [ibid.]. There are things that Satan laughs at, as abstaining from pork, from wearing mixed stuffs [Deut. xxii. 11], the taking off of the shoe of the husband's brother, purification of a leper, and the despatching of the he-goat. Lest it be said, they are nonsense, it is therefore written [Lev. xviii. 4]: "I am the Lord your God." I have commanded it; you have no right to question.

"Since when became his clothes unclean," etc. The rabbis taught: The conductor defiles his clothes, but not the person that sends him (the conductor). Shall we assume that as soon as

he comes out from the walls of the Temple court he becomes unclean? Therefore it is written [Lev. xvi. 26]: "He that takes away the goat to Azazel shall wash his clothes." What is meant by taking away? He who pushes him head downward, and he defiles his clothes.

MISHNA: He [the high-priest] went to the bull and to the he-goat destined to be burned. He ripped them, and tore out the parts to be burned upon the altar. He placed them on a charger (Magis), and kindled (for kindling) them upon the altar. He intermingled the limbs of the two animals, and they were removed to the place for burning. Since when are the clothes [of the porters] made unclean? When they came out behind the wall of the forecourt. R. Simeon says: When the fire is consuming most parts [of the animals].

GEMARA: *He intermingled.* Said R. Johanan, a sort of mingling. What is meant? We have learned in a Boraitha: He did not cut them as all burnt-offerings, in which the hide is flayed; but the bullock and he-goat, he cut the hide and flesh together. Whence do we deduce this? Because it is further written [Lev. iv. 11]: "His inwards, and his dung." How is it to be inferred from this? Said R. Papa: As the dung was in the inwards, so the flesh in the hide.

"*Since when are the clothes made unclean?*" The rabbis taught: It is written [ibid. xvi. 28]: "He that burneth them shall wash his clothes." He that burns, but not he who kindles, or he who lays the wood for the fire. Who is considered as the one that burns? He who assists at the burning, his clothes become unclean. Shall we say, that when it has been burned to ashes they still defile the clothes? Therefore it is written "them": he who burns *them*, but not the ashes. R. Eliezer b. R. Simeon says: When the flesh is still called flesh, it defiles; but when it has been dissolved, it no longer defiles. What is the difference between them? According to R. Eliezer, singed flesh ceases to be flesh, and does not defile; but according to the first Tana it is, and does.

MISHNA: The high-priest was told: "The goat has reached the desert." How was the fact known? Watches were stationed on high towers [meaning doubtful], who lifted up flags [to give signals]. Said R. Jehudah: They could have excellent evidence [by calculating the time]. From Jerusalem to Beth Hadudo was three miles. The prominent men had walked one mile, went back one mile, and had tarried as long as a mile is

gone over. Thus they could calculate that the he-goat had reached the desert.

R. Ishmael says: Why, they had another sign. A tongue of crimson wool used to be tied to the gate of the Temple, and as the he-goat had reached the desert, the wool used to become [by miracle] white; as it is said: "Though your sins be scarlet, they shall be as white as snow; though they be red as crimson, they shall become like wool" [Isaiah i. 18].

GEMARA: Said Abayi: From this we see that the Beth Hadudo was in the desert.

CHAPTER VII.

REGULATIONS CONCERNING THE PASSAGES READ BY THE HIGH-PRIEST AND WHAT GARMENTS HE MINISTERED IN AFTER, AND WHAT GARMENTS OTHER PRIESTS WORE.

MISHNA: The high-priest came to read. If he desired to read dressed in linen [white, byssus] garments, he did so; otherwise, he was reading in a white stole of his own. The Hazzan [servant, attendant] of the congregation takes the scrolls of the Torah, and presents them to the president of the congregation, the president presents them to the Segan, and the latter gives them to the high-priest. The high-priest rises, receives them, and reads standing. He reads the section, "After the death," etc. [*i. e.*, Lev. xvi.], and the section, "Also on the tenth," etc. [*i. e.*, Lev. xxiii. 26-32]. Then he rolls the scrolls together, and keeps them on his knees, and says: "More than what I have read to you, is written here." The section, "On the tenth," etc. [in the book of Numbers, xxix. 17], he reads by heart, and pronounces over it eight benedictions; namely, over the Torah, over the service, over the thanksgiving, the atonement of iniquity, the Temple by itself, and Israel by itself (and Jerusalem by itself, *in some versions*), the priests by themselves, and the rest of the prayer. He who sees the high-priest reading, does not witness the burning of the bull and the he-goat; he who witnesses the burning of the bull and the he-goat, does not see the high-priest reading: not because he is not allowed, but because there was a great distance, and both were done at the same time.

GEMARA: (Let us see :) If he might read in a white stole of his own, then we must assume that this is not a service for which the sacred garments are required; but at the same time, we see that he could read in the white garments. Hence we see they could be used even at other times than that of service. Infer from this, that the priestly garments he could use for his own benefit. Perhaps reading is different: though not itself a service, it is a preparation for service. Then the schoolmen pro-

pounded a question: May the priestly garments be used for personal purposes or not? Come and hear: The priest's garments, in the country, may not be used; but in the Temple, whether during service or not, they may be used, because it is allowed to derive a benefit from the priestly garments. Infer from this, that he may. You say, in the country it may not be used? Have we not learned in the following Boraitha: On the twenty-fifth of Tebeth is called the day of Mount Gerizzim, and no mourning is allowed on it. Why? Because on that day the Samaritans petitioned Alexander of Macedon to have our Temple destroyed, and he permitted them. When Simeon the Upright (the high-priest) was notified of it, he put on the priestly garments, and accompanied by the respectable men of Jerusalem, they all went with torches the whole night till dawn, both parties approaching each other. When it dawned, Alexander of Macedon perceived from a distance the Jews. He asked, Who are these men? And the Samaritans told him: They are the Jews, who have rebelled against thee. As they reached the town Antipatris, the sun had risen, and they faced each other. As Alexander saw R. Simeon the Upright, he descended from his chariot, and bowed to him. They said to him: Will such a great king as you bow to that Jew? He replied: His image I saw shining before me, whenever I gained a victory. He asked the Jews: Wherefore are you come? They said: The Temple wherein we pray for thee, and for thy empire, that it should not be destroyed, is it possible that thou shouldst be misled by the idolaters to bid its destruction? He asked: Who are those idolaters? They replied: These Samaritans who stand near thee. He said to them: I deliver them into your hands. Treat them as you please. They were soon fastened to the tails of their horses, and thus dragged as far as Mount Gerizzim, which was ploughed, and sowed, as they had intended to do with our Temple. This day was made a festival. (We see that Simeon the Upright went out even into the country in his priestly clothes.) If you wish, I will say, not the priestly clothes were meant, but clothes similar; and if you wish, I will say, this was in a case of urgency, and it is written [Ps. cxix. 126]: "It is time to act for the Lord: they have broken Thy law."

"*The Hassan takes the scrolls,*" etc. Infer from this that honor is given to the disciple even in presence of the Master. Said Abayi: All this was only to honor the high-priest (that he might get it through many subordinate great officers).

"*The high-priest rises.*" It seems then implied that hitherto he was sitting. Have we not learned in a Mishna (in Sotah) that nobody might sit in the Temple, except kings who are descendants of David? Said R. Hisda: He was then in the women's court, and there all could sit. It is written: [Nehem. viii. 6]: "And Ezra blessed the Lord, the great God." Why is the epithet "great" employed here? Said R. Joseph in the name of Rabh: He then magnified him by calling him expressly "Jehovah." R. Gidel said: By saying as it is written [1 Chron. xvi. 36]: "Blessed be the Lord the God of Israel from everlasting even unto everlasting." Said Abayi to R. Dimi: Why not as R. Jose said in Rabh's name? R. Dimi answered: Because "Jehovah" must not be pronounced outside of the Temple.

Is that so? Is it not written [Nehem. viii. 4]: "Ezra the expounder stood upon an elevated stand of wood," and R. Gidel has said, he then pronounced the name "Jehovah"? This was only because on that occasion Ezra allowed himself to use it, as he deemed it necessary. It is written [ibid. ix. 4]: "They cried with a loud voice unto the Lord." What did they say? They cried: "Woe! Woe! The tempter to idolatry has destroyed the Temple, has killed all the just men, and exiled Israel from their land, and we see him yet among us. Why hast thou created the tempter? To reward us more for overcoming him. We wish neither him nor the greater rewards." Then fell down a billet from Heaven, whereon was written: "Emeth" (Truth). [Says R. Hanina: Infer from this that the seal of the Holy One, blessed be He, is "Truth."] They fasted three days and three nights. Then he (the evil spirit) was delivered into their hands. So they saw how a lion-cub of fire went out from the Holy of Holies. Then the prophet said to them: "Here is the evil spirit of idolatry." As it is written [Zechariah v. 8]: "This is the wickedness." They caught him. When a hair was torn out from his mane, he issued a cry which was heard at the distance of four hundred *parsas*. They said: If he cries so loud, what can we do to him? Lest he be pitied in Heaven, what shall we do that his voice be not heard? They were then advised to throw him into a leaden pot, as lead muffles the voice. They put him into a leaden pot, and covered it with a leaden lid, as it is written [ibid.]: "And he said, this is the wickedness. And he cast it into the midst of the ephah, and he cast the weighty lead cover upon the mouth thereof." (And since then idolatry ceased

among Israel.) They said: Since it is a time of favor (from Heaven), they would pray that the tempter to fornication be delivered to them too. They prayed, and he was delivered to them. It was said to them: "Take heed. If ye kill this spirit, the world will perish." They kept him imprisoned three days. They sought in all Palestine an egg laid on that day. They could not find. They said among themselves: What shall we do? If we will kill him, the world will perish. Shall we pray for the half (that desire should exist only in legal cases)? We have a tradition that a half is not given from Heaven; so they put out his eyes, and left him. The good result was, that since then he does not excite desire toward relatives.

In Palestine they learned it thus: R. Gidel says: "Great," because he pronounced the express name of God. R. Mathna says: What is written "the great," means that he said [Nehem. ix. 32]: "Our God the great, the mighty, and the terrible." But what R. Mathna had said, will be according to R. Joshua b. Levi, who said: Why was it called the Great Assembly? Because they restored the old crown. What is it? Moses had said [Deut. x. 17]: "The God, the great, the mighty, and the terrible." Then rose Jeremiah and said: The idolaters are destroying His Temple. Where is His terribleness? So he said only "the great, the mighty," omitting "terrible." Then came Daniel, and said: The idolaters keep as slaves His children. Where is His might? So he omitted "mighty." Then came the men of the Great Assembly, and said: On the contrary, this is His might, that He is patient toward the wicked. And this is His terribleness, that if men had not felt His terror, how could such a small people (as Israel) keep itself among so many peoples of idolaters? Therefore they introduced again the phrase, "the God, the great, the terrible, the mighty." And the rabbis (Jeremiah and Daniel), how did they dare to modify what Moses had established? Says R. Elazar: Because they knew the Holy One, blessed be He, loves truth. So they did not wish to lie to Him, to tell Him what they did not think.

"*More than what I have read to you,*" etc. To what purpose did he say so? That the scrolls he used should not be said maliciously to contain only that which he read (and be invalid).

"*He reads by heart.*" Why? Let him have found the place in the scrolls? In honor of a congregation, it is not made to wait till the scrolls should have been unrolled for that purpose. Let him have used other scrolls? This they did not, because if they

brought other scrolls, it might be said, the first scrolls were invalid. So says R. Huna b. Jehudah. But Resh Lakish says: In that case, a second benediction would have had to be pronounced (over the new scrolls). Do we fear lest it be said that the scrolls are invalid? Did not R. Itz'hak of Naph'ha say: That when the first day of the month Tebeth falls on Sabbath, three scrolls have to be taken out: one for the section of that week, one for Hannkah, the third for the first day of the month? When three persons read in these scrolls, it is not feared; but when one man reads in two, it may be said he does not read in the first because the first is invalid.

"Pronounces over it eight benedictions." The rabbis taught: Over the scrolls as in the synagogue, over the service, over the thanksgiving, the atonement of iniquity as it has been ordered in the prayer of the Day of Atonement, over the Temple by itself, over the priests by themselves, over Israel by itself, and over the rest of the prayer. The rabbis taught: What is meant by the rest of the prayer? Songs, prayers: "We supplicate before (to) Thee for Thy people Israel, who need help," and concluding, "Blessed be he who heareth prayer." After this, every one brought a scroll of the Torah from home and read it for himself. Why did they bring them? To show to the whole world that they had scrolls (and loved religion).

"He who sees the high-priest reading," etc. Is this not self-evident? We might think, lest one assume one may not pass from place to place in search of religious duties, he comes to teach us that it is not so. And what merit is there? Because it is written [Prov. xiv. 28]: "In the multitude of people is the king's glory."

MISHNA: If he read in linen garments, he washed his hands and feet, stripped himself, and went down to bathe, came out and dried himself with a sponge. Garments of cloth of gold were brought to him, he put them on, washed his hands and his feet, he went out and performed the rites on his ram, and the ram of the people, and the seven unblemished sheep, of one year—according to R. Eliezer. R. Aqiba says: They were offered with the daily sacrifice of the morning; and the bull for the burnt-offering and the he-goat used outside, were offered with the daily sacrifice of the evening. He washed his hands and feet, undressed, went down to bathe, came up and dried himself. White clothes were brought to him, he put them on, washed his hands and feet, he went in to fetch the spoon and the censer.

He washed his hands and his feet again, stripped himself, went down, bathed, came out and dried himself. Garments of cloth of gold were brought to him, he put them on, washed his hands and feet, and went in to offer the incense of the evening, and to trim the lamps. He then washed his hands and feet, stripped himself, put on his own clothes—which had been brought to him—and was accompanied to his own house. He then used to keep the day as a holiday with his friends, when he had come away from the Holy of Holies unhurt.

GEMARA: The disciples of Samuel taught: R. Eliezer said: He went out, and performed the rites on his ram, and the ram of the people, and the members of the sin-offering. But the bullock of the burnt-offering, and the seven sheep, and the he-goat that was used outside, were offered together with the daily evening offering. In a Tosephtha it was taught: R. Aqiba said: The bullock of the burnt-offering and the seven sheep were offered with the daily morning offering, as it is written [Num. xxviii. 23]: "Besides the burnt-offering of the morning, which is for a continual burnt-offering." And then he made the offerings of this day, and then the he-goat used outside, as it is written [Num. xxviii. 11]: "One he-goat for a sin-offering, besides the sin-offering of the atonement"; and then he offered his ram, and the people's ram, the members of the sin-offering, and then the daily evening offering.

We see that all agree, that there was but one ram for the people; and this would be according to Rabbi of the following Boraitha: Rabbi said, the one ram mentioned here [Lev. xvi. 5] is the same as is mentioned in Num. xxix. 8. And R. Elazar b. R. Simeon says: Two were needed: one mentioned in Leviticus, the other in Numbers. What is the reason of Rabbi's saying? Because it is written "one." What will R. Elazar b. R. Simeon say to this? That signifies, the only one (best) in his flock. Rabbi, however, says: There is no need to state it, as it has already been mentioned [Deut. xii. 11]: "Your choice vows." According to R. Elazar b. R. Simeon, both statements are needed, because there it is only spoken of voluntary offerings.

"*He washed his hands and feet.*" The rabbis taught: It is written [xvi. 23]: "And Aaron shall then go into the tabernacle of the congregation." Wherefore? To take out the spoon and the censer. Why? Because the whole section follows the order of his rites, except this verse. What is the reason of say-

ing that this verse applies to the taking out of the spoon and censer? Said R. Hisda: It is known to us traditionally, that five bathings and ten times of washing the high-priest performed that day. If thou wilt say, that this verse is not in a wrong place—namely, that no service done outside in the garments of cloth of gold would intervene between the day service (done in white) and the carrying out of the spoon and censer—then you would not find five and ten, but three and six. R. Zera opposed: Perhaps it was intervened by the he-goat used outside. Said Abayi: Because it is written [ibid. 24]: “And come then forth and offer his burnt-offering,” we infer that after the first coming forth he offered the burnt-offering (that goat). Then we must say that the spoon and censer he had not yet carried out, else it would be his second coming forth.

When the conductor of the scapegoat returned, if he met the high-priest still in the street, he said to him: “My lord the high-priest, we have done thy commission”; but if he came to his house (on the morrow), he used to say to him: “We have done the commission of Him who giveth life to all living.” Rabba said: In Pumbaditha, when the rabbis took leave, they said: “He who giveth life to all the living should give thee long good, and orderly life.”

It is written [Ps. cxvi. 9]: “I will walk before the Lord in the lands of the living.” (What is meant by the lands of the living?) Said R. Jehudah: The market-places (where food is purchased). Rashi explains this, as to a “long life.” This is mentioned, and as for the markets, David persecuted by Saul prayed to be able to go to the markets to buy food.

It is written [Prov. iii. 2]: “For length of days, and years of life, and peace, will they increase unto thee.” What means “years of life”? Are there any years not of life? Said R. Elazar: Those are the years of man when his circumstances change from evil to good. Said R. Brachia: It is written further [ibid. viii. 4]: “Unto you, O men,* I call.” By this scholars are meant, who are weak like women, and perform feats as men. R. Brachia said again: He who wishes to bring a drink-offering on the altar should let scholars drink wine (which will be just as good). The same says again: When a man sees that learning has forsaken his sons, he should marry a scholar's daughter. As it is written [Job xiv. 8, 9]: “If even its root become old in the earth, and

* Men is in Hebrew here **אֲנָשִׁים** (not **אִשָּׁים**), as if the plural of **אִשָּׁה**—woman.

its stock die in the dust : yet through the scent of water will it flourish again, and produce boughs as though it were newly planted."

"*He then used to keep the day as a holiday.*" The rabbis taught : It happened to one high-priest going out from the Temple, and the whole world accompanying him, that they perceived Shemaia and Abtalian : the people then left the high-priest alone, and accompanied Shemaia and Abtalian. Later, Shemaia and Abtalian came to take leave of him. He answered them : May the children of the Gentiles (they were proselytes' descendants) go in peace. They replied to him : The children of the Gentiles may go in peace, because they do what Aaron the high-priest did ; but the children of Aaron may not have peace, who do not what Aaron did (love not peace).

MISHNA : The high-priest ministers in eight articles of dress ; a common priest in four : in a robe and breeches, a mitre and a girdle. To the high-priest's are added : a breastplate and an ephod, and a coat and a *tsits* [plate on the forehead, Ex. xxviii. 36]. The Urim and Tumim were inquired of only when he was thus attired ; but inquiries were not made for a common man : only for the king, the chief of the Beth Din, and for a person of whom the public had need.

GEMARA : The rabbis taught : The stuff, which should be made according to the prescription of the Bible, of linen, should be six times *twisted*. Where twisted linen is prescribed, it should be eightfold twisted. The material of the robe of the high-priest was twelve times twisted ; that of the vail, twenty-four ; and that of the breastplate and ephod, twenty-eight. How do we know that an ordinary thread is six times twisted ? Because it is written [Ex. xxxix. 27, 28] : " And they made the coats of linen . . . the mitre of linen, and the goodly bonnets of linen, and linen breeches of twisted linen thread." Five times " linen " is mentioned : once, to know that it is linen ; the second time, that it be twisted six times ; once, that it should be twisted ; and once, that even the articles of dress of which it is not said " linen " should be of linen ; the fifth time, to prohibit (those not of linen).*

How do we know that " Shesh " means " linen " ? Because it is written " bad " (in some places, as equivalent to " Shesh ") which signifies " only," and flax grows single from the reed in

* *Shesh* (linen) means also *six*.

the middle, not in branches. Perhaps wool found between the tree and bark is meant? That can be separated into threads, but flax can not. But flax can also be separated? Flax can be separated when it is beaten, but that material can be so spontaneously. Rabbina says: Because it is written [Ezek. xliv. 18]: "flaxen bonnets," and "flaxen breeches." Said R. Ashi to him: If thou adduce the proof from Ezekiel, how did they know it before Ezekiel? They had a tradition. Ezekiel wrote a verse. How do we know that "twisted linen" is eight times twisted? Because it is written [Ex. xxxix. 24]: "They made upon the lower hem of the robe pomegranates of blue, and purple, and scarlet yarn, twisted." Hence we deduce from an analogy of expression in another place (of the vail), by "twisted" twenty-four times is meant, so here, the thread of each kind being eight times twisted. How do we know that that of the robe should be of threads twelve times twisted? Because it is written [ibid. xxviii. 31]: "And thou shalt make the robe of the ephod altogether of blue woollen yarn." Here it is also inferred from an analogy of expression, as "blue" is mentioned speaking of the value also, as there every thread was six times twisted (since four kinds were twenty-four), so here, since it is written "altogether," it should be two times six. How do we know that the vail was of a material of threads twenty-four times twisted? Because it was of four kinds, and that each should not be less than six times twisted, it is unnecessary to deliberate upon. How do we know that that of the breastplate and ephod was of threads twenty-eight times twisted? Because it is written [Ex. xxviii. 15]: "And thou shalt make the breastplate of judgment of weavers' work; after the work of the ephod thou shalt make it: of gold, of blue, of purple, and scarlet yarn, and twisted linen, shalt thou make it." Four kinds, each sixfold, is twenty-four; and the gold four times, this makes twenty-eight. How is it known that the gold is four times? Perhaps also six times? Said R. Ashi: Because it is written [ibid. xxxix. 3]: "To work it in the blue and in the purple." Therefore it must be at least thinner than those threads.

Re'haba said in the name of R. Jehudah; He who tears the priestly garments, receives stripes, as it is written [ibid. xxviii. 32]: "That it be not rent."

R. Eliezer said: He who takes off the breastplate from the ephod, or the staves from the ark, receives stripes, as it is written [ibid. xxviii. 28]: "That it be not loosed," and [ibid. xxv.

15]: "They shall not be removed therefrom." We have learned also in a Boraitha: It is written [ibid.]: "In the rings of the ark shall the staves be." We might think they must be always there, and may not be moved. Therefore it is written [ibid. 14]: "Thou shalt place the staves into the rings." From the expression, "place the staves into the rings," we might think that as they are placed there, they may be removed thence also. Therefore it is written, "In the rings of the ark shall the staves be." How is it then? They may be drawn out, but not wholly taken out (as their heads were too thick). R. Huma b. R. Hanina said: It is written [ibid. xxvi. 15]: "The boards for the tabernacle of Shittim wood, standing up." What means standing up? They shall be standing up as they grow. Re'haba said in the name of R. Jehudah: Bezaleel made three arks: the middle one was wooden, nine spans high; the one inside was of gold, and eight spans high; that outside was also of gold, and ten spans and odd high—nine, like the middle one, and a span and a trifle over, to screen it. We have learned in another Boraitha that it was eleven and a trifle? It presents no difficulty. This is according to one who says, the gold on the top was a span thick; and he who says it was ten, says it was not a span thick. Why was the fraction needed? That it should seem like a small crown on the top of the ark under the mercy-seat.

R. Johanan said: There were three crowns: one of the altar, one of the ark, and one of the table. Of the altar, called "the Crown of Priesthood," Aaron was privileged to receive; of the table, that of royalty, David received; that of the ark, called "the Crown of Learning," is yet to be bestowed. Shouldst thou say it is not valuable? therefore it is written [Prov. viii. 15]: "Through me do kings reign."

It is written [Ex. xxv. 11]: "Within and without shalt thou overlay it" (the ark). Says Rabba: It can be inferred from this, That a scholar whose inside is not like his outside is no scholar. Abayi, according to others Rabba b. Ulla, says: Not only is he no scholar, he is even called "corrupt," as it is written [Job xv. 16]: "How much more abominable and corrupt the man who drinketh like water wrong-doing." R. Samuel b. Na'hmain in the name of R. Jonathan said: It is written [Prov. xvii. 16]: "Wherefore is the purchase-money in the hand of a fool to acquire wisdom, seeing he hath no heart." Woe to the scholars who study the Law, and have no fear of Heaven! Said Rabba to his disciples: I pray you, that ye may not inherit

two hells (he who studies and is yet wicked, has a hell on earth, and yet will have hell after his death). R. Joshua b. Levi said: It is written [Deut. iv. 44]: "This is the law which Moses set." If he has merited, it becomes to him a medicine of life; if not, it becomes to him a poison. And this is the same which Rabba has said above (about the two hells). R. Samuel b. Na'hmain in the name of R. Jonathan finds a contradiction of the following two passages: It is written [Ps. xix. 9]: "The precepts of the Lord are upright, rejoicing the heart," and [ibid. xviii. 31]: "The word of the Lord is tried." There is, then, a contradiction. Here it is said, it rejoices, and there, it is trying? If he has merited, it rejoices him; otherwise, it is a trial to him. Said Resh Lakish: This we may infer from the same passages: "He is a shield to all those that trust in him." If he merits, it tries him, to enable him the better to live; if he does not merit, his trials kill him. It is written further [ibid. xix. 10]: "The fear of the Lord is pure, enduring forever." Said R. Hanina: That signifies, a man who studies the Law when he is pure. What is meant by pure? When he has first married a wife, and then studies. It is written [ibid. 8]: "The testimony of the Lord is sure." Said R. Hiya b. Abba: The Torah is itself a trusted witness against the students (about the manner in which they had studied it).

"*The Urim and Tumim were inquired of,*" etc. When R. Dimi came from Palestine, he said: The clothes which the high-priest wore, the priest anointed for war could also wear. Whence is it deduced? Because it is written [Ex. xxix. 29]: "And the holy garments belonging to Aaron shall be for his sons after him." What is meant by "after him"? Next to him in office, and that was the one anointed for war.

R. Adda b. A'hba, according to others K'di objected: We have learned in a Boraitha: Shall we assume that the son of the priest anointed for war shall succeed to the office of his father, as the high-priest's son does? Therefore it is written [Ex. xxix. 30]: Seven days shall that one of his sons put them on who is to be priest in his place, who is to go into the tabernacle of the congregation. That means, he who is fit to enter the tabernacle of the congregation on the Day of Atonement, which is the high-priest. (If it be according to R. Dimi, that the eight garments of the high-priest may be used by the priest anointed for war during the whole year, and that hence he is also fit to enter the tabernacle of the congregation, why should

the Boraitha say it is only the high-priest?) Said R. Na'hman b. Itz'hak: This is meant. "Who is to go into the tabernacle of the congregation" means, him who has been anointed for this, whereas that one has been anointed for war.

An objection was raised: We have learned: The priest anointed for war may neither put on the four garments, like a common priest, nor the eight, like the high-priest. Said Abayi to R. Na'hman: Do you want to make of him a layman? The Boraitha means this: Like a high-priest he is not attired, to prevent rivalry; and not like a common priest, because of the rule: In holiness one increases, but does not decrease. As while anointed for war he had eight garments on, he cannot be degraded to the level of a common priest. R. Abahu was sitting, and said the Halakha of R. Dimi in the name of R. Johanan: R. Ami and R. Ashi turned away their faces from him (to indicate that R. Johanan had not said it). When Rabbī came from Palestine, he said; It has not been said that the priest anointed for war may put on the garments, but only when he goes to consult the Urim and Tumim. We have also learned the same in the following Boraitha: The garments in which the high-priest performs the service may be used by the priest anointed for war when he consults the Urim and Tumim.

The rabbis taught: How was the ceremony of inquiring of the Urim and Tumim? The inquirer turned his face toward the priest (who inquires), but the priest's face is turned toward the Shekhina. The inquirer asks, as *e.g.* in 1 Samuel xxx. 8: "Shall I pursue after this troop?" And the priest answers him: "So has said the Lord. Go, and thou wilt succeed." R. Jehudah, however, said: He need not say: "So has said God." He has only to say: "Go, and thou wilt succeed."

One must not ask in a loud voice, as it is written [Num. xxvii. 21]: "And he shall ask of *him*"; no one else need hear. He should not have the question merely in his mind either, because it is written: "He shall ask of him before the Lord." (How shall he speak?) He shall ask as Hanna prayed [1 Sam. i. 13].

Two inquiries should not be made at once; and if he has made two inquiries, only one is answered, and the first. As it is written [ibid. xxiii. 11, 12]: "Will the men of Ke'ilah surrender me into his hand? Will Saul come down?" etc. And the Lord said: "He will come down." But you have said, Only the first question is answered? David asked them in a wrong

order, and he was answered in the right order. Then, when David perceived this, he asked the second question: "Will the men of Ke'ilah surrender me and my men?" And he was answered: "They will surrender." When, however, two questions must be asked at once, else it cannot be clearly understood, then the two questions are both answered. As it is written [ibid. xxx. 8]: "Shall I pursue after this troop? shall I overtake them?" And the reply is: "Pursue, for thou wilt surely overtake them, and certainly recover." And although the decision of a prophet can be revoked, the decision of the Urim and Tumim cannot be changed, as it is written [Num. xxvii. 21]: "The judgment of the Urim."

Why were they called Urim and Tumim? *Urim*, because they illuminate their words; *Tumim*, because they give a *complete* answer. It will be asked, Why were the Israelites beaten by the Benjamites of Gib'ah, though bidden to go to the battle by the Urim and Tumim? Because those people did not think to ask whether they would be victorious or defeated. They were answered, "Go," and they were beaten; but later, when they understood how to inquire, they received a right reply, as it is written [Judges xx. 28]: "And Phinehas the son of El'azar, the son of Aaron, stood before it in those days, saying: Shall I yet continue to go out to battle with the children of Benjamin my brother, or shall I forbear? And the Lord said: Go up, for to-morrow will I deliver him into thy hand."

How did the priest receive the reply? R. Johanan says: The letters constituting the reply became more prominent. Resh Lakish says: Nay, the letters composing the words came near each other. In the Urim and Tumim were only the names of the tribes, hence there was not the letter Tsadhe. Said R. Samuel b. R. Itz'hak: The names of "Abraham," "Itz'hak," and "Jacob" were also written there. But there was not the letter Teth? There were likewise the words "Shibtei Jeshurun" ("The Tribes of Israel": hence there was a *t*). An objection was raised: We have learned that a priest on whom the Shekhina does not rest, and is not inspired by the Holy Spirit, need not be inquired through. (How, then, is it said, the letters projected, or arranged themselves together?) Why? We see that when Zadok inquired he was answered, and Ebiathar received no reply, as it is written [2 Sam. xv. 24]: "And Ebiathar went up, until all the people had finished passing out of the city." "Went up." He resigned. The Holy Spirit enabled him to

perceive the letters that projected, which he could not do otherwise.

"Inquiries are not made except for a king." Whence do we deduce this? Said R. Abahu: As it is written [Num. xxvii. 21]: "Before Elazar the priest shall he stand, and he shall ask of him after the judgment of the Urim before the Lord . . . he and all the children of Israel with him." "He" means the king, and all Israel "with him" means, the priest anointed for war; and all the congregation means, the Sanhedrin.

CHAPTER VIII.

REGULATIONS CONCERNING THE FASTING ON THE DAY OF ATONEMENT, WHAT MAY BE DONE THEREON, AND WHAT MAY NOT BE DONE.

MISHNA: On the Day of Atonement it is forbidden to eat and to drink, to wash, to anoint, to lace on shoes, and to hold sexual intercourse. A king and a bride may wash their faces; and a lying-in woman may lace on shoes. Such is the decree of R. Eleazar. But the sages forbid it. Whosoever eats food to the size of a large date—that is, the date with the kernel—or drinks a mouthful, is guilty. All kinds of food are reckoned together to the size of the date, and all liquids to the mouthful; but food and beverages are not reckoned together.

GEMARA: In the Torah it is written, *Karoṭh* is the penalty; and you say, merely, it is forbidden? [Lev. xxiii. 29]. Said R. Ila, according to others R. Jeremiah: What is said in the Mishna, “forbidden,” applies to half of the prescribed quantity. This would be right according to him who says that half of the prescribed quantity is biblically forbidden, but of him who says that it is biblically allowed, what can you say? Then it was taught: A half of the prescribed quantity, R. Johanan says, is prohibited biblically; and Resh Lakish says: It is allowed biblically. Then the Mishna would be according to R. Johanan. But of Resh Lakish what can be said? Resh Lakish avows, that rabbinically it is prohibited. When it is said in the Mishna “forbidden,” it is meant, forbidden rabbinically.

When *Karoṭh* is the penalty, is not the term “prohibited” employed? We have learned in the following Boraitha: Although the sages have said that it is prohibited in all regards, *Karoṭh* is due only for eating, drinking, and work. We see, then, that even when *Karoṭh* is the penalty, the term “prohibited” is employed? The Boraitha meant to say as follows: When the Mishna says “prohibited,” it is meant for the half of the prescribed quantity; but if he has eaten the prescribed quantity, *Karoṭh* is due for eating and drinking, and work; but

not for the other actions. If you wish, I can say, when it is stated in the Mishna "prohibited," the *other* actions only are meant (hence *Karoth* is not due). Rabba and R. Joseph taught from the books of the Pentateuch other than Leviticus, as follows: Whence do we deduce that on the Day of Atonement one must not wash, anoint, lace on the shoes, and have sexual intercourse? Because it is written [Lev. xvi. 31]: "A Sabbath of rest, and ye shall afflict yourselves." What is meant by rest? Desisting from washing, anointing, etc. The text above states: Half of the prescribed quantity is biblically forbidden, according to R. Johanan? Why? Because if he will eat twice the other half, he will have eaten the whole. Resh Lakish says: The Merciful One has said "eat," and this is not called "eating."

The rabbis taught: It is written [ibid. 29]: "Ye shall afflict yourselves." Shall we assume that he should go and sit in the sunshine or in the cold, to cause himself suffering? Therefore it is written: "No work shall ye do." As about the work the prohibition is negative, so the affliction is meant to be only negative; *i.e.*, abstinence. But perhaps it is meant thereby, if he sits in sunshine or in shade, and feels too hot or too cold, they should not say to him: "Remove from this place," that he might suffer? The affliction is compared to the work: as in case of the work it matters not in which place it is, so in case of the affliction.

The disciples of R. Ishmael have taught: It is written here, "affliction," and it is written further, "affliction" [Deut. viii. 3]: ("He afflicted thee and suffered thee to hunger"). As there by affliction hunger is meant, so here. If he deduces it from an analogy of expression, let him deduce it from the expression [Gen. xxxi. 50]: "If thou shouldst afflict my daughters." It is deduced from an affliction suffered spontaneously (as hunger), but not from affliction inflicted by men.

It is written [Deut. viii. 16]: "Who hath fed thee in the wilderness with manna, which thy fathers knew not, in order to afflict thee." What was the affliction? R. Ami and R. Assi said—the one, that not to have bread ready in one's basket is an affliction, whereas the manna had to be hoped for every day; and the other says, not to see what one eats (the manna) is an affliction. (The manna had all flavors at will, but not the *appearance* of all foods whose flavors it had.) Said R. Joseph: Infer from this, that the blind are never satiated. Says Abayi: He who has to eat, therefore, should eat only by day, and not

by night. Said R. Zera: How can it be inferred from Scripture? From Ecc. vi. 9: "Better is what one seeth with the eyes than the wandering of desire." It is written [Prov. xxiii. 31]: "When he glances into the cup, it goes down smoothly." R. Ami and R. Assi said—the one, that then (when he is drunk) all blood-relations are forgotten by him; and the other says, that the whole world seems to him alike (he does not distinguish between his own and others' property). It is written [Prov. xii. 26]: "If there is care in the heart of a man, he shall suppress it." Said R. Ami and R. Assi—the one, he should suppress it, by driving it out of his thoughts; and the other, by relating about it to another person.

It is written [Is. lxxv. 25]: "The serpent dust shall be his food." R. Ami and R. Assi said—the one, that whatever he eats, he tastes the flavor of earth; and the other, that whatsoever he should eat, he is not filled, unless he eats earth after it.

We have learned in a Boraitha: R. Jose said: Come and see. The visage of the Holy One, blessed be He, is not like that of a human being. When a human being incenses another, the latter tries to embitter his life; the Lord, when He cursed the serpent to eat earth, the serpent finds his food wheresoever he goes. He cursed Canaan, that it should be subjected: so it eats what its master eats, and drinks what its master drinks. He has cursed woman, and all run after her. He has cursed the earth, and the world is nourished by it.

It is written [Num. xi. 3]: "We remember the fish which we ate in Egypt." Said Rabh and Samuel—one, that simply fish is meant; and the other, licentiousness (since forbidden by the commandments). He who says "fish," says it is plainly mentioned "ate"; and the other, who says licentiousness is meant, proves it from Proverbs xxx. 20: "She eateth, and wipeth her mouth."

We have learned in a Boraitha: R. Jose said: As the prophet told the Israelites all that passed in their dwellings, and the very nooks, so the manna betrayed all their secrets. How so? For instance, two came to Moses, and one said: "He has stolen my slave," and the other said: "You sold him to me." Moses said: "In the morning we will decide it." On the morrow, if the Omer of manna for the slave was found for the one, it was a sign that the slave had been stolen; but if for the other, it was evident that he had bought him. If one came and impeached his wife of adultery, and she charged him with that crime, then

the Omer decided. If her Omer was found for her husband, it was evident that she had sinned; if for her father, it was plain that he had sinned.

Three verses are written [Num. xv. 9]: "When the dew fell upon the camp in the night the manna fell upon it"; and [Ex. xvi. 4]: "The people shall go out, and gather"; and [Num. xi. 8]: "The people went about, and gathered it." How shall the three verses be reconciled? This is meant: For the upright, the manna came down at the door of their tents; for the general, they went out and found it; the wicked had to seek it, till they found it.

In Exodus it is written, "bread from heaven"; and [Num. xi. 4], "made cakes of it"; and [ibid.] "ground it." How shall these be reconciled? For the righteous, there was bread ready; as for the general, they made cakes of the flour; and the wicked had to grind it. It is written [Num. xi. 8]: "Its taste was as the taste of cakes mixed with oil." Said R. Abahu: As the milk of its mother has various flavors for the infant, so the manna, so long as the Israelites ate it, had for them all flavors.

It is written [Ex. xvi. 8]: "Flesh to eat, and bread in the morning to the full." It was taught in the name of R. Joshua b. Kar'ha: Because meat they asked for in an unbecoming manner, they did not receive it as was fitting, but bread which they had asked for properly, they had given to them properly. From this verse we can learn that the usage of the world ought to be that meat is to be eaten only by night. But Abayi has said above: He who has to eat a meal, should eat it only by day? He meant, when there is yet light. Said R. A'ha b. Jacob: At first the Israelites were like chickens, which eat out of the rubbish, till Moses came and fixed for them the times for the meals.

It is written "bread," "oil," "honey." What does this signify? For the young it was bread, for the old it was oil, and for the children it was honey.

The rabbis taught: It is written [Ps. lxviii. 25]: "The bread of Abirim did man eat." Said R. Aqiba: That means, the bread that angels eat. It was told to R. Ishmael. He said to them: Go and tell to Aqiba: Thou hast been in error. Do angels eat bread? It is written [Deut. ix. 9]: "Bread did I not eat, and water did I not drink." What, then, means "Abirim"? It is like "Ebrim" (members); it is absorbed by all the two hundred and forty-eight members, and no refuse is left. But it

is written [Deut. xxiii. 14]: "And a spade shalt thou have." Wherefore did they need it? That is because they purchased from the Gentiles other foods also. R. Eliezer b. Parta, however, said: Even what they bought from the Gentiles, the manna dissolved. The above verse applies to the time after they had sinned.

"*Forbidden to eat.*" To what do these five modes of affliction correspond? Said R. Hishda: To the five kinds of affliction found in the Torah: namely [Num. xxix.], "and on the tenth"; [Lev. xxiii.] "but on the tenth"; [ibid.] "a Sabbath of rest"; and [ibid. xvi.] "and a Sabbath of rest"; and [ibid.] "may it be to you." Here are only five, but in the Mishna we have learned six? Drinking is included in eating, as it is written [Deut. xiv. 23]: "And thou shalt eat . . . thy corn, of thy wine, and of thy oil," etc.

The disciples of R. Simeon b. Johai questioned him: Wherefore did not the manna descend for the Israelites once a year? He answered: I will explain it to you by a parable. There was a king who ordered that the rations of his son shall be issued but once a year; the son, then, came to see his father but once a year, [at which the king became angry, and] ordered again that the rations should be issued daily, so that the son was compelled to see his father every day. So it was with the Israelites. Whoever had four or five children, worried, and said: Perhaps no manna will descend to-morrow, and all will starve. Consequently they prayed to Heaven every day. According to others, the reason is: So they should have it fresh every day; and still others say: So they should not have to carry it on the road.

It happened long ago that R. Tarphon and R. Ishmael and the elders (of the college) were discussing the subject of manna, and R. Eliezer the Modeite, who was among them, arose and said: The manna in the desert was sixty ells high. Said R. Tarphon to him: Modeite, how much longer wilt thou gather nonsensical words, and lay them before us? He rejoined: Rabbi, I take my theory from the following passages [Gen. vii. 20]: "Fifteen cubits above them did the water prevail, and the mountains were (thus) covered." (Now let us see how it was.) Was it fifteen ells above the valleys and fifteen ells above the mountains? Did, then, the water stand like pillars? And, besides, how could the ark ascend the mountains? We must, therefore, say that when all the fountains were broken up,

etc. [ibid. 11], the water covered the earth, until it reached the top of the mountains, and over that the water was fifteen ells high. As we have a tradition, that the kindness of Heaven is much more than its affliction, and as at the affliction it is said [ibid., ibid. 11]: "And the windows of heaven were opened," and at the kindness it is written [Ps. lxxviii. 23]: "Then he ordained the skies from above, and the doors of heaven he opened"; and as we know from another tradition, that a heavenly door is equal in size to four of its windows, consequently there are eight windows in two doors (doors and windows, both plural, not less than two), and as at the affliction from two windows came water fifteen ells above the earth—therefore the manna which came from eight windows cannot be less than sixty ells high.

We have learned in a Boraitha: Issi b. Jehudah says: The manna has increased itself in height till all the kings of east and west saw it, as it is written [ibid. xxiii. 5]: "Thou preparest before me a table in the presence of my assailants."

How is it known that abstaining from washing and anointing is an affliction? Because it is written [Dan. x. 3]: "Costly food did I not eat, and flesh and wine came not in my mouth, nor did I anoint myself." What is meant by "costly food" I have not eaten? Says R. Jehudah the son of R. Samuel b. Shilath: Even bread of pure wheat he did not eat. How do we know it is thought an affliction? Because it is written further [ibid. 12]: "From the first day that thou didst set thy heart to . . . afflict thyself," etc. We have found that abstaining from anointing is an affliction, but how do we know that abstaining from washing is one? Said R. Zutra b. Tubiah: It is written [Ps. cix. 18]: "And it cometh like water within him, and like oil into his bones." But perhaps drinking is meant? It is like oil; as the oil here spoken of is used externally, so the water. If you wish, I will say, that we can infer abstaining from washing, as Itz'hak has said, from this verse [Prov. xxv. 25]: "As cold water is to a fainting soul." Here drinking is perhaps meant? That would be, if it were written "in a faint soul"; but here it is written (in Hebrew), "*on* a fainting soul." How do we know that the privation of shoes is an affliction? Said R. Na'hman b. Itz'hak: From the following passage [Jer. ii. 25]: "Prevent thy foot from being unshod, and thy throat from being thirsty," which means: Prevent thyself from sin, that thy foot be not unshod, and prevent thy

tongue from speaking vain words, that thy throat be not thirsty. How is it known that abstinence from sexual intercourse is called an affliction? Because it is written [Gen. xxxi. 50]: "If thou shouldst afflict my daughters." This means, deprive them of sexual intercourse.

The rabbis taught: It is not prohibited to wash an inconsiderable part of one's body, as the whole body. If one is soiled by clay, or any such thing, he may wash himself without apprehension. One may not anoint a part of the body any more than the whole body. But if one is sick, or has an itch, he may anoint without apprehension. The disciples of Manasseh taught: A woman may wash her hand in water, and present bread to the children, without apprehension. It was said of Shammai the Elder: He was averse to give bread to his children, even with one hand, that he should not wash it; so they decreed that he should feed them with both his hands.

The rabbis taught: When a man goes to receive his father, master, or any superior, he may walk up to his neck in water, without apprehension. The schoolmen propounded a question: How if the Master goes to receive the disciple? Come and hear; R. Itz'hak bar bar Hana said: I have seen Z'eri go in water to R. Hiya b. R. Ashi, his disciple. R. Ashi, however, said: On the contrary, R. Hiya b. Ashi went to meet Z'eri, his Master. Rabha permitted the inhabitants across the river to go through the water to watch their fruit. Abayi said to Rabha: I have a Boraitha in support of what you say. Those who keep fruit, may walk through the water, up to their necks, without fear. R. Joseph permitted the inhabitants of Be Tarbu to walk through water to come to listen to the lecture, and return through the same element. Ahayi said to him: It is right that they should come to the lecture, but why return? He said: If they were not to be allowed to return, they would not come at all. R. Jehudah and R. Samuel b. R. Jehudah stood on the bank of the River Euphrates at the passage to 'Hatzdad. Rami b. Papa stood on the other side. He cried to them: How is the law? may I cross over to you? I have to ask of you a Halakha. R. Jehudah answered: Rabha and Samuel both say one way, but one may not draw away one's hands from the skirts of one's robe (not tuck it up on his back, like a burden). R. Pinchas said in the name of R. Huna of Tziporith: The spring that issued from the Holy of Holies was at first like the antennæ of a grasshopper; by the door of the sanctuary it was like a thread of

the warp ; at the porch it was thick as a thread of the woof ; at the door of the forecourt it was as broad as the mouth of a small pitcher. [This is what we have learned in a Mishna (Midoth, ii. 4): "R. Eliezer b. Jacob said: Water will issue in the times to come from under the sill of the Temple."] Thenceforth, it waxed in strength, and when it reached the door of David's house, it was like a streaming river, and these people bathed, as it is written [Zech. xiii. 1]: "On that day shall there be a fountain opened to the house of David . . . for cleansing from sins and for purification." Z'irah b. 'Hama was the entertainer of R. Ami, R. Assi, R. Joshua b. Levi and all rabbis of Cæsarea. R. Joseph the son of R. Joshua b. Levi said to him: Young scholar, come, I will tell thee of the good deeds thy father used to do. He had a kerchief which he used to soak in water on the eve of the Day of Atonement, and then used it on the morrow to wipe his face, hands, and feet. On the eve of the Ninth of Ab, he soaked it in water likewise, and on the morrow cleaned his eyes with it. When Rabba b. Mora came from Palestine, he related that on the eve of the Ninth of Ab, he himself was used to soak a kerchief in water, and take it out, putting it under his pillow ; on the morrow he used it for wiping his face, hands, and feet. On the eve of the Day of Atonement he did the same thing, wrung it, and on the morrow wiped his eyes with it. Said R. Jacob to R. Jeremiah b. Ta'hlipa: Thou hast related it in the reverse order that on the Day of Atonement the whole face, etc., was wiped. We have objected: On that day it is prohibited to wring it out.

R. Mnashia b. Ta'hlipa said in the name of R. Amram, quoting Rabha bar bar Hana, R. Eleazar was asked, an Elder, who sat in the college, has he to receive permission from the Nassi to declare the firstlings which have got blemishes fit for slaughtering for personal use, or not? * [What was the point of the question the schoolmen have propounded? (Why is the question only about the firstlings? If he has license to decide Halakhas, those about firstlings are included?) The point of the question was this: R. Idda b. Abbin said elsewhere: The matter of firstlings was left to the Nassi, to honor them. But in

* The law of firstlings, after the destruction of the Temple, is as follows: The firstling must be given to a priest, who has to keep it until it gets a blemish. And as he was suspected of making a blemish intentionally, it could not be slaughtered unless examined by the rabbi of the city. The latter, however, has no right to decide such a question unless he gets permission from the Nassi.

this case, when he is an elderly man, and one of the first in the college, must he also receive permission, or not?]

Then R. Zadok b. 'Haluqah arose, and said: I have seen R. Jose b. Zimra, who was an old man and prominent in the college, and he was even a degree higher than the grandfather of our Nassi, and nevertheless he received permission to decide about the firstlings. Said R. Abha to him: The case was not so: R. Jose b. Zimra was himself a priest, and the question that was propounded was this: Shall we assume that the Halakha prevails according to R. Meir, who says, "Who is suspect in a matter, must not decide upon it, nor bear testimony about it," or according to Rabhan Simeon b. Gamaliel, who says, "He is believed in reference to his colleague, but not in reference to himself"? And it was decided then that the Halakha prevails according to R. Simeon b. Gamaliel.

The same propounded another question to R. Elazar: Whether one might put on a shoe made of cork on the Day of Atonement, and R. Itz'hak b. Na'hmain rose, and said: I have seen myself R. Joshua b. Levi wearing such shoes on the Day of Atonement, and I (Rabha bar bar Hana) asked him: How is it, to put on these shoes on a congregational fast for rain? He answered: There is no difference.

The rabbis taught: Children may do all these things, except putting on shoes. Why? Because it will be said: The adults have laced them on their feet. But the same is the case with the other actions? The other are necessary and usual, but a child is usually barefooted; and if it has shoes, the adults put them on its feet. As Abayi said: My mother told me that warm water and oil, for a child, is good for its growth, and also eggs and Kutah (see Pesachim, p. 68, foot-note), and also objects to break, as Rabha used to buy cracked clay vessels, and gave them to his infants, that they might break them.

"A king and a bride may wash their faces." Our Mishna is in accordance with R. Hanania b. Thradian of the following Boraitha: A king and a bride may not wash their faces. R. Hanania b. Thradian says in the name of R. Elizer: They may. A lying-in woman may not put on shoes. R. Hanania b. Thradian says she may. Why may a king? Because it is written [Is. xxxiii. 17]: "The king in his beauty shall thy eyes behold." And why a bride? Because she will otherwise displease her husband. Rabh asked R. Hiya: How long is she called a "bride"? He replied: This is as we have learned in

the following Boraitha: A bride may not be forbidden to put on even her ornaments, when she is a mourner, the first thirty days after her marriage. And why may a lying-in woman put on shoes? Because otherwise she will catch cold. Said R. Samuel: Where there is a danger of snakes, or scorpions, all may put on shoes.

"*Whosoever eats food to the size of a large date,*" etc. Said R. Jehudah: The size of a large date exceeds that of an egg, and it was certain to the rabbis that with such a quantity of food one might appease his hunger, but not with less. An objection was raised: We have learned in a Boraitha: What is the prescribed quantity of the food of a man who may join the three men necessary to say the blessing after a meal? The size of an olive. So is the decree of R. Meir. R. Jehudah says: The size of an egg. Because it is written [Deut. viii. 12]: "Thou hast eaten, and art satisfied"; and by food less than the size of an egg we cannot appease hunger. We see, then, that R. Jehudah says: One can be satisfied by food the size of an egg. Why does he say, above, of a large date? Therefore we must say, R. Jehudah must have said a large date is somewhat smaller than an egg. With food the size of an egg, one may be *satisfied*; but in this case one can still appease *hunger* with food to the size of a large date.

We have learned in a Boraitha: Rabbi said: All prescribed quantities are only of the size of an olive, except in case of defilement of eatables, about which Scripture has deviated from its rule. Therefore the sages have also altered this prescribed quantity, and a proof of this is the Day of Atonement. How has Scripture deviated in regard to them? It has said [Lev. xxiii. 29]: "Every soul that will not afflict itself." The sages have altered in this case the prescribed quantity by making it as a large date. Why could he say, the Day of Atonement is a proof? (We see, as will be written further, that Scripture has deviated in case of defilement also. Why, then, could he say, the Day of Atonement is proof?) The deviation in regard to defilement we might have thought to be the usual language of Scripture. But here, when it is said "shall not afflict itself," it is a deviation, because it might have been said: "The soul that had eaten." (What is it? It was taught :) What is the reason that an eatable subject to defilement must be of the size of an egg? Because it is written [ibid. xi. 34]: "Of all eatables which may be eaten." What is that? What is an eatable which

comes from an eatable? An egg of a hen (which can be eaten itself, as well as the hen).

"*Or drinks a mouthful.*" Said R. Jehudah in the name of Samuel: Not a whole mouthful is meant, but so much as would make the cheek bulge out. But we have learned, a *mouthful*? Nay, it is meant, *as* a mouthful. The disciples of Zera opposed: Why do they say, about food "the size of a date" (equal for all), and about beverages, "a mouthful" (differing in every person)? Abayi answered: It was certain to the rabbis that food of the size of a date appeases hunger, but only that one's own mouthful of water will quench thirst, not necessarily another's mouthful.

"*All kinds of food are reckoned together to the size of the date.*" Says R. Papa: When one has eaten meat and salt, both are reckoned. And although salt is no food, yet as salt is used with meat, it is also reckoned. Resh Lakish said: The sauce which is upon herbs is reckoned with them. Is this not self-evident? One may say, the sauce is a beverage, and not counted; hence he came to teach, that since it is only made to flavor the herbs, it is reckoned part of the dish. Resh Lakish said again: When one commits an excess in eating on the Day of Atonement, he is not culpable. What is the reason? Because it is written, "They should afflict themselves," and this afflicts him. Said R. Jeremiah in the name of Resh Lakish: A layman who has eaten to excess of the heave-offering must only pay the costs, but not one-fifth more; because it is written [ibid. xxii. 14]: "If a man eat." But eating to excess, to one's hurt, is not called eating.

"*Food and beverage are not reckoned together.*" Who is the Tana who says so? Said R. Hisda, and also Resh Lakish: In this differ the Tanaim, in Tract M'ilah, and our Mishna is according to R. Joshua. R. Johanan says: It may be even according to the rabbis, but there they differ from R. Joshua on the point of defilement, but not from our Mishna, where the question is about appeasing hunger or thirst, for which purposes foods and beverages are not to be reckoned together.

MISHNA: If one has eaten and drunk through forgetfulness, he must bring only one sin-offering. If he has eaten and also done work, he must bring two. If he has eaten food not fit for eating, or drunk liquids not fit for drinking, as brine or fish-lye, he is not guilty.

GEMARA: Resh Lakish said: Why is there no *positive* command to afflict one's self? It is only said: "Every soul that

will *not* afflict itself, will be cut off." It could not be otherwise: If it were written, "shall not eat," instead of "will not afflict itself," then we might think, eating food of the size of an olive was also a sin. Then, should it have been written: "Beware lest you should not afflict yourselves," we might think, beware not to afflict ourselves, but go and eat!—The disciples of R. Ishmael have taught: (It is an analogy of expression.) Here it is written, "affliction," and [Deut. xxii. 24], "because he has afflicted (done violence to; in Hebrew it is the same term) the wife of his neighbor." As the penalty is preceded by a warning previously, so here the penalty (of being cut off) must have been preceded by a warning. R. A'ha b. Jacob says: (There is another analogy of expression.) Here it is written, "A Sabbath of rest," so it is like all Sabbaths; and as in cases of Sabbath there is a warning, so there must have been a warning (positive prohibition) here. R. Papa says: The Day of Atonement itself is considered as a Sabbath, as it is written [Lev. xxiii. 32]: "Your Sabbath." [It is right if R. Papa says differently from R. A'ha b. Jacob, because he does not deduce it, but finds it expressed in the same passage. But why does R. A'ha b. Jacob not say as R. Papa? R. A'ha b. Jacob requires that verse for what we have learned in the following Boraitha: It is written [ibid., ibid.]: "Ye shall afflict your souls on the ninth day of the month." Shall we assume that we should begin to fast on the ninth? Therefore it is written, "at evening." We might think, when it became entirely dark? Hence it is written, "the ninth." How then? One shall begin to fast while it is yet day. From this we infer that something from the profane must be added to the holy. This is when the Day of Atonement arrives, but how do we know that is so when it departs? Therefore it is written, "from evening to evening." This we know about the Day of Atonement, but about other Sabbaths? Therefore it is written further, "shall ye rest" (Tishb'thu). How do we know about other holidays? Because it is written, "your Sabbaths." From this we deduce that whenever "rest" is enjoined, some portions of the profane day must be super-added to the holy days. But that Tana who infers all these things from the following verse [ibid. 28], "No manner of work shall ye do on this same day," that the penalty is due for violating the day itself, but not the additions made thereto, and this above implies that there are additions, what will he make of these verses? He needs these verses for what R. Hiya b.

Rabh of Diphthi has taught, as follows: It is written: "Ye shall fast on the ninth." Do we fast on the ninth? We fast on the tenth. This comes to teach, that he who eats and drinks on the ninth, the verse makes him equal (in merit) to him who would fast the ninth and the tenth.]

"*If he has eaten food not fit for eating.*" Rabha said: If he has chewed pepper or ginger during the Day of Atonement, he is not culpable. The rabbis taught: If he has eaten leaves of *reeds* he is guiltless; but twigs of vines, he is guilty. What is meant by twigs of vines? Said R. Itz'hak of Magdala: Those that flourish between the first day of the year and the Day of Atonement. R. Kahna says: All the thirty days. We have learned in a Boraitha, as R. Itz'hak of Magdala has said: If he has eaten leaves of *reeds* he is guiltless; of twigs of vines, he is guilty. What are twigs of vines? Such as flourish between the beginning of the year and the Day of Atonement.

"*If he has drunk . . . brine as fish-lye.*" How if he has drunk vinegar? He is guilty? We must say our Mishna is according to Rabbi in a Boraitha which says vinegar refreshes a man.

R. Gidel b. Menasseh of Biri d'Narash once lectured: The Halakha does not prevail according to Rabbi: when the Day of Atonement arrived, the whole world mixed vinegar with water, and drank. R. Gidel heard of this; he became indignant. He said: I have said, when it has been drunk already, one is not culpable, but have not recommended it. I meant a little, but did not mean much. I spoke of vinegar, but not of mixed vinegar.

MISHNA: Children are not made to fast on the Day of Atonement, but when one or two years old they are accustomed to do it, so that they become habituated to obey the religious commandments.

GEMARA: If it is stated "two years," *one* is understood? Said R. Hisda: It presents no difficulty. The one applies to a healthy child; the other, to a weakly child. R. Huna said: When the child is eight or nine years old, it may be accustomed to fast some hours. When it becomes ten or eleven years old, it may be made to fast rabbinically the whole day. A girl must fast biblically at the age of twelve. R. Na'hman, however, said: When nine or ten years old—some hours; at eleven or twelve—rabbinically the whole day; at thirteen—biblically, a boy. R. Johanan says: So long as it is rabbinical, they need not fast the entire day. Only at ten or eleven they must be habituated to

fast for hours, and at twelve they must fast the whole day biblically.

MISHNA: A pregnant woman, who longs for food which she smells, should be fed until relieved. An invalid is fed by the direction of persons possessing medical knowledge; if there be none such, he is to be fed at his own desire, till he says, "Enough."

The rabbis taught: If a pregnant woman has smelled sacred meat, or pork, something should be dipped in the sauce thereof, and presented to her mouth. If she is relieved thereby, it is good; otherwise, the sauce must be given to her. If this has not satisfied her either, the meat itself must be given to her. Because nothing is prohibited which is needed to save a life, except idolatry, adultery, and bloodshed.

It happened to a pregnant woman that she smelled food. They came to ask Rabbi. He said: Go, tell her in her ear, To-day is the Day of Atonement. They did thus, and she became composed. Rabbi said of this child the verse in Jeremiah [i. 5]: "Before yet I had formed thee in thy mother's body I knew thee." That child became R. Johanan. The same accident happened to another woman. They came to ask R. Hanina. He said the same; but it availed not. He said of him the verse [Ps. lviii. 4]: "The wicked are estranged from the womb"; and this child became Sabbathai, who used to buy fruits to sell in time of dearth (and this is forbidden in Palestine).

"*An invalid is fed*," etc. Said R. Janai: When the invalid says, "I must eat," and the physician says he need not, the patient is obeyed. Why? Because it is written [Prov. xiv. 10]: "The heart knoweth its own bitterness." Is this not self-evident? We might think the physician has a better comprehension of the patient's needs. He chooses to teach us; it is not so. How, if the case is reversed? Then the physician is obeyed, because the patient only fancies he does not need to eat.

An objection has been made to our Mishna: If no medical persons are there, he is fed at his own desire. Hence, when there are such, he is not to be fed at his own desire? The Mishna means: When the patient says he does *not* need to eat, then he is not fed at the recommendation of medical persons; but if he says he *does* need to eat, no one is to be consulted.

MISHNA: If a man is seized with bulimy, he may be fed even with unclean food, till his eyes become clear. One who is bitten by a mad dog may not have the dog's midriff above

the liver given to him. R. Mathia b. Harash allows it. Moreover, R. Mathia b. Harash also said: "If a person has a sore throat, it is permitted to put drugs into his throat on Sabbath, because the disease may endanger his life, and whatsoever threatens to endanger life supersedes Sabbath."

If a building tumble down, and it is doubtful whether anyone is buried beneath the ruins or not; if it is doubtful whether he be dead or alive, it is permitted to remove the ruins from above him on the Sabbath. If he be found alive, the ruins are to be entirely removed; but should he be dead, he is to be left there.

GEMARA: The rabbis taught: Till his eyes become clear. How is it known when his eyes are clear? When he regains his reason to distinguish between good and evil. Said Abayi: Good and evil in taste is meant.

The rabbis taught: He who has been seized by bulimy must be fed with less strictly prohibited foods. For instance, if there is grain from which the heave-offering has not yet been separated, and carrion, he must be given the carrion (as for eating the first the penalty is death from Heaven). When there is such grain and grain of a Sabbatical year, he must be given the latter. When there is that grain, and the heave-offering itself, then there is a difference of opinion between the Tanaim of the following Boraitha: They may give him the grain from which the heave-offering has not been separated, but not the heave-offering itself. R. Thema said: The heave-offering, but not that grain. (The heave-offering is less strictly prohibited because a priest may eat thereof, but of other kind even a priest may not eat.)

The rabbis taught: He who is seized by bulimy must be fed on honey, and other sweet things, as these things make the eyes clear. And although there is no support thereto in the Bible, yet it is written in proof of it [1 Sam. xiv. 29]: "My eyes have become clear because I have tasted a little of this honey." Why is this no support? Because Jonathan had not been seized by bulimy. Said Abayi: This must be given after his repast, but if it be given to him before he has received the food, it will only increase his hunger. As it is written [ibid. xxx. 11, 12]: "And they found an Egyptian man in the field, and took him to David, and gave him bread and he did eat; and they made him drink water; and they gave him a piece of a cake of fig, and two clusters of raisins, and he ate, and then his spirit returned

to him, for he had not eaten any bread, nor drunk any water, three days and three nights."

R. Na'hman said in the name of Samuel: 'He who has been seized by bulimy should be given the fat of a sheep's tail in honey. R. Huna the son of R. Joshua said: Fine flour with honey is also good. R. Papa says, even barley flour with honey.

R. Johanan said: Bulimy once seized me. I ran to the eastern side of a date palm, and ate the dates. I fulfilled in my own person one verse [Eccl. vii. 12]: "Wisdom giveth life to him who possesseth it." [As R. Joseph has taught: He who desires to feel the real taste of dates, should take them from the eastern side of the palm, as it is written [Deut. xxxiii. 14]: "And through precious fruit, brought forth by the sun" (east).]

R. Jehudah and R. Jose were on the road. R. Jehudah was seized by bulimy. He overpowered a shepherd, and robbed him of his bread. Said to him R. Jose: Thou hast robbed the shepherd! When they came to the city, R. Jose was seized by bulimy. He was overladen with food and sweet things. R. Jehudah said to him: I have only robbed the shepherd, but thou—the whole city. It happened again that R. Meir, R. Jehudah, and R. Jose were on the road. R. Meir was particular about the names of his innkeepers, but the other two were not. When they arrived at an inn, they asked the host: What is thy name? He answered: "Kidor." R. Meir thought: He must be a wicked man, because it is written [Deut. xxxii. 20]: "*Ki dor tah puchoth hema*"—"for a perverse generation are they." R. Jehudah and R. Jose intrusted him with their purses for safe-keeping over Sabbath, and R. Meir did not, but hid it in Kidor's father's sepulchre. Then his father appeared in a dream to Kidor, and told him: "Go and take away the purse that is over my head." Kidor rose in the morning, and told everybody of his dream. They said to him: A dream dreamed on the eve of Sabbath has no significance. Nevertheless, R. Meir kept watch over his money the whole day, and by night removed it. On the morrow R. Jehudah and R. Jose required of Kidor their purses. He said to them: You have never given them to me! R. Meir then said to them: Why were you not particular about names? They said to him: Why has the Master not told us about it? He replied: I say, such men ought only to be suspect, but I could not have said with certainty. Finally, they took him to a store. They perceived he had lentils on his mustache. They went to his wife, and told her that her husband had eaten that

day lentils, and she should give them their money. She returned their purses to them, and they went away. He (Kidor) then went and murdered his wife. And this is what a Boraitha states: The failure to wash his hands before the meal caused a man to eat pork (as he was taken for this reason in the inn for a Gentile); and after the meal, caused a murder.

"*One bitten by a mad dog.*" The rabbis taught: Five things have been mentioned as symptoms of a dog's madness: his mouth is opened, his saliva flows, his ears are lowered, and the tail is held between his thighs, and he ever takes the bypaths; and others say, he barks spasmodically. We have learned in a Boraitha: He must be killed by an arrow, or other projectile, for whoever touches him becomes dangerously sick, and who is bitten, dies. What are the remedies? He whose clothes have been touched by the dog, should cast them off, and run away.

R. Huna the son of R. Joshua happened to be rubbed against by a rabid dog; he stripped himself, and ran away, and said: I have fulfilled in my own person the verse: "Wisdom giveth life to him who possesseth it." What is the remedy for a bite? Says Abayi: He should fetch the hide of a hyena, and inscribe on it: "I, So-and-So, son of the woman So-and-So, have inscribed on the hide of a male hyena, I have inscribed on it thus: *Kanti Kanti Qlirus*"; others say: "*Kandi Kandi Qlirus; Yo, Yo, Yehavah Tsebaoth. Amen, Amen. Selah.*" Then he should strip himself of his clothes, and inter them for twelve months; then he should take them out, burn them in an oven, and spread the ashes on the roads. During these twelve months he should drink water only out of copper vessels, that he should not see the image of the dog, as from this he may become dangerously sick. In the case of Abba b. Martha, who is Abba b. Minyumi, to whom this happened, his mother made for him a golden pitcher to drink out of it.

"*R. Mathiah b. Heresh said also,*" etc. R. Johanan had the scurvy. He went to a matron of Rome. She did something to relieve him on a Thursday and the eve of Sabbath. He asked her, What shall I do on Sabbath? She said: You will not need to do anything. He said: But if, notwithstanding, I should be obliged to do something? She said: Swear to me that you will not tell of it to anyone, so I shall tell you. [After this, when she had told him, he went and lectured about it to everybody. But he had sworn not to tell? He had sworn, "To the God of Israel I will not reveal"; but to the people of

Israel he could. But this deception was a profanation of God's name? He had told her immediately thereupon: I had sworn not to say it to God, but to Israel I would. What was it that she told him? Said R. A'ha the son of R. Ammi: Water of leavened dough, olive oil, and salt. R. Yemar says: Not the water, but leavened dough itself, olive oil, and salt. R. Ashi says: Fat of the wing of a goose. Said Abayi: I have used all these things, and was not cured until an Arab merchant said: The stones of olives, one-third grown, should be taken and burned in a new Mar, and be applied to the rows of the teeth. This I have done, and have been cured. What causes such a sickness? Eating of hot wheat bread, or the remains of a dish of *Haisana* (fish fried in oil) from the previous evening. What are its symptoms? When something is put on the teeth they begin to bleed.] R. Johanan did it on the Sabbath and was cured. How did R. Johanan do this? His life was not threatened? R. Na'hman b. Itz'hak said: Scurvy begins in the mouth and ends in the entrails. Said R. Hiya b. Abha to R. Johanan: Do you hold, then, as R. Mathiah b. Heresh, who says: If one has a sore mouth, it is permitted? He said: Yea, for I say, to put drugs into his mouth. In regard to this sickness the sages agree with him, but about other diseases they do not. Come and hear in support of this: Rabba b. Samuel taught: A pregnant woman, who smells food, should be fed till relieved. One bitten by a mad dog should be fed on the midriff of its liver; and he who has a sore mouth may have medicines put into it on Sabbath. So has said R. Eliezer b. Jose in the name of R. Mathiah b. Heresh. And the sages say: In this case, but not other cases. Which case? Should we say, that of the pregnant woman, there are none differing about it; if of the mad dog, they are at variance about it. Hence the putting in of medicines is meant. Said R. Ashi: From our Mishna we can perceive it; for all the things about which the sages and R. Mathiah are at a variance are mentioned before, and then it is said: "R. Mathiah b. Heresh said also," and the rabbis do not differ with him. Now, if it were something from which the rabbis differed, it would be mentioned above, among the other things.

"Whatsoever threatens to endanger life supersedes Sabbath."—Why has this to be mentioned again? Said R. Jehudah in the name of Rabh: Not only when it is doubtful whether his life is threatened this Sabbath, but even the next, it is allowed. How

can this happen? *E.g.*, when it has been estimated on a Sabbath that the patient must take the remedy the next eight days, lest it be said: The evening will be waited for; so that only the next Sabbath will have to be violated, it comes to teach us it is not so. We have learned thus in a Boraitha: Warm water has to be heated for a patient, whether for drinking or to wash him, even when the consequences of these measures will be felt the next Sabbath. It should not be said: It will be delayed, perhaps these remedies will not be needful; but immediately he must get them, because the danger to life supersedes Sabbath, not only if the danger is this Sabbath, but *will* be the next Sabbath. But these things must not be done through Gentiles as Samaritans, but the greatest Israelites. But such things must not be done when neither the physician nor the patient says this is necessary, but only women as Samaritans. But their opinion is added to give weight to others' opinions.

The rabbis taught: The Sabbath is superseded when life is threatened; and with more alacrity this is done, the greater the praise. Permission from Beth Din need not be taken for it. How so? When a child is seen to have fallen into the sea, it should be fished for immediately; and the sooner one does this, the more praiseworthy one is; and no permission from Beth Din is to be taken for it, even when he will take up in the net at the same time game fish. If one has seen a child fall into a pit, he may remove a piece of earth to save it the sooner. The more quickly he does it, the more praiseworthy he is, and though he forms by this means a staircase, he need not take license from Beth Din. If he saw a child enter, behind which the door got locked, he should break open the door immediately, and the sooner the better; and he need not take permission from Beth Din, even when by this means he breaks it for kindling. If he has perceived a fire kindled on Sabbath, he should extinguish it immediately; and the sooner the better, and even when the coals he saves from consumption will be used by him later for roasting meat.

"If a building tumble down." How is it to be understood? It is meant to say, that not only when it is doubtful whether one is there, and lives, or is not there; but even when the uncertainty is whether, being there, he lives, or is dead, nevertheless the ruins are to be removed. If he is found alive, the ruins are entirely cleared. Is this not self-evident? The Mishna means to say, when it is known that he is dying, still the ruins are to be removed. If he is dead, he is to be left. Is not this also

self-evident? This is to teach us that it is not according to R. Jehudah b. Lakish of the following Boraitha: Sabbath is not superseded to save a corpse from fire. R. Jehudah b. Lakish, however, said: I have heard, a corpse may be saved from fire, even on Sabbath. But even according to R. Jehudah b. Lakish, a corpse is to be saved only from fire; because otherwise he to whom the corpse is dear will extinguish the fire. But in this case, even when the dead body is dear to him, what can he do (to violate the Sabbath)?

The rabbis taught: When the body under the ruins seems dead, what members are to be brought to light and examined? As far as the nose. Others say, as far as the heart. When it does not beat, he is taken to be dead. But if one has commenced with examining the head and heart, and found them defunct, one should nevertheless bring to light the other parts, and examine them. As it happened, that the upper parts were dead, and yet the lower had still some life, said R. Papa: The sages differ when one has commenced the examination from below upwards; but from above downwards, that is, when the nose has been found to have ceased breathing, no further examination is needed, as it is written [Gen. vii. 22]: "All in whose nostrils was the breath of life." It happened long ago that R. Ishmael, R. Aqiba, and R. Eliezer b. Azariah were on the road; and Levi, the Sadar, or Sarad,* and R. Ishmael the son of R. Eliezer b. Azariah followed them. They were asked the following question: How is it known that, when life is in danger, Sabbath may be violated? R. Ishmael answered: It is written [Ex. xxii. 2]: "If a thief be found while breaking in and be smitten so that he die, there shall no blood be shed for him." We can deduce, *a fortiori*, from this: If in this case, when it is doubtful whether he had come to steal only, or to murder, yet taking his life is permitted, although bloodshed defiles the land and causes the Shekhina to remove from Israel, how much more is violation of the Sabbath (less important than bloodshed) permitted to save a human life.

R. Jonathan b. Joseph says: From the following verse: Of Sabbath it is written [Ex. xxxi. 14]: "For it is holy unto you." *Unto you*: The Sabbath is for you, but not you for the Sabbath. R. Simeon b. Menasseh says: It is written [ibid. 16]: "And the

* According to one "Aruch," it is the maker of the clothes of service (Bigde S'rad).

children of Israel shall keep the Sabbath." The Torah enjoins thus: Violate one Sabbath, that ye may keep many Sabbaths. R. Jehudah said: Samuel has said: If I had been there, I would have said a thing better than this; namely, it is written [Lev. xviii. 5]: "Ye shall keep my statutes . . . which, if a man do, he shall live by them." He shall live by them, but not die. Said Rabba: All the verses from which they have deduced it may be questioned, but to Samuel's nothing can be objected. Rabbina, and according to others R. Na'hman b. Itz'hak, has said of this: One grain of pungent pepper is better than a whole basket of cucumbers.

MISHNA: Sin-offerings and trespass-offerings atone. Death and the Day of Atonement, if one is penitent, atone. Penitence atones for slight breaches of positive or negative commandments; for grave sins, it effects a suspension, till the Day of Atonement completes the atonement. To him who says: "I will sin, repent, sin again, and repent again," is not given the opportunity to repent. For him who thinks, "I will sin; the Day of Atonement will atone for my sins," the Day of Atonement does not atone. A sin towards God, the Day of Atonement atones for; but a sin towards his fellowman is not atoned for by the Day of Atonement so long as the wronged fellowman is not righted. R. Eliezer b. Azariah lectured: It is written [Lev. xvi. 30]: "From all your sins before the Lord shall ye be clean." (This is our tradition.) The sin towards God, the Day of Atonement atones for; but sins toward man, the Day of Atonement cannot atone for till the neighbor has been appeased.

Said R. Aqiba: Happy are ye, O Israel. Before whom do ye cleanse yourselves, and who cleanses you? Your Father who is in Heaven. For it is written [Ezek. xxxvi. 25]: "Then will I sprinkle clean water upon you, and ye shall be clean"; and it is also written: "The Migveh (hope, or legal bath) of Israel is the Lord." As a legal diving-bath purifies the unclean, so does the Holy One, blessed be He, cleanse Israel.

GEMARA: "*Death and the Day of Atonement*," etc. Only when one is penitent, but otherwise they do not atone? Shall we assume that the Mishna is not in accordance with Rabbi, in the following Boraitha: "Rabbi says: All sins mentioned in the Bible, whether one is penitent or not, are atoned by the Day of Atonement, except throwing off the yoke (of God), expounding the Torah falsely, and abolition of circumcision (and mocking a fellowman). These sins are atoned for by the Day of Atonement."

ment, if one is penitent, but not otherwise." It may be said even that the Mishna is in accordance with Rabbi: Penitence is supplemented by the Day of Atonement or Death, but the Day of Atonement does atone alone.

"*Penitence atones for slight breaches, if positive or negative,*" etc. Why has it to be told, positive? If negative, so much the more positive? Said R. Jehudah: The Mishna meant to say, a positive commandment, or a negative commandment inferred from a positive. But a real negative commandment is not atoned? There is a contradiction from the following Boraitha: What are called slight sins? A breach of a positive and negative commandment, except the negative commandment [Ex. xx. 7]: "Thou shalt not take the name of the Lord thy God in vain"; and all things equal to this: since this, which is a real negative commandment, is excepted, the other negative commandments are atoned for? Come and hear another contradiction: It is written [Ex. xxxiv. 7]: "And he will clear of sins." We might think, from this sin, the breach of the negative commandment, "Thou shalt not take the name of the Lord," etc., he will also clear. Therefore it is further written, "by no means." Shall we assume, that from the breaches of all negative commandments he will not clear? Therefore it is written [Ex. xx. 7]: "For the Lord will not hold him guiltless (the Hebrew term is the same) that taketh *His name* in vain." Infer from this, that breaches of other negative commandments he does atone for? (How, then, does Jehudah say that the breaches of real negative commandments are not atoned for?) There is a difference of opinion among the Tanaim, as we have learned in the following Boraitha: "What does penitence atone for? For breaches of positive, and negative inferred from positive, commandments. And for which does penitence only gain a suspension, and the Day of Atonement atones? The sins for which the penalties are *Karoṭh*, death by Beth Din, and real negative commandments."

The Master has said: Because it is written [Ex. xxxiv. 7]: "He will clear of sins," how is it to be understood? That is as we have learned in the following Boraitha: R. Elazar said: We cannot say it means, He clears of sins, because it is written further, "by no means" does He clear. We cannot say, He does not, because it is written "clear of sins."* We must therefore

* The literal translation is: "And clear he will not clear."

explain the verse: He clears of sins those who do penance; and does not, those who are not penitent.

R. Mathiah b. Heresh asked R. Elazar b. Azariah at Rome: Have you heard of the four differences made in atonements, about which R. Ishmael lectured? He replied to him: There are only three, and penitence is combined with each. When one has transgressed a positive commandment, and done penance, he is atoned for before he goes away from his place. As it is written [Jerem. iii. 14]: "Return, O backsliding children." If he has transgressed a negative commandment, penitence suspends (the sentence), and the Day of Atonement atones. As it is written [Lev. xvi. 30]: "For on that day shall he make atonement for you, to cleanse you from all your sins." If he has committed sins for which the penalties are *Kareth*, or death by Beth Din, then penitence and the Day of Atonement suspend (the sentence in Heaven) and afflictions wipe it out. As it is written [Ps. lxxxix. 33]: "Then will I visit with the rod their transgressions, and with plagues their iniquity." But he who has on his conscience the defamation (profaning) of God, neither penitence can suspend, nor the Day of Atonement atone for, nor sufferings wipe out. But all the three only suspend, and death wipes out, as it is written [Is. xxii. 14]: "And it was revealed in my ears by the Lord of hosts: Surely this iniquity shall not be forgiven unto you, until ye die."

What is called defamation of God? Says Rabh: For instance, if I take meat from the butcher, and do not immediately pay, I profane God (by its being said, a great and religious man robs). Says Abayi: This is when it is the custom to pay cash, but not where it is the usage to pay later. R. Johanan says: For instance, when I should walk four ells without Torah (in my mind), I profane God. R. Janai's disciples have said: When a man's companions are ashamed of his reputation, it profanes God. Said R. Na'hman b. Itz'hak: (What is meant by reputation?) When people say of a man: "O God, pardon him for his deeds." And Abayi says, as we have learned in the following Boraitha: It is written [Deut. vi. 5]: "Thou shalt love the Lord thy God." That means, God's name should be loved through thee; that is to say, a man must read and study the Torah, and attend on (serve) scholars, and his dealings with the world should be mild. What do people then say of him? Well with his father, who taught him Torah; well with his teacher, who has instructed him in Torah, and woe to those peo-

ple who have not learned the Law! Behold, the one who *has* learned Torah, how beautiful are his ways, how just his deeds! Of him says the verse [Is. xlix. 3]: "And he said unto me, My servant art thou, O Israel, thou on whom I will be glorified." But if one has learned Torah and served the scholars, but is in his dealings not honest and speaks with people not gently, then what do people say about him? Behold, him who has learned Torah, woe to his father, that has taught him Torah; woe to his teacher, who has instructed him in Torah! See the one who has learned Torah, how evil are his ways, how evil his deeds! Of him says the verse [Ezek. xxxvi. 20]: "They profane my holy name, because they said of them, these are the people of the Lord, and out of his land are they gone forth."

R. Hania b. Hanina said: Penitence is great, and brings healing to the world, as it is written [Hosea xiv. 5]: "I will heal their backsliding, I will love them freely." The same has found a contradiction: It is written [Jerem. iii. 14]: "Return, O backsliding children"; by which seems to be implied a former backsliding. And here it is written: "I will heal thy backsliding," where it seems to be implied that it will remain, only be healed. It presents no difficulty. When one does penance out of love towards God, he is as he had not been; but if he does penance only out of fear, his previous sins remain, only they are healed.

R. Jehudah finds a contradiction: In these verses it is written, "backsliding children," and elsewhere [Jerem. iii. 14]: "For I am become your husband and will take you." It presents no difficulty. Children they are called, when they do penance out of love or fear; and otherwise, when they do it through suffering.*

R. Levi said: Penitence is great. It reaches the throne of His glory, as it is written [Hosea xiv. 2]: "Return, O Israel, even unto the Lord thy God." R. Johanan said: Penitence is great, so that it supersedes a negative commandment in the Torah. As it is written [Jerem. iii. 3]: "One could say, Behold, if a man send away his wife, and she go from him, and become another man's, can he return unto her again? Would not that land be greatly polluted? and thou hast played the harlot with many companions, and wilt yet return to me, saith the Lord." (So penitence is greater than the commandment not to take back one's wife, married to another.)

* The passage is difficult, and Rashi is also uncertain.

R. Jonathan said: Penitence is great, so that it brings the redemption, as it is written [Is. lix. 20]: "But unto Zion shall come the redeemer, and unto those who return from transgression in Jacob," which means, Why is the redeemer come? Because Jacob has returned from transgressions. Resh Lakish says: Penitence is great: even the sins that have been done intentionally are considered as if they had been done unintentionally. As it is written [Hosea xiv. 2]: "For thou hast stumbled in thy iniquity." Iniquity is intentional, and yet it is called "stumbling." This is not so? Did not Resh Lakish himself say: Penitence is great, so that intentional sins come to be considered as merits, as it is written [Ezek. xxxiii. 19]: "And when the wicked returneth from his wickedness, and executeth justice and righteousness, he shall surely live for them"? It presents no difficulty. One is from love, and the other from fear. R. Samuel b. Na'hmani in the name of R. Jonathan says: Penitence is great. It causes man to live long, as it is written: [ibid., ibid.]: "He shall surely live." R. Itz'hak said: In Palestine, they say in the name of Rabha b. Mari as follows: Come and see. The ways of the Holy One, blessed be He, are not like the ways of a man. When a man had incensed another man by his speech, it is doubtful whether he has really appeased him or not; but the Holy One, blessed be He, even if a man commits a sin in secret, allows himself to be appeased, as it is written [Hosea xix. 3]: "Take with you words, and return to the Lord." And not this alone, but He takes it as a favor, as it is written [ibid., ibid.]: "Accept good"; and not this only, but the verse makes him equal to one who has sacrificed bullocks, as it is written at the end of the verse: "Let us repay the steers with our lips." Perhaps it will be thought like steers as sin-offerings. Therefore it is written [ibid. 5]: "I will heal their backsliding, I will love them voluntarily."

We have learned in a Boraitha: R. Meir used to say: Repentance is great: when an individual repents, the whole world is pardoned, as it is written: "I will heal their backsliding, I will love them freely; for my anger is turned away from them."* It is not said from them, but from us, from all of us.

What is a penitent man? Said R. Jehudah: When he had an opportunity to do a sin once, and a second time he did not

* The Hebrew for "from them" is "Mehem," but here "Mimenu" ("from us") is used.

do it. The same explains: That is meant, the same woman, the same place, the same time. R. Jehudah said again: Rabh found a contradiction in the following passages: It is written [Ps. xxxii. 1]: "Happy is he whose transgression is forgiven, whose sin is covered," and [Prov. xxviii. 13]: "He that concealeth his transgressions will not prosper." It presents no difficulty: This refers to a sin publicly known: he ought to confess, and repent; but that refers to one not yet known; he ought to repent before it has become known. R. Zutra b. Tubia said in the name of R. Na'hman: The one refers to a sin toward a man: he must make it public, and appease the man; but a sin toward God, one need not make public, but repent.

We have learned in a Boraitha: R. Jose b. R. Jehudah said: When a man sins the first time he is pardoned; the second time, he is pardoned; the third time, he is pardoned; the fourth time, he is not pardoned, as it is written [Amos ii. 6]: "Thus hath said the Lord, For three transgressions of Israel, and for four, will I not turn away their punishment." And it is written [Job xxxiii. 29]: "Lo, all these things doth God two or three times with man." [What is the second passage required for? From the first we might think it is only the case with a congregation; but the second shows to us that it is true in case of an individual also.]

The rabbis taught: The sins one has confessed on one Day of Atonement, he need not confess on the next Day of Atonement. This is the case, if he has not repeated the sin; but in that case, he should repeat the confession. If, without having sinned again, he confessed again, then to him applies the verse [Prov. xxvi. 11]: "As a dog returneth to his vomit, so doth a fool repeat his folly." R. Eliezer b. Jacob, however, said: So much the more may he be praised, as it is written [Ps. li. 5]: "For of my transgressions I have full knowledge, and my sin is before me continually."

When he confesses, he must specify his sin, as it is written [Ex. xxxii. 31]: "This people hath sinned a great sin, and they have made themselves a god of gold." So said R. Jehudah b. Babha. R. Aqiba, however, said: "Happy is he whose transgression is forgiven, whose sin is covered." [Why, then, has Moses specified the sin? It is, according to R. Janai: Moses said to the Holy One, blessed be He: "Lord of the universe, thou hast given so much gold that they said, 'Enough.' This has caused that they made a golden god."]

Two good leaders Israel had : Moses and David. Moses said : May my sins be inscribed, as it is written [Num. xxii. 12] : "Because ye have not confided in me, to sanctify me." And David said : May my sins not be inscribed ; namely, "Happy is he whose transgression is forgiven, whose sin is covered."

Moses and David may be compared to two women punished in court : one, because she has really sinned, and the other, because she has eaten fruit of the Sabbatical year. The second said : Pray, proclaim what my transgression is, that it should not be thought I am punished for the same sin as the other woman. They took the fruit, and suspended it on her neck, and proclaimed : Be it known, she has been chastised for eating fruit of the Sabbatical year.

The evil deeds of hypocrites should be made public, that the name of the Lord may not be profaned. As it is written [Ezek. iii. 20] : When a righteous man doth turn from his righteousness and doeth what is wrong, then will I lay a stumbling-block before him."

When a confirmed sinner repents, the execution of the punished is not carried out, even after the decree has been sealed.

The mirth of the wicked ends in sin ; and the possession of power (dominion) buries him who wields it. Naked he enters, and naked he comes out. Were he but as clean when he goes out as when he came in ! He who is given to philanthropic activity, him sin reaches not ; and he who induces the public to sin, to him is not given from Heaven the opportunity to repent. The first is not allowed (from Above) to sin, that he may not be in Gehenna while his disciples are in Paradise, as it is written [Ps. xvi. 10] : For Thou wilt not abandon my soul to the grave, Thou wilt not suffer Thy pious to see corruption ; and the second is not permitted to repent, that he should not be in Paradise while his disciples will be in Gehenna, as it is written [Prov. xxviii. 17] : "A man oppressed by the load of having shed human blood will flee even to the pit : they shall not support him."

"I will sin, the Day of Atonement will atone." Shall we assume that our Mishna is not in accordance with Rabbi, who said in the following Boraitha : All the sins mentioned in the Bible, whether one has repented or not, are forgiven on the Day of Atonement ? The Mishna may be according to Rabbi ; but if he sins, *relying* on the Day of Atonement to atone for his sins, then Rabbi also agrees that he is not pardoned.

"*Transgressions towards God.*" R. Joseph b. Habu pointed to a contradiction to R. Abahu : Here it is said : The sins against men the Day of Atonement does not atone for. But is it not written [2 Sam. ii. 25]: "If one man sin against another, God will forgive him when he will pray"? Not God is meant [Elohim, *God* or *Judge*], but the Judge; and by "Upil'lo," not "will forgive for prayer" is meant, but "shall punish." If it is so, what means what is written further, "If against the Lord a man should sin, who shall judge him?" (Cannot God himself judge him?) This is meant: If one sins against a man, and appeases him, God forgives; but if he sins against God, who can *pray* for him (not *judge*)? Repentance and good deeds.

R. Itz'hak said: He who has provoked his neighbor, even by words, must appease him, as it is written [Prov. vi. 1, etc.]: "My son, if thou hast become surety for thy friend," etc., "go hasten to him and urge thy friend," which means, if thou hast his money, open thy palm, and restore it to him; if not, request some persons to pray him to forgive thee. Said R. Hisda: He must try to appease him three times, and among three circles of persons, as it is written [Job xxxiii. 27]: "He then should assemble men around, and say, I have sinned, and perverted what is right, yet have I not received a like return" (three verbs: "sinned," etc.).

R. Jose b. Hanina said: When one tries to appease another, he need not try more than three times, as it is written [Gen. l. 17]: Oh, I pray Thee, forgive, I pray Thee, the trespass of thy brothers, and their sin, for evil have they done unto Thee, and now we pray Thee, forgive ("pray Thee" repeated three times). And if the offended person is dead, he should bring ten persons to his grave and say: I have sinned against God and him who lies here.

R. Jeremiah had been not on quite good terms with R. Abha: he went to appease him. He sat down on the threshold. The servant-maid came out to empty dirty water, and bespattered him. He said: I was made like unto mud, and applied unto himself the verse [1 Sam. ii. 8]: "From the dunghill he lifteth up the needy." When R. Abha heard about this, he came out and said: Now I have to ask forgiveness of you, as it is written: "Go hasten to him, and urge thy friend."

When R. Zara was on bad terms with any person, he passed him repeatedly, that the other might recollect and appease him. Rabh once had a quarrel with a butcher. When the eve of the

Day of Atonement arrived, the butcher did not come to ask his forgiveness. Rabh said: If he does not come to me I will go to him to ask his forgiveness. On the road, R. Huna met him, and inquired of him: Whither goes the Master? He said: I go to appease that man. Then R. Huna said to himself: Abha (*i.e.*, Rabh) is going to kill a man. Meanwhile Rabh came to the butcher, who was cleaving heads of cattle. When the latter raised his eyes and perceived Rabh, he said: Abha, is that thou? Go away, I don't want to have any dealings with thee. When he resumed the cleaving of the heads, a bone flew out, and stuck in his throat, so that he died.

Rabh read a section from the Prophets before Rabbi. In the meantime R. Hiya entered. Rabh began again from the beginning. Then entered Bar Kapara. He began from the beginning again. Later came R. Simeon the son of Rabbi. He read from the beginning once more. Then came R. Hanina b. Hama. He said: Shall I begin again from the beginning, after so many times? and he did not do it. R. Hanina was provoked by this. Rabh went to him thirteen eves of the Day of Atonement, and yet that man did not permit himself to be appeased. How did he do it? Did not R. Joseph b. Hanina say: More than three times one need not try? Rabh is different. He treated himself more rigorously. How did R. Hanina do so? R. Hanina saw in a dream that Rabh was hanged on a tree, and there is a tradition, if one dreams of a man that is hanged, he will become a head. He said: If I will not permit myself to be appeased, he will go to Babylon, and become a head (of a college) there, and I will become one here."

The rabbis taught: The duty of confession is on the eve of the Day of Atonement, when it grows dark. Still, the rabbis said, one should confess previously to the meal; for if something happen to him at his meal, he will have remained without a confession. But although one has confessed before the meal, he should confess again in the evening, and once more the next morning, and in the additional prayer, Minchab prayer, and the concluding prayer (N'ilah).

At what place in the prayer should he confess? An individual, at the end of the prayer; and the reader for the congregation, in the middle of the prayer. What shall he say? Rabh says: He shall begin: "Thou knowest the secrets of the world"; R. Samuel says, he should begin: "From the depths of the heart"; and Levi says, he shall begin: "In thy Torah it is

written thus." R. Johanan says: He should begin: "Lord of the Universe (not for our merits we pray of Thee mercy," etc.); and R. Jehudah says: He shall begin: "Our transgressions are too numerous to be counted, and our sins too mighty to be told of." R. Hamnuna says: He shall begin: "My God, before I was created I had not been worthy to be created; and now when created, I am the same as previously. I am earth during my life, and so much the more when I will be dead. I am entirely before Thee as a vessel full of disgrace and shame. May it be Thy will that I may not sin more; and my sins hitherto mayest Thou in Thy great mercy wipe off, but not by means of suffering." And this was the confession of Rabha the whole year, and that of R. Hamnuna the Younger on the Day of Atonement. Said Mar Zutra: All this has to be said, if he has not said previously, "It is true we have sinned." If, however, he has pronounced this, he need add nothing to it. As Bar Hamduri related, when he stood once before Samuel on the Day of Atonement, he perceived that as soon as the reader came to this sentence, "It is true we have sinned," all rose. Hence he understands that this is the principal part. Ulla b. Rabh was a reader in the presence of Rabha: He began the concluding prayer with: "Thou hast chosen us," etc., and concluded with, "What are we and what is our life?" etc.; and Rabha praised him. R. Huna the son of R. Nathan, however, said: When an individual reads the concluding prayer, he should say, "What are we and what is our life," etc., after it.

Rabh said: The prayer of N'ilah substitutes the evening prayer also. Rabh is in accordance with his theory elsewhere, that it is an additional prayer, and if it has been read, no other prayer is needed for the evening. Did Rabh say so? Did he not say elsewhere that the evening prayer is in general voluntary, not a duty? He means, even according to him who would say it is a duty, the "concluding prayer" substitutes it. An objection was made: We have learned in a Boraitha: In the beginning of the evening before the Day of Atonement, one shall read as prayers the seven benedictions, and confess. The same one does in the morning, and also in the additional prayer, the seven benedictions, and confessions; the same in the "concluding prayer": but in the evening one shall say as prayers seven of the eighteen week-day benedictions.* R. Hanina b.

* What the seven of the eighteen are, will be explained in Tract Berachoth.

Gamaliel said in the name of his ancestors : He shall say all the eighteen week-day benedictions, because he must include the Habbalah in the benediction of Wisdom (Honen Hadaath). The opinions of the Tanaim differ about it.

The disciples of R. Ishmael taught : He who sees Qeri on the Day of Atonement, he shall pray the whole year ; but if he has survived this year, he shall be sure of entering the world to come. R. Na'hman b. Itz'hak said : The proof is when the whole world is hungry, he was full. When R. Dimi came from Palestine, he said : He will live long, he will see children and grandchildren, as it is written [Is. iii. 10] : " Shall see seed, live many days."

END OF TRACT YOMAH.

APPENDIX.

WE think it will please our readers to have placed before them the following letter, written by a Gentile who had witnessed the services at the Second Temple on the Day of Atonement. We give the entire extract as it is translated in "Shevet Jehudah" by Solomon Aben Virga, who translated it from a letter written by Versovius to King Alfonso the Pious, although it began with the Feast of Passover, part of which is already mentioned in Tract Pesachim, as it will be of much interest to the historian to know some details of the Jewish services at the Temple.

EXTRACT FROM A LETTER WRITTEN BY VERSOVIVS TO KING ALFONSO THE PIOUS,
WHO COPIED IT FROM A WRITTEN REPORT SENT BY MARCUS, CONSUL OF
JERUSALEM, TO ROME.

. . . *Tenth.*—Concerning the service at the Temple, these Jews were reluctant to inform me about it, as they declared it was against their law to inform a Gentile about the manner of their serving God. They have enlightened me upon two subjects only, part of which I saw with my own eyes, and was greatly rejoiced thereat. One was the sacrifice which they brought on the feast that they call Pessach, and is considered to be the greatest of all their feasts; and the second is the entrance of the high-priest, whom we call *sacerdote mayor*, into the Temple on the day which to them, in regard of holiness, purity, and strengthening of the soul, is the most important of all the days in the year. The Pessach sacrifice, which I have partly witnessed, as also, as I was told, the entire ceremony, takes place in the following manner. When the beginning of the month which they call Nissan approached, by the command of the king and the judges, swift messengers visited every one in the vicinity of Jerusalem who owned flocks of sheep and herds of cattle, and ordered him to hasten to Jerusalem with them, in order that the pilgrims should have sufficient animals for sacrifices and food; for the people were then very numerous, and whoever did not present himself at the appointed time, his possessions were confiscated for the benefit of the Temple. Consequently all owners of flocks and droves came hastily on, and brought them to a creek near Jerusalem, and washed and cleaned

them of all dirt. They believed that in regard of that Solomon said [Solomon's Song iv. 2]: "A flock of well-selected sheep, which are come up from the washing." When they arrived at the mountains which surround Jerusalem, the multitude was so great that the grass was not seen any longer, as everything was turned white, by reason of the white color of the wool. When the tenth day approached—as on the fourteenth day of the month the sacrifice was brought—every one went out to buy his paschal lamb. And the Jews made an ordinance, that when going forth on that mission, nobody should say to his neighbor, "Step aside," or "Let me pass," even if the one behind was King Solomon or David. When I remarked to the priests that this was not seemly nor polite, they made answer that it was so ordered, to show that there is no rank before the eyes of God, not even at the time of preparing to serve Him, more especially at the service itself; at that time all were equal in receiving His goodness. When the fourteenth day of the month arrived, they went to the highest tower of the Temple, which the Hebrews called Lul, and whose stairway was made like those in our church towers, and held three silver trumpets in their hands, with which they blew. After the blowing, they proclaimed the following: "People of the Lord, listen! The time for slaughtering the paschal lamb has arrived. In the name of Him who rests in the great and holy house!" As the people heard the proclamation, they donned their holiday attire; for since midday it was holiday for the Jews, being the time for sacrifice. At the entrance of the great hall stood twelve Levites on the outside, with silver staves in their hands; and twelve within, with gold staves in their hands. The duties of those on the outside were to direct and to warn the incoming people not to injure one another in their great haste, and not to press forward in the crowd, to prevent quarrels; as it previously happened on one of the feasts of Pessach, that an old man, together with his sacrifice, was crushed, in consequence of the great rush. Those on the inside had to preserve order among the outgoing people, that they should not crush each other. They were also to close the gates of the hall when they saw that it was already full to its capacity. When they reached the slaughtering place, rows of priests stood with gold and silver bowls in their hands: one row had all gold bowls and another row had all silver bowls. This was done to display the glory and splendor of the place. Every priest who stood at the head of the row received a bowl full of the sprinkling blood. He passed it to his neighbor, and he to his, until the altar was reached; and the priest who stood next to the altar returned the bowl empty, and it went back in the same manner, so that every priest received a full bowl and returned an empty one. And there occurred no manner of disturbance, as they were so used to the service that the bowls seemed to fly back and forth, as the arrows in the hand of a hero. For thirty days previous they practised that service, and,

therefore, found out the place where there was the possibility that a mistake or a mishap might occur. There were also two tall pillars, on which stood two priests with silver trumpets in their hands, who blew when each division began the sacrifice [the paschal lamb was slaughtered in three divisions—see Pesachim], in order to give warning to the priests who stood on their eminence to begin Hallel amid jubilee and thanksgiving, and accompanied by all their musical instruments; on that day, namely, they brought forward all the instruments. The sacrificer also prayed the Hallel. If the sacrifice was not ended, Hallel was repeated. After the sacrifice, they went into the halls, where the walls were full of iron hooks and forks; the sacrifices were hung upon them and skinned. There were also many bundles of sticks; for when there were no more empty hooks, they put a stick upon the shoulders of two of their number, hung the sacrifice upon it, skinned it, and put the particular portion upon the altar, and went away rejoicing, as one who went to the war and returned victorious. The one who did not bring the paschal lamb at the appointed time, was eternally disgraced. During the service the priests were dressed in scarlet, that the blood which might accidentally be spilled on them should not be noticed. The garment was short, reaching only to the ankle. The priests stood barefoot, and the sleeves reached only the arms, so they should not be disturbed during the service. On their heads they had a cap, around which was tied a three-ell-long band; but the high-priest, as they told me, had a band which he could tie around his cap forty times. His was white. The ovens in which they roasted the paschal lambs were before their doors, in order, as they told me, to publish their religious ceremonies, also on account of the festival joys. After the roast, they ate amid jubilee songs and thanksgiving, so that their voices were heard from afar. No gate of Jerusalem was closed during Passover night, because of those who were constantly coming and going, who were considerable in number. The Jews also told me that on the Feast of Pessach the number of those present was double of that which went out of Egypt, for they wished to acquaint the king with their number.

The second service was the entrance of the high-priest in the sanctuary. Of the service itself they did not tell me, but of the procession to and from the Temple. Some of it I have also seen with my own eyes, and it surprised me so greatly that I exclaimed: "Blessed be He who imparts His glory to His nation!" Seven days before that day which they call Atonement Day, and which is the most important in the entire year, they prepared at the house of the high-priest a place and chairs for the chief of the courts, the Nassi, the high-priest, his substitute, and for the king; and besides these, also seventy silver chairs for the seventy members of the Sanhedrin. The oldest of the priests got up and delivered an oration before the high-priest, full of earnest entreaty. He said: "Bethink thyself

before whom thou enterest, and know that if thou wilt loose the devotion of thy mind, thou wilt at once drop down dead, and the forgiveness of the Israelites will come to naught. Behold! the eyes of all Israelites are turned upon thee. Investigate thy deeds. Perchance thou hast committed some slight sin; for there are sins which equal in weight many good deeds, and only the Almighty God knows the weight thereof. Investigate also the deeds of the priests, thy brothers in office, and have them repent. Take it to heart, that thou art going to appear before the King of all kings, who sits upon the throne of judgment, who sees everything. How darest thou to appear, when thou hast the enemy within thee!" The high-priest then makes answer that he has already investigated himself, and has repented all that which seemed to him sinful; that he has also already assembled all the priests, his brother officers, in the Temple, and by Him who rests His name there conjured them that each one should confess the transgressions of his brother officers, as well as his own, and that he prescribed for each transgression a corresponding repentance. The king also spoke to him kindly, and promised to shower upon him honors, when he should safely come out of the sanctuary. After that it was publicly proclaimed that the high-priest was about to take possession of his room in the Temple. Whereupon the people made ready to accompany him, and marched before him in the following order, which I witnessed myself: First went those who traced their ancestry to the kings of Israel, then those who were nearer in the priesthood; then followed those who were of the kingly house of David, and, indeed, in the most perfect order, one after the other, and before them was exclaimed: "Give honor to the family of David!" Then followed the Levites, before whom it was exclaimed: "Give honor to the family of Levi!" Their number amounted to 36,000. At this time the substitute Levites donned blue silk garments; but the priests, 24,000 strong, donned white silk garments. Then followed the singers, the musicians, the trumpeters; then the closers of the gates, the preparers of the incense, the preparers of the holy curtains, the watchers, the masters of the treasury; and then a corps which was called *chartophylax*; then all who were employed at the Temple, then the seventy members of the Sanhedrin, then a hundred priests with silver staves in their hands to make room, then the high-priest, and behind him the older priests in pairs. At the corner of every street stood the heads of the colleges, who spoke to him thus: "High-priest, enter in peace. Pray to our Creator for our preservation, so that we may occupy ourselves with the study of His Law." When the procession reached the mount of the Temple they halted and prayed for the preservation of the kings of the house of David, then for the priests and the Temple, whereat the *Amen* exclamation, because of the great crowd, was so loud that the birds overhead fell to the ground. After that the high-priest bowed before the entire

people very respectfully, and, weeping, separated himself from them all, and two substitute priests led him into his room, where he took leave of all the priests, his brothers in office. All that took place at the procession to the Temple; but at the procession from the Temple his honor was double, for the entire population of Jerusalem marched before him, and most of them with burning candles of white wax, and all attired in white; all windows were draped with varicolored kerchiefs and were lighted dazzlingly, and, as the priests told me, the high-priest, during many years, because of the great crowds and rush, could not reach his house before midnight; for although all fasted, nevertheless they did not go home before they convinced themselves whether they could kiss the hand of the high-priest. On the following day he prepared a great feast, to which he invited his friends and relatives, and made that day a holiday, because of his safe return from the sanctuary. After that he caused a goldsmith to make a gold tablet with the following inscription engraved upon it: "I, so and so the high-priest, son of so and so the high-priest, have performed the service of the high-priest in the great and holy Temple, in the service of Him who rests His name there, in the year of creation so and so. May He who favored me with the performance of that service, favor also my son after me, to perform the service before the Lord."

TRACT HAGIGA (HOLOCAUST).

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TRACT HAGIGA (HOLOCAUST).

CHAPTER I.

REGULATIONS CONCERNING THE HOLOCAUST, AND THE APPOINTED TIME FOR THE PEACE-OFFERING.

MISHNA : All are bound in the case of a holocaust * except a deaf man, a fool, a minor, and one of doubtful sex (*ατμητος*) and one of double sex (*androgynos*), and women and bondsmen, the lame, the blind, the sick, the old, and he who is not able to go upon his feet. What is a minor? Every one who is unable to ride on his father's shoulders, and to go up from Jerusalem to the mountain of the Temple. So is the decree of the School of Shammai. But the School of Hillel say: Every one who is unable to take hold of his father's hand, and to go up from Jerusalem to the mountain of the Temple, as it is said [Ex. xxiii. 14], "Three times,"† etc. The School of Shammai say: The holocaust involves two silver coins (one-third of a gold dinar), and the feast-offering one meah (one-sixth of a dinar). But the School of Hillel say the contrary.

GEMARA : What is meant to be added by the word "all"? It means to add a man who is half a slave (he was a slave to two men, and one gave him liberty). But according to Rabhina, who says that such a man is absolved from holocaust, what did the Mishna mean to add? One who was lame on the first day, but on the second day he became well. This would be correct according to him who says that on every day of the succeeding six days the obligation of the holocaust exists, but according to those who say that all the six days are only a completion of the

* The Hebrew term is *זָבַח*, which means "appearing" [*vide* Deut. xvi. 16], and because of the statement [ibid.], "And no one shall appear before the Lord empty," it is construed to mean the sacrifice; *i.e.*, the holocaust.

† The Hebrew expression for "times" is "Regalim," the singular of which is "Regel," and means "a foot" also, hence the meaning "if the minor can go with his feet."

first day, and as he was not obliged the first day, although he was fit for it later, he is free from it. What did the Mishna mean to add by the expression "all"? Therefore we must say that it is as stated above (one who is a half-slave), and Rabhina's statement is in accordance with the later Mishna, which states as follows: For the sake of the world, it was ordained that the master of the slave shall be compelled to set him free for the purpose that he should be able to marry a free man, and the slave shall give him a note for it for the half of his value. And the School of Hillel retracted their decision and decided as the School of Shammai; consequently if he is yet half a slave, he is obliged, because he will be free, and the Mishna adds by "all" such a case.

"*A deaf man, a fool, and a minor,*" etc. The Mishna mentions the deaf man together with fool, to teach us that as the fool has no intelligence, so also the deaf man is absolved when he has no intelligence, *i.e.*, when he is both deaf and dumb; but if he speaks but cannot hear, or *vice versa*, he is obliged. But did we not learn in a Boraitha: Both when he can hear but not speak, or speak and not hear, in either case he is free? Said Rabhina: The Boraitha is not completed, and must read thus: All are obliged in case of a holocaust, and to enjoy the festival, except a deaf man who hears but speaks not, or *vice versa*, then he is free from holocaust, but not from rejoicing. But he who neither hears nor speaks is free from rejoicing also, because he is exempt from all commandments contained in the Law. And so we also learned in a Boraitha plainly.

But why is a man who hears but speaks not, or *vice versa*, exempt from holocaust? Because about holocaust he deduces from an analogy of expression as follows: It is written [Deut. xxxi. 12]: "Assemble the people together, the men and the women, and the children," and [ibid. 2]: "When all Israel came to appear before the Lord thy God." But whence do we deduce that he who hears not but speaks, etc., is exempt from pilgrimage? Because it is written [ibid. 12]: "That they may hear, etc., that they may learn." And a Boraitha taught: "May hear" to exclude one who can talk but cannot hear, and "may learn" to exclude those who can hear but cannot speak. Is that so, that he who cannot speak cannot learn? We know there were two dumb men in the neighborhood of Rabbi, who were sons of the daughter of R. Johanan b. Gudguda (and others say, sons of his sister), who, when Rabbi entered the house of learning, went

in also, shook their heads, and muttered with their lips; and Rabbi prayed mercy for them and they were healed; and it was found that they were well versed on Halakha, and on the whole six sections of the Mishna? Said Mar Zutra: Read in the Bible: They may teach* (not "learn"), and who cannot speak cannot teach. Said R. Ashi: Assuredly, it must be so, because if learning is meant it could be deduced from the words "and they may hear," and he who cannot hear cannot learn.

R. Tan'hum said: He who is deaf in one ear is free from holocaust, because in the verse stated above [ibid. 2] it is written: "In their *ears*" (in the plural). R. Tan'hum said again: He who is lame in one foot, is also exempt, because it is written: "Three times" [Regalim (times), which means also feet (plural)].

Rabha lectured: "It is written (Song of Songs, vii. 2): "How beautiful are thy steps in sandals, O prince's daughter." This refers to the pilgrims on the festivals (see Succah, chap. iv.). R. Kahana said: R. Nathan b. Minyumi lectured in the name of R. Tan'hum: It is written [Gen. xxxvii. 24]: "And the pit was empty, there was no water in it." If it was empty, is it not self-evident that there was no water in it? Infer from this that it was empty from water, but not from snakes and scorpions.

The rabbis taught: It happened that R. Johanan b. Broka and R. Elazar b. Hasma went to visit R. Jehoshua in the city of Pekiin, and he asked them: What news is to-day in the house of learning? They answered him: We are your disciples, and we drink only your waters. He rejoined: Nevertheless, it cannot be there should not be something new in the college; tell me whose Sabbath was it for lecturing? And they said: R. Elazar b. Azariah's. And on what verse did he lecture? (asked he again). On the portion of the Assembly. And what did R. Elazar preach? He lectured thus: It is written [Deut. xxxi. 12]: "Assemble the people together, the men and the women and the children." It is right, the men came to learn, the women came to hear; for what purpose were the children brought? Only that those who brought them should be rewarded. And he rejoined: You have had a good pearl in your hand and you wanted to deprive me of it.

He also lectured on the verse Deut. xxvi. 17. (See Bera-

* The expression "Ylmdu," which means "to learn"; and Mar Zutra said it should be read "Yelamedu," which means "to teach."

choth.) The same lectured again: It is written [Eccl. xii. 2]: "The words of the wise are like goads, and like nails planted * are the words of the men of the assemblies which are given by one shepherd." As the goad keeps the animal which ploughs (to make it straight) furrows, so as to produce sustenance for the world, so also the words of the Law (keep those who study them) away from the ways of death for the ways of life. But if you would say, that as the goad is movable so also the words of Law. Therefore it is written: "Nails." But if you will say, as the nail (makes a hole in the wall and) diminishes (and does not add to it), so also the words of the Law diminish and do not add. Therefore it is written: "Planted"; as a plant is fruitful and multiplies, so also the words of the Law. "The men of assemblies," which means the scholars who sit in assembly, studying the Law and discussing—these make clean, the others make unclean, these prohibit and those allow, these make valid, those make invalid. But if one may say: If it is so, how can I learn the Torah? Therefore it is written: "Given by one shepherd." One God gave them, and one Master (Moses) said it from the mount of the Lord of all creatures, blessed be He, as it is written [Ex. xx. 1]: "And God spoke all these words." And therefore you must make your ears as an *επιχυσίς* (a kind of strainer which receives but lets not out), and gain an understanding heart to comprehend the reason why these make unclean, those clean, etc. Then R. Jehoshua rejoined: I tell you, it is not an orphan generation in the midst of which R. Elazar b. Azariah lives. Why did they not tell him at once the news in the house of learning? Because of the occurrence stated in the following Boraitha:

It happened once that R. Jose, the son of a Damascene woman, went to visit R. Eliezer in the city of Luda, and R. Elazar asked him: What news was there in the house of learning to-day? And he answered: It was voted, and the decision was that in the lands of Amman and Moab the tithe to the poor is to be given on the Sabbatical year (this is explained in Tract Maasroth), and he told him: Jose, stretch out your hand, and take out your eyes. And he did so. Then R. Elazar wept and said: It is written [Ps. xxv. 14]: "The sacred counsel of the Lord is for those that fear him, and his covenant to make it known to them." And he said to R. Jose: Go and tell

* *Netum*, "planted" or "fastened."

them, you should not doubt about your conclusion to-day, because I have a tradition from R. Johanan b. Zakkai, who heard it from his master, and his master from *his* master, etc., up to Moses on Sinai, that the land of Amman and Moab may give the tithe to the poor on the Sabbatical year. [The reason is because those who went out of Egypt subjugated many fortified cities, but those who went out from Babylon did not, and the first sanctification had sanctified the land only for that time, but not for the future. And those who went out from Babylon left these lands for the poor; they should be supported on them on the Sabbatical year. In another Boraitha it was taught: After R. Elazar became calm he prayed that it should be the will of God that Jose's eyes be cured, and they were cured.]

The rabbis taught: What is called a fool? He who goes out alone in the night, and who sleeps in a cemetery, and who tears the clothes he wears. It was taught: R. Huna said: It is only when he does all these things together. How is the case? If because he is a fool, then any of these is sufficient, and if he does it not through folly, what is the proof of all these? It is meant he does it through folly; but when he does all these things, he is like an ox goring another ox, a camel, and an ass, after which he is considered vicious as to all creatures, so he is considered a fool in all respects. Said R. Papa: If R. Huna had heard the following Boraitha, which states, Who is a fool? When he destroys all things that are given to him, he would have retracted his decree.

"*One of doubtful sex*," etc. The rabbis taught: It could be written [Deut. xvi. 16]: "The males," which would exclude only the women, but it is written "*Thy* males," which means to exclude also those of doubtful as of double sex. But why is needed a verse to exclude the women? Is not this a commandment which is dependent upon the time? and it is known that of all commandments which are dependent upon the time the women are exempt. This verse is needed, for at the first glance one might say that it shall be drawn from an analogy of expression, "the assembly"; as to the assembly women are also bound, so would be the case here, therefore, it comes to teach us. The master said: "All thy males" to include the minors. But did not we learn in our Mishna, "Except a deaf man, a fool, and a minor?" Said Abayi: It presents no difficulty: There is the case of a minor who has not arrived at the age of education yet, and here is the case when he has arrived at such age. When a

minor who has arrived at such age, his duty is only rabbinical. Why then is needed a verse? Yea, it is only rabbinical, and the verse is only a support. But to what else does the verse apply? To that of the following Boraitha: Anonymous teachers said: Those whose work imparts to them a bad odor which accompanies them wherever they go, are exempt from the holocaust, because it is written, "*All thy males*," *i.e.*, all that can go together with others, but not such as cannot be in others' company.

"*Women and bondsmen.*" This is correct as to women, as it was said above, but whence do we deduce about bondsmen? Said R. Huna: Because it is written there [ibid. ibid.]: "Before the Lord thy God," which means one who has only one Lord, but not such as has another lord. Let us see: To what purpose is needed a separate verse? It is known that all the commandments which are obligatory to a woman are so also to a bondsman and all the commandments from which a woman is exempt a bondsman is also exempt, and this is inferred from an analogy of expressions [Deut. xxiv. 1]: "Write her," and [Lev. xix. 20] "Her freedom given her," hence a woman and bondsman are equal in duties. Said Rabhina: The verse is needed for one who is half a slave and half free, and it seems to be so because the Mishna taught: Women and bondsmen who were not freed. To what purpose is stated "not freed"? If it is meant that they were not freed at all, "bondsmen" alone is enough. We must say, therefore, that the Mishna meant those who were not wholly free. And what can that be? One who is half a slave and half free.

"*The lame, blind, sick,*" etc. The rabbis taught: It is written "Regalim" to exclude the lame, sick, blind, and old men who cannot go with their feet. What is meant to be added by "who cannot go with their feet"? Said Rabha: Such delicate persons as cannot walk without shoes (and in the Temple it was not permitted to go in shoes), as it is written [Is. i. 12]: "When you come to appear in my presence, who had required this at your hand to tread down my courts?"

We have learned in a Boraitha: If one is uncircumcised, or unclean, he is exempt from the holocaust. It is right of one unclean, because it is written [Deut. xii. 5, 6]: "And thither shalt thou come, and ye shall bring thither." From this we infer, that he who can come in ought to bring, but he who cannot, should not; (and he who is unclean cannot come into the Tem-

ple). But of an uncircumcised, wherefrom is it deduced? This is in accordance with R. Aqiba, who makes an uncircumcised equal to an unclean one, as we have learned in the following Boraitha: R. Aqiba said: It is written [Lev. xxii. 4]: "Any man whatsoever of the seed of Aaron." "Any man"—it could be written "a man." Why "any man," to include that "the uncircumcised shall be equal to the unclean ones"?

The rabbis taught: R. Johanan b. Dahabai said in the name of R. Jehudah: A man blind in one eye is exempt from the holocaust, because it is written [Deut. xvi. 16]: "Shall appear,"* as if one comes to see, it is with both eyes; so if he appears, he must be with both eyes. R. Huna, when he came to the verse above cited, used to weep and say: That a slave whose master exhorts him to come to see him should be debarred from seeing him, as it is written [Is. i. 12]: "When you come to appear in my presence, who had required this at your hands to tread my courts?" Also when he came to the following verse [Deut. xxvii. 7]: "And thou shalt slay peace-offerings, and eat there." A slave who is invited to eat from his master's table, shall be debarred from seeing him, as it is written [Is. i. 1]: "Or what serveth me the multitude of your sacrifices?" R. Elazar, when he came to this verse [Gen. xlv. 3]: "And his brothers could not answer him, because they were terrified at his presence," he wept and said: If one is thus terrified when a human being has recognized his guilt, how much the more will it be before the Holy One, blessed be He.

Also when he came to the verse [1 Sam. xxviii. 15]: "And Samuel said to Saul: Why hast thou disquieted me, to bring me up?" If Samuel, the upright, was afraid of the judgment, so much the more must we be afraid of it. How shall this be understood? It is written [ibid. 12]: "And the woman said unto Saul: Divine beings have I seen ascending (Olim) out of the earth." Olim is plural. (Who were they?) It was Samuel and Moses, because Samuel was afraid. Perhaps he was asked to the judgment, and he had gone to Moses and asked him to testify, that he (Samuel) had done all that was written in his Law. R. Ammi, when he came to the following verse, used to cry [Lam. iii. 29]: "That he put his mouth in the dust, perhaps there still is hope." He said: After so much had been done,

* The Hebrew expression is יֵרָא which means "shall be seen"; the same letters with following punctuation יֵרָאִי would be "shall see," hence the analogy.

nevertheless it is said "*perhaps*." Also when he came to the following verse [Zeph. ii. 3]: "Seek righteousness, seek meekness, perhaps ye will be protected," he said: After so much will have been done, still it will be "*perhaps*." R. Asi, when he came to the following passage, used to cry [Amos v. 15]: "Hate the evil and love the good, and establish justice firmly in the gate: perhaps the Lord, the God of hosts." He said: After so much will have been done, it will still be "*perhaps*."

R. Joseph, when he came to the verse [Prov. xiii. 23]: "But there are many who are taken away without justice," * cried. R. Johanan, when he came to the following passage [Job ii. 3]: "And thou hast incited him against me to destroy him without cause," he cried. He said: If a slave persuades his master, and the master is persuaded, what cure can there be? Also, when he came to the following passage [ibid. xv. 15]: "In his holy one he putteth no trust," he cried and said: If he puts no trust in his holy one, whom will he believe? Once when on the road he saw a man pick figs from a tree. He left the ripe ones and picked the unripe ones. R. Johanan asked him: Are not the ripe ones better? He answered: These which are unripe I need for the route, because the ripe ones will be spoilt, but not these. Then said R. Johanan: This is as what is written: He putteth no trust in his holy ones (*i.e.*, they are gathered in before they are tempted to sin).

R. Johanan, when he came to the following verse [Mal. iii. 5] he wept: "And I will come near unto you to hold judgment, and I will be a swift witness against the sorcerers, and against the adulterers, and against those that swear falsely, and against those that withhold the wages of the hired laborer, fear me not, saith the Lord of hosts."

R. Johanan b. Zakkai said: Woe is to us, the verse makes equal for us light sins as well as grave sins." (Rashi explains it that the light sin is that of those who withhold the wages of the hired laborer, who is here equal to sorcerers, etc.) R. Hanina bar Papa said: When a man commits a sin and soon repents of it, he is forgiven immediately, because it is written [ibid.]: "And fear me not, saith the Lord of hosts." When he fears and asks for forgiveness, he is pardoned. R. Johanan, when he came to the verse [Eccl. xii. 14]: "For every deed will God bring into the

* Here is a legend of what happened to R. Bibi bar Abayi with the Angel of Death, who killed a man prematurely, which is omitted according to our method. This, however, can be found in the translation of Mr. Streane.

judgment, concerning everything that had been hidden," he cried. He said: If there is a slave whose master reckons his unintentional sins as his intentional sins, what cure can there be? What is meant by "everything that hath been hidden"? Said Rabh: When one kills a louse in another man's presence, and makes himself disagreeable thereby to him. And Samuel says: Even if he spits in the presence of his neighbor, and makes himself disagreeable.

What is meant [ibid.], "Whether it be good, or whether it be bad"? The disciples of R. Janai said: That applies to a man who gives charity to a poor man publicly. As R. Janai saw a man give a Zuz to a poor man publicly, he said to him: It would be better if you gave him not at all than as you did now, and put him to shame. The disciples of R. Shila said: It means a man who gives charity to a woman secretly, which brings on him suspicion.

It is written [Deut. xxxi. 21]: "And it shall come to pass when many evils and troubles." What is meant by "evils and troubles"? Said Rabh: Evils that trouble one another; for instance, a man who was bitten by a bee and by a scorpion—for the bee's sting warm water is needed, and for a scorpion's bite cold water is needed, hence the use of either will harm the other wound. Samuel said: What is written before, "whether good or bad," means one who (whether he is in good or bad circumstances) gives money to the poor only when the latter is in extreme poverty. Said Rabha: This is what people say: A Zuz for pleasure is not to be obtained, but a Zuz for trouble must be found (at any time).

It is written [Deut. xxxi. 17]: "And my anger shall be kindled against them on that day, and I will forsake them, and I will hide my face from them, and they shall be given to be devoured." Said R. Bardala bar Tebiumi in the name of Rabh: A man from whom God hides not his face is not an Israelite, and he who is not given to be devoured is not an Israelite, either. Said the rabbis to Rabha: It seems to us that you are neither included in the "hiding of the face" nor in the "devouring." And he rejoined: Can you know how much I must spend secretly on the government? Nevertheless the rabbis looked at him with an evil eye, and finally they came from the government and robbed him of everything. Said he: This is what R. Simeon b. Gamaliel said: Whatever the sages looked at with their eyes, either death or poverty followed.

It is written [ibid.]: "And I will hide my face from them." Said Rabha: The Holy One, blessed be He, said: "Although I have hidden my face from them, nevertheless I will talk to them in the dream." R. Joseph said: Still His hand is inclined to us, as it is written [Is. li. 16]: "With the shadow of my hand have I covered thee."

R. Joshua b. Hanania was before the Emperor (Cæsar). A Min who stood by showed him with his hand a people from whom God had turned away His face. R. Joshua b. Hanania showed *him* with *his* hand that "His hand is still over us." Asked the Emperor of R. Joshua: Do you know what the Min has shown you with his hand? He replied: Yes, he showed me a people from whom God had turned away His face. He asked him: What have *you* shown *him* with *your* hand? He answered: I showed him that God's hand is still inclined over us. The Emperor then asked the Min: What have you shown to R. Joshua b. Hanania? He said the same. And he asked him: What did he show you? He replied: I do not know. Then the Emperor said: A man that does not know what is shown to him by a sign, should he dare to raise his hand in the presence of an emperor? He ordered, and the Min was killed.

When R. Joshua b. Hanania was dying, the rabbis asked him: What will become of us with the Minim? He rejoined: It is written [Jer. xlix. 7]: "Is counsel vanished from the sons, is their wisdom become corrupt?" And this must be interpreted: When the children of God love their adviser the wisdom of their adversaries becomes corrupt. [And if you wish, we can infer it from the following passage (Gen. xxxiii. 12): "Let us depart and move farther, and I will travel near* thee," which means we will be always equal to those against us.]

R. Ula, when ascending the steps of the house of Rabba bar Shila, heard a child read the following passage [Amos iv. 13]: "He that formeth the mountains, and createth the wind and declareth unto man what is his thought." And he said: If there is a slave whose master can declare him what his secret thought is, what cure can there be? What is meant by "He declareth"? Said Rabh: Even a superfluous conversation between a man and his own wife is mentioned to him at the time of his death.

It is written [Jer. xiii. 17]: "My eye shall weep sorely and run down with tears, because the flock of the Lord is driven

* *Lnegdecho* and *Neged* mean "against."

away captive." Said R. Elazar: What signify the three tears? * One over the first, one over the second Temple, and one over the exile of Israel from their land.

The rabbis taught: For the following three things the Holy One, blessed be He, weeps every day: For him who has the power to study the Law every day and does not; for him whose circumstances do not allow him to study, but who nevertheless does, and for a chief of the congregation who is haughty toward his congregation. Rabbi held the book of Lamentations and read. When he came to the verse [Lam. ii. 2]: "He had cast down from heaven unto the earth," the book dropped out of his hand. He said: It fell from the highest attic to the lowest pit.

Rabbi and R. Hyya were on the road. When they came to a city they said: If here is a scholar we will go to pay him a visit. They were told: There is here a young scholar, but he is blind. Said R. Hyya to Rabbi: You, as a Nasi, stay here, not to degrade your dignity, and I will go to see him. Rabbi did not listen, but perforce accompanied him. The blind man said to them when they were departing: You have come to see a countenance that can be seen, but cannot see; therefore ye should deserve to see that countenance which sees all, but which no one sees. Said Rabbi (to R. Hyya): If I had listened to you, and refrained to accompany you, I could not have received this blessing. They then asked the blind man: From whom have you heard this beautiful saying? (That to visit a scholar is so great a merit.) He replied: I heard it at the lecture of R. Jacob of the village of Hitaya, who used to visit his master every day. When he became old, his master said to him: Do not take this trouble now, for you are too aged to walk every day. He answered: Is this slight in your estimation what is written about scholars [Ps. xlix. 10]: "Should he still live forever, and not see the pit, for he must see that wise men die"? Now, if he who sees the wise die lives forever, much more so he who comes to see them when alive.

R. Idi, the father of R. Jacob bar Idi, had the custom to be three months on the road, and one day in college. The students of the college called him "the single-day student." So he became discouraged, and said in application to himself the verse [Job xii. 4]: "I am as one laughed at by his friends." Said R.

* In this verse in the Hebrew "tears" is mentioned three times.

Johanan to him: "I pray thee, do not cause the rabbis to be punished (by Heaven for their wrong to him), and he himself went and lectured thus: It is written [Is. lviii. 2]: "Yet me do they ever seek day by day, and to know my ways do they always desire," and said: Do they seek only by day, and not in the night? This comes to teach us that he who studies the Law even one day in the year, the verse makes him equal to one who studied the whole year.

"*Every one unable to ride on his father's shoulders,*" etc. R. Zera was opposed to this teaching, and asked: And who brought him as far as Jerusalem?" Abayi answered: As his mother is bound to rejoice, she brought him, and there if he can go up to the Temple mountain with his father, he is no longer a minor. To defend the teaching of the School of Hillel, Rabbi replied thus: It is written in 1 Sam. i. 22: Hannah said: "So soon as the child shall be weaned, I will bring him." Why did she let him wait till he would be weaned, since the father could have carried him? Said Abayi* to him: According to your question, why did Hannah herself fail to go, since she was bound to rejoice? It must be said, that because of the too delicate condition of the child (which his mother noticed in him) she did not want to go.

"*Beth Shammai say two silver coins,*" etc. The rabbis taught: Beth Shammai say two silver coins for holocaust, because the sacrifice is a burnt-offering and must be more valuable, but for the feast-offering, which is only a peace-offering, one meah suffices. And we find also in case of Pentecost, about which the Law commands the burnt-offering should cost more than the peace-offering. And the Beth Hillel say: For the holocaust only one silver coin is sufficient. But the feast-offering had existed before the Law was given to Moses, as it is written [Ex. xxiv. 5]: "And they offered burnt-offerings and peace-offerings." (Although in the Bible it is written after the Law was given, this occurred before.) And we also find when the princes of Israel offered sacrifices, the cost of the peace-offerings was greater than the burnt-offerings.

Abayi said: Beth Shammai (R. Elazar and R. Ishmael) all hold that the sacrifice the Israelites offered in the desert was a holocaust-offering, and the Beth Hillel (R. Aqiba and R. Jose the Galilean) all hold that it was the daily offering, but not that of holocaust. We have learned in Tract Peah, Chap. I., the fol-

* This must be Abayi the Elder, who lived at that time.

lowing things have no biblical prescribed quantity: Peah (the corner); the first-fruit [Deut. xxvi.], and the holocaust-offering, and the conferring of kindness and the studying of the Law. R. Johanan taught to say: They have no prescribed maximum, but they have a prescribed minimum, until R. Oshia the Great came and taught: The holocaust has no prescribed quantity, even a minimum. But the sages said: The holocaust-offering should not be of less worth than a silver coin, and the feast-offering not less than two.

The expression in the above-cited Mishna for the holocaust is "the seeing" (Haraion). Now the question arises what is meant by "the seeing"? R. Johanan said: He can come to the court as many times as he likes to see it; the sacrifice, however, is only once in each festival. Resh Lakish, however, said: Every time he comes to visit the court he must offer a sacrifice. And they differ only during the whole year, not in the festivals. According to R. Johanan he may visit it without a sacrifice, but according to Resh Lakish he must bring a sacrifice, but both agree, in the festivals, he must come with a sacrifice, and one is sufficient for all days of the feast. And Resh Lakish agrees also that when one comes to visit in the middle of the year without a sacrifice, he may nevertheless enter the court and the Temple, but they differ when he came in the middle of the year and brought a sacrifice with him. According to R. Johanan it must not be accepted from him as an offering of the holocaust, because it is not prescribed how many times he should visit, but is prescribed that only one sacrifice in each festival. And according to Resh Lakish it may be accepted, because there is no prescribed quantity for sacrifices also, and he can sacrifice as much as he likes.

We have learned in a Boraitha: It is written [Prov. xxv. 17]: "Make thy foot scarce to the house of thy friend." From this we may infer: Thou shalt forbear to bring too many sin-offerings. Whence do we deduce this? Perhaps it means too many burnt-offerings or peace-offerings? It cannot be, for it is written [Ps. lxvi. 13]: "I will enter thy house with burnt-offerings; I will pay unto thee my vows (peace-offerings)." Now we see that burnt-offerings and peace-offerings he can offer when he likes. What, then, does the verse mean? Sin-offerings.

MISHNA: Burnt-offerings on the intermediate days come from ordinary things, but the peace-offerings from second-tithe. On the first day of Passover the School of Shammai say that

they come from ordinary things, but the School of Hillel say that they come from the second-tithe. Israelites generally fulfil their duty with vows and voluntary offerings, and with cattle-tithe, and the priests by the eating of sin-offering and of the trespass-offering, and by the first-born, and by the breast which hath been waved, and the shoulder which hath been lifted up, but not by eating of birds or of meal-offerings.

GEMARA: According to this Mishna, burnt-offerings are only to be sacrificed on the intermediate days, but not on the festival itself, and this would not be according to the School of Hillel concerning the Mishna in the next chapter? The Mishna is not completed, but must read thus: Burnt, vow, and voluntary offerings can be brought only on the intermediate days, not on the festival itself. The holocaust-offering, however, may be brought even on the festival. And when it is brought it must be only from ordinary things, but the peace-offerings of enjoying may be brought also from the second-tithe; the feast-offering, however, on the first day of Passover, the School of Shammai say, from ordinary things, and the School of Hillel say, from second-tithe. And so it was taught plainly in a Boraitha. Why is the feast-offering on the first day of the Passover different? Said R. Ashi: The Mishna comes to teach us only the feast-offering of the fifteenth of Nisan may be brought on the festival, but not of the fourteenth (which is brought together with the Paschal lamb). [From this we see that R. Ashi holds that the feast-offering of the fourteenth is not biblical.]

The Mishna says: The School of Hillel say: It may be brought from the second-tithe. Why? Is this not a duty-offering, and all that is a duty-offering must come from ordinary things? Said Ula: They meant to say, when he added the money of the second-tithe to the ordinary money. Hezkyah, however, said: An animal from second-tithe can be added to an ordinary animal, but with money it cannot be done so. R. Johanan, however, said: That, on the contrary, money to money can be added, but an animal to an animal cannot be added.

We have learned in one Boraitha in accordance with Hezkyah, another in accordance with R. Johanan.

"*Israelites fulfil their duty,*" etc. The rabbis taught: It is written [Deut. xvi. 14]: "Thou shalt rejoice on thy feast," that is to add, all the moneys you have for rejoicing you can add to the money for this rejoicing. (It is said in another place that there is no rejoicing without meat, and as he has money

for the second-tithe as for other rejoicing, he can use it to eat the meat of the peace-offerings.) From this the sages infer that the Israelites can fulfil their duty with vow and voluntary offerings and with cattle-tithe; and the priest with sin and trespass-offerings, with the firstlings, and wave (breast) and heave (shoulder), lest one say, also with birds or meal-offerings. It is therefore written: "Thou shalt rejoice *thy* feast," and from this we may infer that all the things of which a feast-offering may be brought can be used for enjoying, excluding the above, of which a feast-offering cannot be brought. And R. Ashi said: From the expression only "Thou shalt *rejoice*" it can be inferred, because meal and fowls are not used for rejoicing.

MISHNA: He who has many to eat with him and few possessions brings more peace-offerings and fewer burnt-offerings. He who has more possessions than persons to eat with him brings more burnt-offerings and fewer peace-offerings. If one has little of both, to this case applies the saying about the meah of silver and the two pieces of silver. If he have enough of both, to this case applies the words: "Every man shall give as he is able, according to the blessing of the Lord thy God, which he hath given you" [Deut. xvi. 17].

GEMARA: More peace-offerings? Where should he take them? Said R. Hisda: He should add money, and shall bring a large bull. Ula said in the name of Resh Lakish: If one have separated ten animals for his feast-offerings, if he have offered five on the first festival, he may offer the other five on the second day of the festival. R. Johanan, however, said: As soon as he stopped offering, he shall not do it more. Said R. Abba: They do not differ, however. R. Johanan says he must do so, when he stopped, without any condition, but Resh Lakish meant the case when he said, when he stopped, that he would offer more. So it was taught also, that R. Shaman bar Abba said in the name of R. Johanan: The case where he cannot continue his offerings is only when he has no time to continue this day, and did not do so, but when he had time he may continue on the morrow.

MISHNA: If one has not offered the feast-offering on the first day of the festival, he may do it on any of the seven intermediate days, and even on the last day of the festival; but if the feast is over and he has not done it, he is not responsible for this. Of such a person is said [Eccl. i. 15]: "That what is crooked cannot be made straight, and what is defective cannot

be numbered." R. Simeon b. Manassea, however, said: Who is this that is crooked that cannot be made straight? That is he who forms an illegitimate connection and begets therefrom a bastard child. If you should say: Nay, it has to do with theft and plunder, then he could make restitution of it and be made straight? R. Simeon b. Jo'hai said: Nothing is called crooked that was not straight at the beginning and has become crooked. And what is this? A scholar that separates himself from the Law.

GEMARA: Whence do we deduce this? Said R. Johanan in the name of R. Ishmael: It is written of the seven days of Passover: "Assembly," and it is also written of the eighth day of the Feast of Tabernacles: "Assembly." As the eighth day of the Feast of Tabernacles is a completion, so also is the seventh day of Passover, and this expression is "empty" (seemingly superfluous), because if it would not be superfluous it could be objected to that the seventh day of Passover is not separated in anything from the former days, but the eighth day of the Feast of Tabernacles is separated from the former days in the offerings and in many things (as is stated in Succah). And in reality this expression "assembly" is superfluous: for let us see: What is meant by "assembly to the Lord thy God"? They shall assemble not to do any labor, and this is already written above [Deut. xvi. 8]: "You shall not do any labor." Why "assembly" again? Infer from this to make it "empty" for the analogy stated above. But the Tana of the Boraitha infers this from the following passage: It is written [Lev. xxiii. 41]: "Ye shall celebrate it as a feast unto the Lord seven days in the year." Might we assume he shall celebrate the holidays all the seven days? Therefore it is written "it"—*it* but not *all* the seven days. And for what purpose then is it written "seven days"? You must say, they are only for a completion. But whence do you know that if he has not offered the feast-offering on the first day, he may do so on all the succeeding six days of the festivals? Therefore it is written [ibid.]: "In the seventh month shall ye celebrate." If the seventh month, one might assume that he shall celebrate the whole month? Therefore it is written "it" (on the festival), but ye cannot do so outside of the festival.

"*If the feast is over,*" etc. Said Ben Hei Hei to Hillel: If it is so, why is it written, "Cannot be numbered"? It should be written, "Fulfilled"? We must therefore say that this verse means,

that if a man was numbered among his colleagues for a religious duty, and he did not want to be numbered—of him is said the verse. So also we have learned plainly in a Boraitha (Bera-choth). Ben Hei Hei again asked Hillel: It is written [Mal. iii. 18]: "And ye shall return and see the difference between the righteous and the wicked, between him that serveth God and him that has not served him." What is the difference between the righteous and the servant of God, or the wicked and him who serves not God? Is it not the same? And he answered: Both he who serves God and serves not are really upright men, but when one repeats his chapter of the Law one hundred times he is not equal to him who does it one hundred and one times. Said Ben Hei Hei again: Can the man be called upright who serves not God, because he did not repeat the one hundredth and first time? And he said: Yea, go and learn from the market-place, where asses are hired: when one hires an ass for ten parsa, he pays one Zuz, but if for eleven, he must pay two.

Elijah said to Ben Hei Hei, according to others to R. Elazar: It is written [Is. xlviii. 10]: "Behold, I have refined thee, though not into silver: I have approved thee in the crucible of affliction."* Infer from this when the Holy One, blessed be He, looked for merits given to Israel, he found only poverty. Said Samuel, and according to others R. Joseph: This is what people say: Poverty becomes Israel as a red leather trapping a white horse.

"*R. Simeon b. Menassea*," etc. If born, yea, but if not, nay? Did we not learn in a Boraitha: Simeon b. Manassea said: If one has stolen something, he can return it and repair his sin; if one has robbed, he can return, and make all good, but he who has had a connection with his neighbor's wife, and disqualified her for his neighbor, this man is destroyed from the world, and is lost? R. Simeon b. Jo'hai said: We do not say, one shall examine a camel, or one shall examine a pig (because they are unfit, and there is nothing to examine). But what is to be examined? A sheep (which is fit for an offering). Perhaps it has received a blemish which makes it unfit—that is, a scholar who has departed from the Law. R. Jehudah b. Lakish said: Of a scholar who separated himself from the Law the verse [Prov. xxvii. 8] said: "As a bird that wandereth away from her nest, so is a man that wandereth away from his place." Of him is also

* *Oni* is translated "affliction," but by the Talmud "poverty."

written [Jer. ii. 5]: "What fault did your fathers find in me, that they went away from me?" (Now we see, however, that he who has a connection with his neighbor's wife, although he has no bastard born, is also destroyed from the world? It presents no difficulty: If he forced her, she may continue with her husband and he may repent and make it good, but if a bastard was born, she cannot live with her husband, and he is lost; but if he did it with her will, even when there is no bastard, he is lost). And if you wish I will say: In both cases it is when he used force. If he had a connection with the wife of a priest (who cannot live with her husband in any case), he is lost even when no bastard was born; and when it is stated that he is lost only when a bastard is born, the wife of a common man is meant.

It is written [Zech. viii. 10]: "And for him that went out or came in there was no peace." Said Rabb: That means, if a man goes out from the study of the Mishna to read the verses of the Bible, this man can have no more peace (because nothing can be decided from the verses without the commentary of the Mishna). Samuel, however, said: Even the man who separates himself from the Talmud to learn the Mishna (because nothing can be decided from the Mishna without the explanation of the Talmud). R. Johanan said: Even he who separates himself from the Palestinian Talmud, and goes to the Babylonian Talmud (because nothing is to be decided from the Babylonian Talmud, as it is said in Sanhedrin: "In dark places that he set me to dwell," etc. [Lam. iii. 6], which means, the Babylonian Talmud); and so explains Rashi; but Tosphath says, it can be explained *vice versa*, i.e., one who goes from the Babylonian Talmud before understanding it thoroughly to the Palestinian Talmud, who will surely not understand it.

MISHNA: The laws about the dissolving of vows hang in the air, and have no basis (in the Bible). The Halakhath concerning Sabbath, feast-offerings, and trespasses are as mountains suspended by a hair, because the verses of the Bible concerning this are very few, and the Halakhath are very many. The jurisprudence, the Temple services, and the purification, and uncleanness, and the cases of illegal unions, have a basis in the Bible, and they are the essential parts of the Law.

GEMARA: We have learned in a Boraitha: R. Elazar, however, said: They have a basis in the Bible, as it is written: [Lev. xxvii. 2]: "If a man make a particular vow," and [Num.

vi. 2] it is written again: "Pronounce an especial vow." Why twice? It is to signify—one is to make the vow, the other is to dissolve it. R. Joshua said also: They have a basis, as it is written: [Ps. xcv. 11]: "So that I swore in my wrath." From this we infer, what I have sworn in my wrath, which later I recalled (and from this we infer, who swears, or vows when he is excited, or so, may later ask to have it dissolved). R. Itz'hak said: There is a basis from the following [Ex. xxxv. 5]: "Whosoever is of a willing heart." From this we may infer, he can make a vow with a willing heart, but otherwise he can ask for its being dissolved. Hananiah the son of R. Jehoshuah's brother said: Their basis is the following verse [Ps. cxix. 106]: "I have sworn and I will perform it, to observe thy righteous ordinances," and when he says, "I will perform it," he may sometimes not do it, although he has sworn, because he will ask it to be dissolved. Said R. Jehudah in the name of Samuel: If I would be there I would say to them: The following verse would be better than yours, viz. [Num. xxx. 3]: "He shall not profane his word." *He* shall not profane, but others can make him profane it. Said Rabha: To all said above I can object, but what Samuel said could not be objected to.

"*The Halakhath concerning Sabbath.*" Are not written many verses about Sabbath? Why do they say, they are as mountains suspended by a hair? It is prohibited only to labor with an intention, but what is and what is not labor with an intention is not written at all; but the Talmud concludes that it is such that was done in the Tabernacle, because the commandment of Sabbath immediately precedes the building of the Tabernacle [Ex. xxv.].

"*The offering of peace.*" Why, it is written? (It is said above, "Ye shall celebrate"? Yea, it is written, "Ye shall celebrate it," but where is it written an offering shall be brought?) This may be inferred from an analogy of expressions. It is written [Ex. v. 1]: "That they may hold a feast unto me in the wilderness," and it is written [Amos v. 25]: "Have ye offered unto me sacrifices and meat-offerings in the wilderness?" Hence as there is plainly stated "offerings," so also "hold a feast" means to bring offerings. Why, then, is it said, they are as mountains hanging by a hair? Because between the words of the law of the Pentateuch and the words of the Prophets we do not draw any analogies.

"*Trespass.*" Is that not written? Said Rabha: It means as

a case of the following Boraitha: If the owner has remembered, but his messenger did not remember, the messenger has trespassed. Now, what has the poor messenger done to trespass? That is, these laws are as mountains hanging by a hair.

"*In the Bible are very few,*" etc. We have learned in a Boraitha: That about plagues, tents for a dead body, the verses are few, and the Halakhath are many. Is that so? Of plagues there are very many verses? Said R. Papa: The Boraitha meant to say thus: About plagues there are many verses, but few Halakhath; but about tents there are few verses, but many Halakhath. And what is the difference? That is, if one is doubtful in a Halakha concerning plagues, he should look up the Bible, but if he is doubtful concerning tents, he must look up the Mishnas.

"*Jurisprudence.*" (The Mishna says, it has only a basis. Is it only that?) Is it not written all about it? It is meant a case as in the following Boraitha: Rabbi said: What is written [Ex. xxi. 23]: "Life for life" means money. But whence do we deduce this? Perhaps it means life in the reality? Therefore here it is written: "Thou shalt give," and in the preceding verse it is written: "He shall give by the decision of the judges." As there it is to pay money only, so it is here.

"*The Temple services.*" Is this not written? It means to say about the bringing of the blood to the altar, as we have learned in a Boraitha. The passage [Lev. iv.] "*shall bring*" means "*receiving*" the blood, as it is a service that must be done by the priest with the observation of all the regulations of the Law.

"*Clean and unclean.*" Is this not written? The Mishna means, the prescribed quantity for a legal bath, which is not written at all. But about unclean things, is it not written? It means to say, the size of a lentil from a reptile defiles, which is not written.

"*Illegal unions.*" Is it not written about this plainly? It was necessary to meet the case of the daughter of a woman whom he has forced, which is not written about in the Bible and that is only drawn from an analogy of expression.

"*And they are the essentials of the Law.*" Are only these the essential parts? and the former not? Say, they are also.

CHAPTER II.

REGULATIONS CONCERNING PUBLIC LECTURES WHICH ARE AND WHICH ARE NOT ALLOWED.

MISHNA: One should not discuss illegal unions unless there were three besides him, nor the creation unless there were two besides him, nor the divine chariot with one individual, unless he was a wise man and had much knowledge of his own. Every one who tries to know the following four things, it were better for him if he had never come into the world, viz.: What is above and what is beneath, what was before creation, and what will be after all will be destroyed. And every one who does not revere the glory of his Creator, it were better for him he had not come into the world.

GEMARA: In the first part it is said: "The divine chariot with an individual" (because he may deviate from the tradition and add out of his own mind, and there will be nobody to remind him), and afterwards it is said: "Unless he is a wise man and will understand by himself?" (from this we infer, that no tradition is necessary). The Mishna meant to say thus: One must not lecture about illegal unions even to three, nor about the creation even to two, and not about the divine chariot even to one, unless the lecturer was a wise man and will understand himself to answer, if they will question him about something. Why so? Said R. Ashi: One must not lecture about illegal unions not mentioned in the Bible (*e.g.*, his daughter of a forced woman, or the mother of his father-in-law, which is drawn only from an analogy of expression?) And why not to three? This is common sense. If there are only two, the Master speaks to one, and the other listens to him. But if there are three, one listens, and the other two discuss it between them, and can err and come to a wrong conclusion to permit an unlawful thing. If it is so, why only about unlawful unions, the case should be the same with the whole Law? In case of unlawful unions it is different, because the Master says: Robbing and vice a man desires. If so, why only in case of illegal unions, let him not lecture about robbery

also to three? Robbery one desires when the thing to be robbed is in his presence, but this is desired in the party's absence also.

"And not about creation to two." Whence do we deduce this? As stated in the following Boraitha: It is written [Deut. iv. 32]: "For do but ask of former days" (this is in the singular). From this we may infer, that *one* may ask, not *two*. Lest one assume that a man can ask, What was before the creation? therefore it is written [ibid.]: "Since the day that God created man from the earth"; but lest one assume, a man must not ask even what was done in the six days of creation? therefore it is written [ibid.]: "Which were before thee" [*i.e.*, the six days before]; lest one ask, What is above and what is beneath, what was before creation and what will be after it? therefore it is written [ibid.]: "From one end of the heavens unto the other end of the heavens," "but not what is beyond." [If we infer this from what is written: "From one end of the heavens unto the other end," why is needed the verse further: "Since the day that God created man upon the earth"? This is according to R. Elazar, who said that Adam was tall from the earth up to heaven, and after he had transgressed, the Holy One, blessed be He, laid His hand upon him, and made him lower, as it is written (Ps. cxxxix. 5): "Behind and before hast thou hedged me in, and thou placest upon me thy hand."]

R. Jehudah in the name of Rabh said: Ten things were created on the first day, and they are: heaven and earth; chaos and desolation; light and darkness; wind and waters; the measures of the day and those of the night—heaven and earth, for it is written [Gen. i. 1]: "In the beginning God created the heaven and the earth"; chaos and desolation, for it is written [ibid. i. 2]: "And the earth was without form and void (chaos)"; light and darkness—darkness, for it is written [ibid., ibid.]: "And darkness was upon the face of the deep"; light, for it is written [ibid. i. 3]: "And God said, Let there be light"; wind and water, for it is written [ibid. i. 2]: "And the spirit (wind) of God was waving over the face of the waters"; the measures of the day and those of the night, for it is written [ibid. i. 5]: "And it was evening, and it was morning, the first day."

We have learned in a Boraitha: Chaos is a green line compassing all the world, and from it darkness springs, as it is written [Ps. xviii. 12]: "He made darkness his hiding place, round about him." Desolation—this means the stones covered

with mud, which are sunk in the deep, from which waters come forth, as it is written [Is. xxxiv. 11]: "And he shall stretch out over it the line of destination and the weights of desolation."

Was light created on the first day? Is it not written [Gen. i. 17]: "And God set them in the expansion of the heaven," and also [ibid. i. 19]: "And it was evening and it was morning the fourth day"? This is as R. Elazar said: The light which the Holy One created on the first day, Adam saw by its means from one end of the world to the other. When the Holy One considered the generation of the flood and the generation of the dispersion, and that their works were vain, He took it from them and concealed it for the upright in the world to come. In this, however, the following Tanaim differ, as we have learned in a Boraitha: The light which the Holy One, blessed be He, created on the first day, Adam observed and saw by its means from one end of the world to the other. So said R. Jacob. But the sages said: These are the luminaries which were created on the first day, but were not hung up until the fourth day.

R. Zutra bar Tobiah in the name of Rabh said: By ten things the world was created: by wisdom and by understanding; by knowledge and by strength; by rebuke and by might; by righteousness and by judgment; by mercy and by compassion.* R. Jehudah in the name of Rabh said: At the time that the Holy One, blessed be He, created the world it went spreading on like two clews of shoot and warp, until the Holy One, blessed be He, rebuked it and brought it to a standstill, as it is written [Job xxvi. 11]: "The pillars of heaven tremble greatly, and are astounded at his rebuke." And this is what Resh Lakish also said: What is meant by [Gen. xvii. 1]: "I am the Almighty God"? (אֲנִי אֱלֹהִים). It means: I am He *Who* (עַל) said to the world, "*Enough*" (כֵּן). Resh Lakish said again: At the time the Holy One, blessed be He, created the sea, it went spreading on, until the Holy One, blessed be He, rebuked it and made it dry, for it is written [Nah. i. 4]: "He rebuketh the sea and maketh it dry; and all the rivers he dried up."

The rabbis taught: The School of Shammai say: The heavens were created in the beginning, and afterwards the earth was created, for it is written [Gen. i. 1]: "In the beginning God created the heaven and the earth." But the School of Hillel say: The earth was created in the beginning, and afterwards the

* All these are deduced from passages. See foot-note further on.

heavens, for it is written [Gen. ii. 4]: "On the day that the Lord God made *earth* and heaven." Said the School of Hillel to the School of Shammai: According to your words, a man builds an upper story, and afterwards builds a house; and the heavens are the upper story, as it is written [Amos ix. 6]: "That buildeth in the heavens his steps, and hath founded his vault over the earth." Said the School of Shammai to the School of Hillel: According to you, a man makes a footstool, and afterwards makes a throne, as it is written [Is. lxvi. 1]: "Thus saith the Lord, The heaven is my throne, and the earth is my footstool." The sages say: Both were created together, as it is written [ibid. xlviii. 13]: "My hand also hath laid the foundation of the earth, and my right hand hath spanned out the heavens. I call unto them, they stand forward together."

What is meant by "heavens"? Said R. Jose bar Hanina: It means, the place where there is water. In a Boraitha it is explained as equivalent to fire and water, thus teaching that the Holy One, blessed be He, brought them and mingled them one with the other, and made from them the firmament. R. Ishmael questioned R. Aqiba when they were on the road: Thou art one who hast served for twenty-two years Na'hum, the man of "Gimzu," the man who expounded the meaning of all the particles "*eth*" (the) which are in the Law. What was his exposition of "Eth-ha-shamayim v'*eth* haaretz"? R. Aqiba answered: If the words had been simply: First created God heaven and earth, I should have said, "Heaven" is another name of God. But as it is now, all know that heaven and earth are to be taken in the literal meaning. And why do I find the expression "*v'eth haaretz*"? To show that heaven preceded the earth.

There is a Boraitha of R. Jose which says: Woe to the creatures which see and know not what they see, which stand and know not upon what they stand. Upon what does the earth stand? Upon the pillars. The pillars stand upon the waters; the waters upon the mountains; the mountains upon the wind; the wind upon the storm; * the storm is suspended upon the strength of the Holy One, blessed be He, as it is written [Deut. xxxiii. 27]: "And here beneath, the everlasting arms." The sages say: It stands upon twelve pillars, as it is

* There are here adduced biblical passages for every statement, but we omitted them, as they are not in point.

written [Deut. xxiii. 8]: "He set the bounds of the tribes according to the number of the sons of Israel." According to others, seven pillars, as it is written [Prov. ix. 1]: "She had hewn out her seven pillars." R. Elazar b. Shamua said: Upon one pillar, and its name is Zaddik (The Righteous), as it is written [Prov. x. 25]: "But the righteous is an everlasting foundation." R. Jehudah said: There are two firmaments, as it is written [Deut. x. 14]: "Behold, to the Lord thy God belong the heavens and the heavens of the heavens." Resh Lakish said, they are seven, viz.: Vilon, Rakia, Shchakim, Zbul, Maon, Makhon, Araboth. Vilon serves no purpose whatever save this, that it enters in the morning, and goes forth in the evening, and renews every day the work of creation. Rakia is that in which are set sun and moon, stars and constellations. Shchakim is that in which the millstones stand and grind manna for the righteous. Zbul is that in which is the heavenly Jerusalem and the Temple, and the altar is built there, and Michael the great prince stands and offers upon it an offering. Maon is that in which are companies of ministering angels, who utter His song in the night and are silent in the day for the sake of the glory of Israel. Resh Lakish said: Every one who studied in the Law in this world, which is like the night, the Holy One, blessed be He, stretches over him the thread of grace for the future world, which is like the day, as it is written: "By the day the Lord gives his merciful command, and by night his song is with me." Makhon is that in which are the treasures of hail, and the high dwelling-place of harmful dews and the high dwelling-place of the round drops, and the chamber of the whirlwind and of the storm, and the retreat of noisome vapor; and their doors are made of fire. Araboth is that in which are righteousness and judgment and grace, the treasures of life and the treasures of peace and the treasures of blessing, and the souls of the righteous and the spirits and souls which are about to be created, and the dew with which the Holy One, blessed be He, is about to quicken mortals. There also are celestials and seraphs and holy beings and ministering angels and the throne of glory, and the King, the Living God, high and lifted up, sitting over them among the clouds, and darkness and cloud and thick darkness surround Him. How is there darkness in the presence of the Lord? Is it not written [Dan. ii. 22]: "He is that revealeth what is deep and secret: he knoweth what is in the darkness, and the light dwelleth with him"? This presents no difficulty.

The one refers to that which is within, the other to that which is without. R. A'ha bar Jacob said: There is again a firmament above the heads of the living creatures, for it is written [Ezek. i. 22]: "And the likeness of a vault was over the head of the living creatures, shining like the glitter of the purest crystal." So far thou hast permission to speak. Thenceforward thou hast not permission to speak. For thus it is written in the book of Ben Sira: Seek not out the things that are too hard for thee, and into the things that are hidden from thee inquire thou not. In what is permitted to thee instruct thyself; thou must not discuss secret things.

We have learned in a Boraitha: Rabban Johanan b. Zakkai said: What answer did the heavenly voice make to that wicked man at the time when he said [Is. xiv. 14], "I will ascend above the heights of the clouds; I will be equal to the Most High"? The heavenly voice said to him: Thou wicked man, son of a wicked man, grandson of Nimrod the Wicked, who led all the world to rebel against Him in his kingdom, how many are the years of a man? Seventy years, as it is said [Ps. xc. 10]: "The days of our years in this life are seventy years, and if by uncommon vigor they be eighty . . ." And is not from the earth to the firmament a journey of five hundred years, and so too the interspace of the firmaments? Above there are the holy living creatures. The feet of the living creatures are of corresponding measure to all the things mentioned above, the ankles of the living creatures are of corresponding measure, the legs of the living creatures are of corresponding measure, the knees of the living creatures are of corresponding measure, the thighs of the living creatures are of corresponding measure, the bodies of the living creatures are of corresponding measure, the necks of the living creatures are of corresponding measure, the heads of the living creatures are of corresponding measure, the horns of the living creatures are of corresponding measure. Above them is the throne of glory. The feet of the throne of glory are of corresponding measure. The throne of glory is of corresponding measure. The King, the Living and Eternal God, high and lifted up, sitteth upon them. And thou didst say: "I will ascend above the heights of the clouds; I will be equal to the Most High"? Yet thou shalt be brought down to hell, to the uttermost parts of the pit.

"*Nor the divine chariot with one.*" R. Hyya taught: But you may impart to him the quintessence of the chapters. Said

R. Zera : Even that may only be imparted to a chief of the Beth Din, and only then when his heart yearns for knowledge.

R. Ami said : The secrets of the Law may be imparted only to the one who has the five prescribed things, viz. [Is. iii. 3] : "The captain of fifty, and the honorable man, and the counselor, and the skilful artificer, and the eloquent orator." R. Johanan said to R. Elazar : Come, I will fully instruct thee in the subject of the divine chariot. He said to him : I am not old enough. When he was old enough, R. Johanan's soul had passed away. R. Asi said to him : Come, I will fully instruct thee in the subject of the divine chariot. He said to him : If I had been worthy, I should have received full instruction from R. Johanan, thy teacher. R. Joseph was giving full instruction in the subject of the divine chariot. The sages of Pumbeditha were teaching the subject of creation. They said to him : Would the master instruct us fully in the subject of the divine chariot? He answered them : Instruct me in the subject of creation. After they had instructed him, they said to him : Would the master instruct us in the subject of the divine chariot? He answered : In reference to this we have learned in a Boraitha : It is written [Song of Songs iv. 11] : "Honey and milk are under thy tongue." That means, let words sweeter than honey and milk be under thy tongue. R. Abuhu infers the same thing from the following passage [Prov. xxvii. 26] : "The sheep are for thy clothing." That means, things that are the secrets of the world shall be under thy clothes. They said to him : We have worked in them as far as the words [Ezek. ii. 1] : "And he said unto me, Son of man." And he said to them : But this is the real subject of the divine chariot.

The rabbis taught : It happened once that a certain child, who was reading in his teacher's house in the Book of Ezekiel, was pondering over 'Hashmal, and there came out fire from 'Hashmal and burnt him, and they sought in consequence to conceal the Book of Ezekiel. Said Hananiah b. Hezkyah to them : If he was wise, are then all wise?

It is written [Ezek. i. 4] : "And I saw, and behold, a storm wind came out of the north, a great cloud, and a flaming fire, and a brightness was on it round about ; and out of the midst of it was like the glitter of amber, out of the midst of the fire." Whither did it go? Said R. Jehudah in the name of Rabh : It went forth to subdue the whole world under the wicked Nebuchadnezzar. And this was done that the nations might not

say: The Holy One, blessed be He, delivered His children into the hands of a low nation. The Holy One, blessed be He, said: What forced Me to minister to worshippers of carved images? The iniquities of Israel, they forced me. It is written [ibid. i. 15]: "And I looked on the living creatures, and behold, there was one wheel upon the earth close by the living creatures." Said R. Elazar: It means a certain angel who stands upon the earth, and his head reaches to the level of the living creatures. In a Tosephtha we are taught that his name is Sandalphon, who is higher than his fellows by the space of a journey of five hundred years, and he stands behind the divine chariot and binds crowns for his Creator. This is not so, as it is written [Ezek. iii. 12]: "Blessed be the glory of the Lord from his place." From this we may infer that His place is impossible to know? He utters one of the holy names of the Lord over the wreath, and thereupon he goes and rests by His head. Rabha said: All which Ezekiel saw Isaiah saw, but Ezekiel was like a villager who saw the king for the first time (and therefore he said all that he has seen); Isaiah, however, was like a townsman who has often seen the king (and therefore he said little).

Resh Lakish said: What is the meaning of the passage [Ex. xv. 1]: "I will sing unto the Lord, for he hath triumphed gloriously"? It means a song to Him who takes His place proudly above the high, as the Master said: The king among living creatures is a lion; the king among domestic beasts is an ox; the king among birds is an eagle, but man takes his place proudly above them, and the Holy One, blessed be He, takes His place proudly above them all, and above the whole world in its entirety. We have learned in a Boraitha: Rabbi said in the name of Abba Jose b. Dosai: It is written [Dan. vii. 10]: "Thousand times thousands ministered unto him." This is the number of one troop, but *all* his troops cannot be numbered. R. Jeremiah bar Abba, however, said: This passage refers to the fiery stream, as it is written [ibid., ibid.]: "A stream of fire issued and came forth from before him; thousand times thousands ministered unto him; and myriad times myriads stood before him." Whence does it come forth? From the perspiration of the living creatures. And upon what is it poured? Said R. Zutra bar Tobiah in the name of Rabh: Upon the heads of the wicked men in Gehenna, as it is written [Jer. xxiii. 19]: "Behold, the storm wind of the Lord is gone forth in fury; yea, a whirling storm upon the head of the wicked shall it fall grievously." R.

A'ha bar Jacob said: Upon those who were held back, as it is written [Job xxii. 16]: "Who were shrivelled up before their time, whose foundation was flooded away like a river?" There is a Boraitha to the effect that R. Simeon the Pious said: There are nine hundred and seventy-four generations which were held back from being created. The Holy One, blessed be He, scattered them through all the successive generations, and these are the impudent (עוֹי פְּנִים) who are in a generation. R. Na'hman bar Itz'hak, however, said: On the contrary, this passage refers to those who are wrinkled for blessing, as it is written: As for these scholars who have become wrinkled over the words of the Law in this world, the Holy One, blessed be He, discloses to them the secrets of the world to come, as it is written [Job xxii. 16]: "Whose foundation was flooded away like a river."

Samuel said to Hyya bar Rabh: Thou son of a scholar, come and I will tell thee something of those noble words which thy father used to say: Every several day ministering angels are created from the fiery stream, and they utter a song and perish, as it is written [Lam. iii. 23]: "They are new every morning; great is thy faithfulness."

When R. Dimi came he said: Eighteen curses did Isaiah pronounce upon Israel, and he was not satisfied, until he had spoken against them this passage [Is. iii. 5]: "The boy shall demean himself proudly against the ancient, and the base against the honorable."

What are the eighteen curses? The following [Is. iii. 1-4]: "For, behold, the Lord, the Eternal of hosts, doth remove from Jerusalem and from Judah stay and staff, every stay of bread, and every stay of water. The hero and the men of war," etc., etc. "Stay"—these are the learned in the Law. "Staff"—these are the learned in the Mishna; e.g., R. Jehudah b. Tema and his fellows. [R. Papa and the rabbis differ in respect to this: One says, there were six hundred sections of Mishna, and another says, there were seven hundred sections.] "Every stay of bread"—these are the learned in Talmud, as it is written [Prov. ix. 5]: "Come, eat of my bread, and drink of the wine which I have mingled." "And every stay of water"—these are the learned in Agada, who draw a man's heart like water by means of Agada." "The hero"—this is the man versed in oral tradition. "And the man of war"—this is he who knows how to handle matters in the battle of the Law. "The judge"—this

is a magistrate who gives decisions faithfully. "And the prophet"—this is in its literal meaning. "The prudent"—this is a king, as it is written [Prov. xvi. 10]: "There should be a wise sentence on the lips of the king." "And the ancient"—this is he who is worthy to sit as a teacher presiding over an academy. "The captain of fifty"—this is in accordance with R. Abuhu, who saith: From this we may infer, that an interpreter who is less than fifty years old is not appointed over the congregation. "And the honorable man"—this is he for whose merits his generation is forgiven; by Heaven (*e.g.*, R. Hanina b. Dosa); in this world (*e.g.*, R. Abuhu in the house of Cæsar). "And the counsellor"—one who knows how to intercalate years and to fix months. "And the skilful"—this is the disciple who, by his keenness, sharpens the minds of his teachers. "Artificer"—at the time he is unfolding the words of the Law all are made like deaf men.* "And the eloquent"—this is he who, having knowledge of one thing, can derive therefrom knowledge of another thing.† "Orator"—this is he to whom it is fitting to impart the words of the Law, which is given in a whisper (*e.g.*, the subject of the divine chariot. See page 21). "And I will set up boys as their princes"—that is, as R. Elazar said: These are men who are deprived of good works.‡ "And children shall rule over them"—as R. A'ha bar Jacob said: These are foxes and sons of foxes.§ And he was not satisfied until he had said to them: "The boy shall demean himself proudly against the ancient," etc. [*ibid.*, *ibid.*]^{||}—these are the men who are deprived of good works. They shall demean themselves proudly against the one who is filled with good works as a pomegranate. "And the base against the honorable"—*i.e.*, that one to whom heavy sins are like light ones will demean himself proudly against the one to whom light sins are like heavy ones.

R. Kattina said: Even at the time of the destruction of

* The Hebrew term is חרשים, and is explained to have the same meaning as חרש, a deaf man.

† The Hebrew terms are נבון לחש, the literal meaning of which is "the instructed whisperer," but we give in the text Loesser's translation.

‡ The Hebrew term is נערים, which means also "to shake off, to be deprived," as in (Judges xvi. 20) ואֶנְעֶר.

§ The Hebrew term is תעלולים, and is interpreted here as derived from the Aramaic תעל, a fox; *i.e.*, men who are shrewd as a fox, but deprived of any good qualifications.

Jerusalem there did not cease from them faithful men. Is that so? Did we not learn: Rabha said: Jerusalem was not laid waste till there ceased from it faithful men, as it is written [Jer. v. 1]: "Roam about through the streets of Jerusalem, and see now, and notice, and search in its broad places, if ye can find one man, if there be one who executeth justice, that searcheth for truth: and I will pardon it"? This presents no difficulty. The former means, faithful in the study of the Law, and the latter means, honesty in common business.

The rabbis taught: It happened with Rabban Johanan b. Zakkai that he was riding upon his ass and was travelling on the road, and R. Elazar b. Arakh was behind him, as driver. Said the latter to him: Rabbi, teach me a chapter on the subject of the divine chariot. And he answered him: Have I not taught you: Nor the chariot with one individual, unless he was a wise man and had much knowledge of his own? Then he said to him: Rabbi, allow me to say before thee one thing which thou hast taught me. He allowed him. Immediately R. Johanan b. Zakkai dismounted from the ass, and wrapped himself up and seated himself upon the stone under the olive tree. R. Elazar asked him: Rabbi, wherefore didst thou dismount from the ass? He answered him: Is it right that thou shouldest investigate the subject of the divine chariot, and the Shekhina is with us and ministering angels accompany us, and that I should ride upon the ass? Then R. Elazar b. Arakh entered upon the subject of the divine chariot and lectured: And there descended fire from heaven and encircled all the terebinth trees of the field, which uttered a song. [What was the song which they uttered? [Ps. cxlviii. 7, 9, 14]: "Praise the Lord from the earth, ye sea monsters, and all deeps . . . fruitful trees and all cedars . . . Hallelujah."] An angel answered from the fire: *This* is the real subject of the divine chariot. R. Johanan arose and kissed him upon his head, and said: Blessed be the Lord God of Israel who hath given to our father Abraham a son who is able to understand and lecture on this subject. There is one who lectures well, but doth not perform well. There is one who performeth well, but does not expound well. Thou dost expound well and dost perform well. Blessed art thou, Abraham our father, from whose loins hath come forth Elazar b. Arakh.

And when these things were told to R. Joshua, he and R. Jose the priest were travelling on the road. They said: Let us also expound on the same subject. R. Joshua opened his mouth

and lectured: And it was the day of the summer solstice. The heavens were wrapped in clouds, and there appeared the form of a bow in the cloud, and the angels were assembling and coming to hearken, as the men assemble and come to look at the festivities of bridegroom and bride. R. Jose the priest went forward and related the whole occurrence to Rabban Johanan b. Zakkai, who said: Blessed are ye, and blessed is she that bare you. Blessed are mine eyes, that they have thus seen. And also in my dream I and ye were resting upon Mount Sinai, and a heavenly voice was heard, which said: Come up hither, come up hither. Large banqueting chambers are prepared and fair coverlets are spread for you, you and your disciples and your disciples' disciples, as fitted to attain to the third degree of blessedness.

Is it so? Have we not learned in a Boraitha: R. Jose in the name of R. Jehudah said: There were three consecutive expositions. R. Joshua explained things before R. Johanan b. Zakkai; R. Aqiba explained things before R. Joshua; Hananiah b. Hachinai explained before R. Aqiba. Hence we see that R. Elazar b. Arakh was not mentioned. (This presents no difficulty:) He who teaches and before whom others teach is mentioned, while he who teaches and before whom others do not teach is not mentioned. But was not Hananiah b. Hachinai one who taught and before whom others did not teach? And still he was mentioned? Yea, for he taught at least in the presence of one who taught others.

The rabbis taught: Four men went up into the heavenly garden,* and they were: Ben Azzai and Ben Zoma, A'her and R. Aqiba. Ben Azzai gazed and died;† to him the scriptural passage may be applied [Ps. cxvi. 15]: "Grievous in the eyes of the Lord is the death of his pious ones." Ben Zoma gazed and went mad; to him the scriptural passage may be applied [Prov. xxv. 16]: "Hast thou found honey? eat so much as is sufficient for thee, lest thou consume too much of it, and have to vomit it forth." A'her cut the plants.‡ R. Aqiba departed

* The Hebrew term is *Pardes*, meaning "a garden"; the commentaries explain it to mean "heavenly." Tosaphoth states: "They did not go up literally, but it appeared to them as if they went up." See Streane's "Hagigah," p. 83.

† In the Palestinian Talmud it reads: Ben Zoma gazed and died; Ben Azzai gazed and was injured. This seems to be the more correct, as can be seen from many other places in the Babylonian Talmud and Tosephta. See our "Eben Ha-rosha," at the end.

‡ These terms are used because he speaks of a garden; i.e., in some way made bad use of his learning.

in peace.* A'her cut the plants; it is to him that the scriptural passage may be applied [Eccl. v. 6]: "Suffer not thy mouth to cause thy body to sin." There came out a heavenly voice and said [Jer. iii. 14]: "Return, O backsliding children" (except A'her). When he learned it he said: Inasmuch as that man is excluded from yonder world, let him go and enjoy himself in this world. A'her went forth into evil courses. A'her asked this question of R. Meir, after he had gone forth into evil courses: What is the meaning of the passage [Eccl. vii. 14]: "Also this hath God made in equal measure with the other"? He answered him: Everything which the Holy One, blessed be He, created, He created with its counterpart. He created mountains; He created hills: He created seas; He created rivers. He said to him: R. Aqiba thy teacher did not say so, but he explained it as meaning that He created righteous; He created sinners: He created the Garden of Eden; He created Gehenna. To every individual belongs two shares, one in the Garden of Eden and one in Gehenna. If one is meritorious and righteous, he receives his own portion and also the portion of his neighbor in the Garden of Eden. If he has incurred guilt, he receives his own portion and also the portion of his neighbor in Gehenna. [R. Mesharshia said: What is the Scripture proof? As regards the righteous it is written [Is. lxi. 7]: "Therefore in their hand shall they possess a twofold (portion)"; as regards the wicked it is said [Jer. xvii. 18]: "And strike them with a double breach."]

A'her asked again of R. Meir: What is the meaning of the passage [Job xxviii. 17]: "She cannot be estimated after gold and glass; and not in exchange for her (can) vessels of refined gold (be taken)"? He answered him: These are the words of the Law, which are difficult to buy, as vessels of gold and of pure gold, and are easily lost, as vessels of glass. He said to him: R. Aqiba thy teacher did not say so, but he explained it as meaning that as vessels of gold and vessels of glass, although they are broken, may be mended, so a disciple of the sages, although he have sinned, may be mended. He said to him: Return thyself also. He answered him: I have already heard from behind the curtain [Jer. iii. 14]: "Return, O backsliding children" (except A'her).

* We have omitted here a question put to Ben Zoma, for the reason that the same was inserted in the Talmud not by the Talmudists. See our "Eben Sapir," p. 56. Also, what happened to Ben Zoma with R. Jehoshua b. Hananiah, as it seems to us the version of the Palestinian Talmud is correct. See note above.

The rabbis taught: It happened that A'her was riding upon his horse on the Sabbath, and R. Meir was walking behind him to learn the Law from his mouth. He said to him: Meir, turn thee backwards, for I have already measured by means of my horse's hoofs up to this point the legal limit of the Sabbath. He answered him: Return thyself also. He said to him: And have I not already answered thee what I have heard from behind the curtain? He forced him to enter a place of lecturing. He said to a child: Repeat for me thy verse. He said to him [Is. xlviii. 22]: "There is no peace, saith the Lord, unto the wicked." He brought him to another synagogue, until he had brought him into thirteen synagogues. They all repeated to him the same way. In the last one he said to him: Repeat for me thy verse. He said to him [Ps. i. 16]: "But unto the wicked God saith: What hast thou to do to relate my statutes, and why bearest thou my covenant upon thy mouth?" That child was a stammerer. It sounded as if he had said: "And to Elisha said God," etc.* And he said: If there had been a knife in my hand I would have cut him in pieces.

When A'her died it was said: Let him not be brought into judgment (because he has studied the Law), but let him not be admitted to the world to come (because he sinned). R. Meir said: It would have been better if he would have been brought to judgment and punished, and then admitted to the world to come. I wish I would die, in order that smoke should go up from his grave (*i.e.*, that he should be brought to judgment). When R. Meir died it was so: smoke went up from the grave of A'her. Said R. Johanan: A mighty deed it was to consign his teacher to the flames. There was one among us, and we should not find a way to save him? If I take him by the hand, who will snatch him away from me? Would that I might die and extinguish the smoke from his grave. And it was so. When R. Johanan died the smoke ceased from the grave of A'her. The public mourner then uttered this expression over him: Even the keeper of the door of Gehenna stood not his ground before thee, O our teacher!

The daughter of A'her came to Rabbi and asked him for food. He said to her: Whose daughter art thou? She an-

* The Hebrew term is "U'l'rosha" ("to the wicked"), and because of the stammering it sounded as "U'l'Elisha," which was the true name of אליש, this latter meaning "another"—*i.e.*, not Elisha, because it was not believed that the great Tana Elisha should have deserted the true teachings.

swered: I am the daughter of A'her. And he said to her: Is there still of his seed in the world? Is it not written [Job xviii. 19]: "He will have neither son nor grandson among his people, nor any that escapeth in the places of his sojourning"? She said to him: Remember his studiousness, and not his deeds. Immediately there came down fire, and consumed the seat of Rabbi. Rabbi wept and said: And if those who disgrace themselves through it, are honored thus, how much more those who obtain praise through their use of it.

How did R. Meir study the Law from the mouth of A'her? Have we not learned (see Tract Moed Katan) that if it is not certain that the rabbi is equal to an angel, no instruction must be received from him? Said Resh Lakish: R. Meir interpreted the following passage thus [Prov. xxii. 17]: "Incline thine ear, and hear the words of the wise, and apply thy heart unto my knowledge." It is not written, "Unto *their* knowledge," but "unto *My* knowledge." R. Hanina said the following passage [Ps. xlv. 11]: "Hearken, O daughter, and look and incline thy ear, and forget thy own people, and thy father's houses," etc. But do not these passages contradict each other? Nay, the one is the case of an adult, the other of a young person (who cannot distinguish between good and evil).

When R. Dimi came he said: They say in the West: R. Meir, while eating the date, he threw away the stone (*i.e.*, he picked out the good and threw away the bad teachings).

Rabha expounded the meaning of the passage [Song of Songs vi. 11]: "Into the nut-garden was I gone down, to look about among the plants of the valley," etc. Why are scholars likened to a nut? It means to say that, as a nut, although soiled, what is within it is clean: so also, although a scholar has sinned, his study of the law is not rejected.

Rabba bar Shila met Elijah and said to him: What is the Holy One, blessed be He, doing? He answered him: He had uttered doctrine in the name of all other rabbis, but in the name of R. Meir He had not uttered. He said to him: Why? Because he learned doctrine from the mouth of A'her. He said to him again: Why? R. Meir found a pomegranate. He ate its inside and cast away its husk. He answered him: He is at this moment saying: Meir my son is speaking and says: At the time that men were afflicted, the Shekhina used the following language: My head and my arm are heavy on me (*i.e.*, I am sorry that the men I have created have to die for their sins). If the

Holy One, blessed be He, is thus grieved when the blood of wicked men is poured out, how much more when the blood of the righteous man is poured out.

Samuel found R. Jehudah when the latter was swinging upon the bolt of a door and weeping. He said to him: Is it a small thing that is written concerning the rabbis [Is. xxxiii. 18]: "Where is he who wrote down? where is he that weighed? where is he that counted the towers"? "Where is he that counted?" for they counted all the letters that are in the Books of the Law. "Where is he that weighed?" for they weighed the light and the heavy things which are in the Law. "Where is he that counted the towers?" for they taught three hundred doctrines concerning the tower which flies in the air. And R. Ami said: Three hundred questions were treated by Doeg and Ahithophel concerning the tower which flies in the air. And we learned, however, in a Mishna (Tract Sanhedrin, chap. xi. 1): Three kings and four private persons have no position in the world to come, and we—what will there be for us? He said to him: Oh, clever one, there was uncleanness in their hearts.

It was said about A'her: Greek melody ceased not from his mouth, as it was said of him (A'her), that at the time when he stood up to go out of the college many books of the Minim used to fall from his lap.

Nimus of Gardi * asked R. Meir: Does all wool which goes down to the dyeing-vat come up with the right color? He answered him: All which was clean on its mother's (sheep's) back does so come up; all which was not clean on its mother's back does not so come up.

It is said above: R. Aqiba went into the heavenly garden in peace and came down from it in peace. And it is to him that the scriptural passage may be applied [Song of Songs i. 4]: "Oh, draw me! after thee will we run." Nevertheless R. Aqiba was also in danger of being thrust away by the angels, but the Holy One, blessed be He, said to them: Leave this elder, for he is worthy to avail himself of My glory.

What kept R. Aqiba from being misled, as was A'her? The passage [1 Kings xix. 11, 12]: "But not in the wind was the Lord; and after the wind was an earthquake, but not in the

* Nimus of Gardi was a Gentile, and it is stated of him in Midrash that he was one of the greatest men that ever lived among the nations. The modern writers differ very much as to who he was, but we showed in our "Saneiger," p. 193, that he was one of the judges of the Supreme Criminal Courts of Gardum.

earthquake was the Lord; and after the earthquake was a fire, but not in the fire was the Lord; and after the fire was the sound of a soft whisper. And, behold, the Lord passed by" (*i. e.*, from the whisper he understood that there was the Shekhina).

The rabbis taught: Six things are said with regard to demons, three in which they are like the angels: they have wings, they float from one end of the world to the other, and they know what is about to be; and three in which they are like men: they eat and drink, they are fruitful and multiply, and they are mortal.

Six things are said with regard to men, three in which they are like angels: they have knowledge like the angels, they go with stature erect, and they speak in the holy language; and three like the beasts: they eat and drink like beasts, and they are fruitful and multiply, and they relieve nature.

"*Every one who does not respect the glory,*" etc. What is meant by this? Said R. Joseph: This is the man who commits a transgression secretly. This is in accordance with R. Itz'hak, who said: Every one who committeth a transgression secretly is as though he jarred the feet of the Shekhina, as it is written [Is. lxvi. 1]: "Thus hath said the Lord, The heaven is my throne and the earth is my foot-stool." But this is not so, for R. Alea the Elder said (in Tract Moed Katan), that in such a case he may go to a place where he is not known? (as it will be explained in Moed Katan). This presents no difficulty. The former is the case of a man who has found a means of checking his evil nature; the other, of one who is not able to do so.

R. Jehudah in the name of R. Na'hmani, the interpreter of Resh Lakish, lectured: Every one who gazes upon three things, his eyes grow weak, viz.: upon the bow, and the prince, and the priests. Upon the bow, for it is written [Ezek. i. 28]: "Like the appearance of the bow that is in the cloud on the day of rain . . . this was the appearance of the likeness of the glory of the Lord." Upon the prince, for it is written [Num. xxvii. 20]: "And thou shalt put some of thy greatness upon him." * He that gazeth upon the priests—this has to do with the time that the Temple was in existence, when they stood upon their platform and blessed Israel in the ineffable name.

The same lectured again in the name of the same authority:

* Such hagadical statements must not be taken literally, merely in their allegorical sense. Some of them we will explain in our introduction to the Hagadah.

It is written [Mic. vii. 5]: "Trust ye not in a friend, put ye not confidence in a confidant." It means, if the evil imagination say to thee, Do thou sin and the Lord will forgive, be not persuaded, as it is written: "Trust ye not in an evil one";* and "an evil one" is nothing but the evil imagination, as it is written [Gen. viii. 21]: "The imagination of a man's heart is evil"; and there is no "guide" but the Lord, as it is written [Jer. iii. 4]: "My father, the guide of my youth art thou." Perhaps one might say, Who witnesseth against me? The stones of a man's house and the timbers of his house, these witness against him, as it is written [Hab. ii. 11]: "For the stone will cry out of the wall, and the beam out of the wood (work) will answer it." The sages say: The soul of a man witnesseth against him, as it is written [Mic. vii. 5]: "From her that lieth in thy bosom guard the doors of thy mouth." What is this that lieth in a man's bosom? Say, it is the soul. R. Zerika said: The two angels which lead him, these witness against him, as it is written [Ps. xci. 11]: "For his angels will he give charge concerning thee, to guard thee on all thy ways." Others say: The limbs of one's body testify against him, as it is written [Is. xliii. 12]: "And ye are my witness, saith the Lord, and I am God."

MISHNA: Jose b. Joezer says that one must not lay on his hand (on a sacrifice on a biblical festival), but Joseph b. Johanan says that one may. Joshua b. P'ra'hia says that one must not lay it, but Mathai the Arbelite says that one may. Jehudah b. Tabbai says that one must not, but Simeon b. Sheta'h says he should. Sh'maia says he must, but Abtalian says he must not. Hillel and Mena'hem did not differ. Mena'hem went out (left the Sanhedrin); Shammai entered it. Shammai says one must not; Hillel says one may. The first of the several pairs were princes, the second to them were chiefs of the court.

GEMARA: The rabbis taught: In the three former pairs, which say that a man is not to lay, and in the two latter pairs, which say that a man is to lay, the first were princes and the second chiefs of the court. So said R. Meir. But the sages say: Jehudah b. Tabbai was a chief of the court and Simeon b. Sheta'h was a prince.

"*Mena'hem went out*," etc. Whither did he go out? Said Rabha: He went out from the service of the king. We have

* The Hebrew term is עָרָא, which is here read as עָרָא, "evil."

learned in a Boraitha: Mena'hem went out from the service of the king, and there went out with him eighty pairs of disciples clothed in Syrian robes. Said R. Shaman bar Abba in the name of R. Johanan: Let a rabbinical decree concerning the Sabbath not be a light thing in thine eyes, for the laying on of the hand is only a rabbinical prohibition, and the greatest men of the different generations were divided upon this matter. Is this not self-evident? He comes to teach us that even a rabbinical prohibition which is seemingly contrary to a positive command of the Bible must also not be light in thine eyes. But this is also self-evident from the teachings of our Mishna? This is needed to object to those who say that they differ not as to the rabbinical prohibition, but as to the laying on of the hand itself, because they maintain that the laying on of the hand is necessary only in case of a voluntary peace-offering, but not in that of an obligatory peace-offering.*

Said Rami bar Hama: Infer from this that the laying on of the hands must be with all one's strength, because if we would imagine that all the strength is not necessary, what labor is it or what is he doing to the animal that the rabbis prohibited it on the festival?

An objection was raised: We have learned elsewhere: It is written [Lev. i. 2-4]: "Speak unto the children of Israel . . . and he shall lay his hand." *He*—the males, but not the females of Israel. R. Jose and R. Simeon, however, said that the females of Israel, if they wish, they may lay on their hands (although it is not obligatory for them); and R. Jose added to this: My father Elazar told me that it happened once that we had a calf of peace-offering, and we brought it to the department of the women, and the latter laid their hands on it. It was not because the laying on of the hands belongs to women, but so as to gratify them. Now, if you think that the laying on of the hand must be with all one's strength, would it be right, in order to gratify the women, to allow them to do labor with the holy things? Infer, therefore, from this that it is not necessary to use all the strength. Nay, maybe it *is* necessary, but in that case it was told to the women to lay on their hands lightly. If so, why does R. Jose say: Not because the laying on of the hands belongs to women, etc. Let him say, because it was not con-

* What is a voluntary and what is an obligatory peace-offering will be explained in Tract Mena'hoth.

sidered laying on at all? Said R. Ami: He meant both, firstly, because it was not considered laying on the hands at all; and, secondly, in order to gratify the women.

MISHNA: The House of Shammai say: A peace-offering may be brought without laying the hands on them, but not burnt-offerings. But the House of Hillel say: Both peace-offerings and burnt-offerings may be brought, and also lay the hands on them.

In the case of Pentecost, which falls upon the eve of a Sabbath, the House of Shammai say: The day for sacrificing is after the Sabbath. But the House of Hillel say: There is no day for sacrificing after the Sabbath. Both, however, admit that if it fall upon a Sabbath the day for sacrificing is the day after the Sabbath. And on that day (which is called the day of sacrificing) a high-priest is not to clothe himself in his costly garments, unless in case of a mourning or of a fast. The prohibition was in order not to confirm the words of those who say, Pentecost is after the Sabbath (only).

GEMARA: (The Gemara begins with the saying of R. Elazar in the name of R. Oshiyah, that the Pentecost-offering is transferable to all the six succeeding days, and repeats here all the statement contained in Tract Rosh Hashana, p. 6, lines 15-29.)

"In the case of Pentecost which falls on the eve of a Sabbath," etc. Does that not mean that there is no day at all for sacrificing? Nay, it means that a substituted day is necessary for this. But what does it come to teach us—that it shall be sacrificed on the very day of the festival? Was this not discussed already in the beginning of our Mishna? It is needed. For if the statement would be in the latter paragraph only, one might say that the School of Shammai hold so because it can be done on the morrow, but if it fall on the eve of a Sabbath, when it cannot be done on the morrow, they agree with the School of Hillel; and if the statement would be in the first paragraph only, one might say that the School of Hillel allow it to be sacrificed on the very day of the festival because it cannot be done on the morrow, but when the Pentecost falls on the Sabbath day, they agree with the House of Shammai; therefore both statements are needed. (An objection was raised:) Come and hear: He who has not kept the feast for the seven days of the Passover, and the eight days of the Feast of Tabernacles, and the first day of Pentecost, he cannot afterwards keep the

feast. Did this not include also the day of Pentecost, that it has no compensation? (*i.e.*, if not sacrificed on the very festival, it cannot be done so on any other day). Nay, it means the last day of compensation.

The disciples of R. Eliezer b. Jacob taught: It is written [Lev. xxiii. 21, 22]: "And ye shall proclaim." "And when ye reap." What is the feast in which thou makest proclamation and reapest? Thou must say, it is the Feast of Pentecost. Now, let us see. When is it? If I am to say on the holiday itself, how is reaping lawful on a holiday? We must then say, it means the completion days. Resh Lakish, however, said: It is inferred from the following passage [Ex. xxiii. 16]: "And the feast of the harvest." What is the feast on which thou featest and reapest? Thou must say, it is the Pentecost. When is it? If I am to say, on the holiday itself, how is reaping lawful on a holiday? We must then say, it means the completion days. Said R. Johanan: According to thee, the Feast of Ingathering. What is the feast in which there is an ingathering? Thou must then say, it is the Feast of Tabernacles. When is it? Shall I say, on the holiday itself? How is work lawful on a holiday? And if you will say, that it means on one of the middle days? But even then is work allowed on those days? Therefore we must say, that it means the feast that falls during the time of the gathering in. Say, also, this is the case here.

We see from this that both are of the opinion that on the middle days the doing of work is forbidden. Whence do we deduce this? From the following Boraitha: It is written [Lev. xxiii. 8]: "No servile work shall ye do." That means, that on the middle days the doing of work is forbidden. So said R. Jose the Galilean. R. Aqiba says: It was not necessary, because it is written [ibid. 4]: "These are the feasts of the Lord," etc. With reference to what is the Scripture speaking? If to the first day, it has been already called a Sabbath day; if to the seventh day, it has also been already called a Sabbath day. We must therefore say, it refers to the middle days, to teach that doing of work is forbidden thereon.

There is another Boraitha: It is written [Deut. xvi. 8]: "Six days shalt thou eat unleavened bread, and on the seventh day shall be a solemn assembly to the Lord thy God: thou shalt do no work." As on the seventh day work is prohibited, so also on the six days. But one might say, as on the seventh day no work at all is to be done, so also on the six days; therefore it is

written [ibid.] : "And on the seventh day shall be a solemn assembly . . . thou shalt not work," thus indicating that on the seventh day no work at all shall be done, but on the six days there is not a prohibition from *all* work. Consequently, the Scripture has communicated only to the sages that they can decree on which days work is and on which work is not allowed, and what labor may and what labor may not be done, etc.

"*But it is allowed in case of a mourning or of a fast after the Sabbath.*" But have we not learned in a Boraitha: It happened that Alexis died in Luda, and all Israel assembled to mourn him, and R. Tarphon had not allowed them because it was the festival? Now, if it was the festival itself, how did they come to assemble at all? We must therefore say, it was on the day of sacrificing, and hence we see even on those days it is not allowed to mourn? The Mishna refers to a case when the Pentecost falls on a Sabbath. And the case of Alexis was when it fell on the first day of the week.

MISHNA: One may wash his hands for common food and for second-tithes and for heave-offerings, but for hallowed things they must be bathed legally. For the sin-offering, if one's hands be defiled, his whole body is defiled.

If he have dipped for common food, he has credit as clean for common food, but is forbidden tithe; if for tithe, he has credit for tithe, but not for heave-offering; if for heave-offering, he has credit for heave-offering, but not sacred things; if for sacred things, he has credit for sacred things, but not sin-offering. If for a weightier thing (more rigorous), he is free for a lighter thing (lenient). If he have dipped without any intention for cleanness, it is as though he had not dipped.

The garments of a common person are defiled by pressure (*i.e.*, are looked upon as affected by uncleanness arising from pressure) for Pharisees; the garments of Pharisees are defiled by pressure for those that eat heave-offering; the garments of those that eat heave-offering are defiled by pressure for those that partake of sacred things; the garments of those that partake of sacred things are defiled by pressure for those that partake of sin-offering. Jose b. Joezer was the most pious among the priests, and yet his apron was defiled by pressure for those that partake of sacred things. Johanan b. Gudgodah was one who ate his ordinary food all his days with observance of the laws of purification which belong to sacred things, and yet his apron was defiled by pressure for those that partake of sin-offering.

GEMARA: Is, then, for common food and tithes, washing of hands needed? (Have we not learned elsewhere that it is not needed?) This presents no difficulty: The one has to do with bread, the other with fruit. For R. Na'hman said: Every one who washes his hands for fruit is overscrupulous and affected.

"He that dips for common food and has credit for common food," etc. According to whom is our Mishna? Shall we say it is according to the rabbis, for they make a distinction between common food and tithes? According to whom, then, would be the latter part of the Mishna: The garments of a common person are defiled by pressure for Pharisees; the garments of Pharisees are defiled by pressure for those that eat heave-offering? which is certainly in accordance with R. Meir, who says, common food and tithes are exactly the same? Then this conclusion would be that the former part is according to the rabbis, and the latter part according to R. Meir? Yea, it is so. R. A'ha bar Ada, however, teaches in the latter part five orders, and establishes it all according to the rabbis.

CHAPTER III.

REGULATIONS REGARDING IN WHAT CASES SACRED THINGS ARE MORE RIGOROUS THAN HEAVE-OFFERINGS, AND VICE VERSA.

MISHNA: More rigorous rules hold in sacred things than in a heave-offering, for we may dip vessels in the midst of vessels for a heave-offering, but not for sacred things. The outside and the inside and the place for laying hold are reckoned as distinct in the heave-offering, but not in the sacred things. One who takes up that which has been made unclean by pressure, may offer the heave-offering, but not the sacred things. The garments of those that eat the heave-offering are unclean through pressure in regard to sacred things. The manner of the heave-offering is not as the manner of the sacred things. For in the case of sacred things, one loosens a knot and wipes and dips and afterwards ties up again, but in the case of a heave-offering he ties up and afterwards dips.

Vessels finished in purity need dipping for sacred things, but not for a heave-offering. The vessel includes what is within it for sacred things, but not for heave-offering.

The unclean in the fourth degree in the case for sacred things is disqualified, but in the third degree in the case of heave-offering.

Though one of his hands be unclean in the case of heave-offering, its fellow is clean; in the case of sacred things, however, both are dipped, for the hand makes its fellow unclean in the case of hallowed things, but not in the case of heave-offering. One may eat dry food with ordinary (not ceremonially clean) hands in the case of heave-offering, but not in the case of sacred things.

A mourner, before the burial of the dead (who has not defiled himself yet on the dead), and one who lacks atonement, need dipping in a legal bath for sacred things, but not for heave-offering.

GEMARA: "*In sacred things.*" Why are sacred things more rigorous? Said R. Aila: Because the weight of the inside vessel intervenes. Shall we assume, that as the reason for the

statement in the latter part of the Mishna is because of intervention, the first part has another reason? (For if both have one and the same reason, why state both? One would suffice.) Nay, both the earlier and the later cases are because of intervention, and still it was necessary that they should be separately mentioned, for if he had taught us the first only, one should say, *this* is the reason for the rigorousness of sacred things, viz.: because of the vessel's weight, which actually exists. But in the latter case, where the vessel's weight is not an element, one should say, in regard to sacred things, that it is not considered an intervention; and if he had taught us the latter only, one should say, the reason why it is not allowed for sacred things is because a knot in water is drawn tighter, while in the former case the water makes the vessel to swim, and so the intervention is not considered. Thus it was necessary that they should be separately mentioned. R. Aila is in accordance with his theory elsewhere, who said in the name of R. Hanina bar Papa: Ten degrees of superior excellence are taught here. The first five refer alike to sacred things, and to ordinary things which are treated with the observance of the law of purification belonging to sacred things; the latter refer to sacred things only. Why so? Because the former five could constitute a biblical defilement (when he dips one vessel in another vessel, and an intervention would be discovered). The rabbis have ordained that they apply to both. The later one, however, in which there can be no biblical defilement, the rabbis did not care to ordain.

Rabha, however, said: Since the later portion of the Mishna is on account of intervention, the former is not on that account, but because it is a precautionary measure, in order that needles and pipes should not be dipped in a vessel, the mouth of which is not of the size of the pipe of a wine-skin bottle. (This will be explained in Mikwooth, VI., 7.) And Rabha holds in this case, as R. Na'hman said elsewhere in the name of Rabba bar Abuhu, viz.: Eleven features of superior excellence are taught here. The first six refer alike to sacred things and to ordinary things which are treated with the observance of the laws of purification belonging to sacred things. The latter ones refer to sacred things only. What real difference is there between Rabha and R. Aila? It is this: In the case of a basket and a wine-strainer which are filled with vessels and dipped. According to the one who says, the prohibition is because of intervention, there is an intervention; but according to the one who says, that it is a

precautionary measure, lest haply needles and pipes should be dipped in a vessel, the mouth of which is not of the size of the pipe of a wine-skin bottle, there is no such thing in a basket and a wine-strainer.

"The outsides and the insides," etc. What is meant by this? As we have learned in a Mishna [Kelim, XXV., 6]: In the case of a vessel the outside of which is defiled by beverages, its outside is defiled, but its inside, its rim, and its short handles, and its long handles are clean; but if its inside is defiled, it is all defiled.

"And the place for laying hold," etc. What is meant by Beth Hazibtah? Said R. Jehudah in the name of Samuel: The part by which he reaches it, as it is written [Ruth ii. 14]: "And he reached her parched corn" (Vaitzboth). R. Asi in the name of R. Johanan said: It means that part of the dish of which fastidious persons lay hold.

"One that takes up that which has been made unclean," etc. Why not sacred things? Because of the following occurrence: R. Jehudah in the name of R. Samuel said: It happened to a certain man, who was carrying a cask of wine from one place to another, and the thong of his sandal came off, and he took it up and placed it on the mouth of the cask, and it fell into the inside of the cask, and it was made unclean. And thereupon it was ordained: One that taketh up that which has been made unclean by pressure may offer the heave-offering, but not the sacred things. If so, why not also the heave-offering? This is in accordance with R. Hananiah b. Aqabia, who said: This restriction was made only as regards Jordan or a ship, and in accordance with the matter that occurred. What was that? It was that which R. Jehudah said in the name of Rabh: It happened with a man who was carrying the sprinkling water and the ashes of the red cow over Jordan in a ship, and a piece of a dead body as large as an olive was found fixed in the bottom of the ship; thereupon it was ordained that such a thing should not happen again.

"Vessels finished in purity," etc. Finished by whom? If a learned man has finished them, why should they be dipped? If a learned man has finished them, how is it that the Mishna calls them "finished in purity"? Said Rabba bar Shila in the name of R. Mothnah quoting Samuel: The case is, that a learned man has finished, yet because of a drop of spittle of a common man which may have fallen upon it, it is treated as unclean. "May

have fallen upon it" when? Should we assume, before it is completed, then it is not yet a vessel; if after, then he takes good care of it? The case may be, before it is completed, yet perhaps at the moment it was made, it was still liquid (and it may be defiled).

"*The vessel includes what is within,*" etc. Whence do we know that? Said R. Hanin: It is written [Num. vii. 14, etc.]: "One spoon of ten shekels of gold, full of incense." The Scripture makes everything that is in the spoon one. R. Kahana objected: We have learned, that R. Aqiba added to the teaching, which immediately follows, the flour and the incense, and the frankincense and the coals, for if the person, in the course of purification, touch the extremity of it, he disqualifies the whole. Now, this addition of R. Aqiba is certainly rabbinical, as the first part of the Mishna states (Edeoth, VIII., 1): R. Simeon b. Bathyra bore testimony with reference to the ashes of the red cow, that if an unclean person touch the extremity of them, he makes all of them unclean; and immediately he says, that R. Aqiba added this? (And R. Hanin says, it is rabbinical.) Said Resh Lakish in the name of Bar Kapara: The addition was only necessary for the rest of the meat-offering. For, biblically, what stands in need of a vessel, the vessel includes it; what does not stand in need of a vessel, the vessel does not include it; but the rabbis went further and ordained that, although a thing does not necessarily belong to a vessel, the vessel, nevertheless, includes it.

"*The unclean in the fourth degree,*" etc. We have learned in a Boraitha: R. Jose said: Whence do we deduce the case of the unclean in the fourth degree, that in the matter of sacred things he is disqualified? By an *a fortiori* argument. For he who has entered on the last stage of his atonement, while he is free as regards heave-offering, he is disqualified as regards sacred things, so much the more when one is unclean in the third degree who defiles heave-offering that he should become disqualified as regards sacred things if unclean in the fourth degree. We have learned, however, that he who is unclean in the third degree is disqualified as regards sacred things, biblically, and that he who is in the fourth degree—by an *a fortiori* argument, namely: It is written [Lev. vii. 9]: "And the flesh that toucheth any unclean thing shall not be eaten." Are we not here treating of the touching of a thing of secondary uncleanness? And nevertheless the Scripture says, it shall not be

eaten? That which is unclean in the fourth degree is proved to be disqualified by the *a fortiori* argument stated above.

"*And though one of his hands be unclean.*" R. Shezbi said: It is only in the case of contact, but not otherwise. Abayi objected: We have learned: A wiped hand renders its fellow unclean so far as to make unclean for sacred things, but not for heave-offering. Such is the dictum of Rabbi. R. Jose b. R. Jehudah says: This is the case so far as to disqualify, but not to render unclean. It is correct if the Mishna treats of a case where it did not come in contact, and therefore the importance of "wiped" hand? But if the case is only when there is contact, but not otherwise, where is the importance of "wiped" hand? It was taught also that Resh Lakish said the Mishna refers only to his own hand, but not to the hand of his companion (R. Johanan, however, says both his own hand and his companion's hand), with the same hand he may only disqualify, but not render unclean. Whence did he learn this? From the fact that it has been taught in the latter portion of the Mishna. For the hand makes its fellow unclean in the case of sacred things, but not in the case of heave-offering. Why the repetition? Was it not taught in the preceding clauses of the same Mishna? We must therefore say, it comes to teach us that the hand of the companion is included. And Resh Lakish himself retracted his decision, as R. Jonah said in the name of R. Ami that Resh Lakish said, whether it be his own hand, or the hand of his companion, with that same hand he may disqualify, but not render unclean.

"*We may eat dry food,*" etc. We have learned in a Boraitha: R. Hanina b. Antigonus said: Does such a question as to whether a thing be dry or wet exist as regards sacred things? Does not love for the sacred things make men cautious in regard to defilement? The Mishna treats of a case, that a man's companion put a piece of the sacred things into his mouth, or he put it into his own mouth with a spindle or with a skewer, or attempted to eat along with these an onion or garlic taken from unconsecrated things. As to sacred things the rabbis ordained so, but as to heave-offering they did not.

"*The mourner and he who lacks atonement.*" Why so? Because they were under restriction, the sages ordained that they shall dip.

MISHNA: More rigorous rules, on the other hand, hold in a heave-offering, for in Judea people are believed with regard to

purity of wine and oil all the days of the year, but at the time of the vintage and the oil-pressing, with regard to heave-offering also.

When the vintage and the oil-pressing are over, and a cask of wine for heave-offering was brought, it must not be received, but it may be left for the next vintage. But if he say to him, I have separated and put into the midst of it a fourth part of something consecrated for sacred things, he is believed. In the case of jugs of wine and jugs of oil which are mixed, men are believed with regard to them at the time of vintage and oil-pressing and for seventy days before the vintage.

GEMARA: In Judea, yes; but in Galilea, no? Why so? Said Resh Lakish: Because there is a strip of the Gentiles making a separation between them. But let him bring it in a box, a chest, or in a balloon? This is in accordance with Rabbi, who said: A tent projected is not a real tent. But let one bring it in an earthenware vessel tied round with a line of thread? Said R. Eliezer: We have learned in a Boraitha: Sacred things are not preserved from uncleanness by a line of thread.

"But at the time of vintage," etc. There is a contradiction from the following Boraitha: He who finishes his olives shall leave aside one box and place it before the eyes of the priest (in order that he shall examine it as to whether they are not ripe yet, and the priest shall place them in cleanness when they become ripe. Hence we see that even at that time they were not believed?) Said R. Nahman: This presents no difficulty. The one is the case of those early in season, the other of those late in season. Said R. Ada bar Ahba to him: For instance, things like those belonging to the house of thy father. R. Joseph, however, said, the Mishna (in Taaroth) refers to Galilea.

"When the vintage and the oil-pressing are over," etc. The schoolmen questioned of R. Shesheth: Suppose that it is over, and yet he receives it, what about the law that he shall leave it for the next vintage? He answered them: This we have already learned in the following Mishna (Dmai, VI., 1): A learned man and a common person who are their father's joint heirs. The common person may say to him: Take thou the wheat that is in such a place, and I will take the wheat that is in such a place; take thou the wine that is in such a place, and I will take the wine that is in such a place. But he may not say to him: Take thou the liquid and I will take the dry; take thou the wheat and I will take the barley. And in regard to this we have

learned: That same learned man burns the liquid and leaves the dry. Why? Let him leave it for the next vintage? It may be one of the things that have no vintage. But let him leave it for one of the feasts? It may be one of the things which will not keep till the feast.

"But if he say, I have separated for sacred things, he is believed." We have learned in a Mishna (Choloth, XVIII., 4): Both the School of Shammai and the School of Hillel agree that we are to investigate a field in which a person is buried for those who are to bring the paschal lamb, but not for those who desire to eat heave-offering. What is the meaning of investigate? Said R. Jehudah in the name of Samuel: A man blows upon the unclean land as he walks along.* And R. Hyya bar Abha in the name of Ula said: An unclean place of this sort that is trodden is clean for those who bring their paschal lambs; as it is a case of Kareth, they did not insist upon their decisions, but for those who desired to eat heave-offering, they did insist on their decisions, as it is a case of death penalty (by Heaven).

"In the case of vessels of wine," etc. There is a Boraitha: They are not believed, either about the cans or about the heave-offering. Cans belonging to what? If they belong to sacred things, then if he is believed about the sacred things, he is believed also about their cans? If the cans belonging to heave-offerings are meant, then it is self-evident. About heave-offering he is not believed—shall he be believed about cans that belong to it? It is a case of sacred cans which are empty, and it is during the remaining days of the year. And the same is the case of those full of heave-offering, and at the time of the vintage they are believed. (And although no precautionary measure was ordained as to their heave-offering, in order not to cause any loss to the priests, still they were not believed as to the cans, and the priests receive from them the heave-offering with the cans, but place the heave-offering in other cans of their own.)

"For seventy days before the vintage." Abayi said: Infer from this that the law is, that the farmer shall go up to dip the casks seventy days before the time of the presses.

MISHNA: From Modiim and inwards men are believed with

* *I.e.*, one who is on the way, bringing the paschal lamb, and comes across a field in which a human body was buried, he may examine it by blowing as he walks along; and if there is a bone of the size of a barley, and he notices it and avoids to walk over it, he does not contract uncleanness, as it does not communicate uncleanness unless by contact.

regard to earthenware vessels; from Modiim and outwards they are not believed. How so? The potter who is selling the pots goes inwards from Modiim. That is the potter, and those are the pots, and those are the buyers. He is believed. If he goes out he is not believed.

GEMARA: We have learned in a Boraitha: The place of Modiim itself is sometimes considered within and sometimes without. How so? When the potter goes out, and the merchant goes in, it is considered within. Both go in, or both go out, it is considered without. Said Abayi: We have learned the same in our Mishna, viz.: The potter who sells the pots and goes *inwards* from Modiim. What about Modiim itself? Is it not believed? Then how is the latter part: When he goes out he is not believed? From this we may infer that Modiim itself is believed. Hence the case is as stated in the Boraitha. Infer therefrom.

MISHNA: The tax collectors who have gone into the midst of a house, and so too the thieves that have restored the vessels, are believed when they say: We have not touched. And in Jerusalem they are believed as regards sacred things, and at the time of a feast as regards heave-offering also.

GEMARA: There is a contradiction from the following Boraitha: In the case of the tax collectors who have gone into the midst of the house, the whole house is unclean? There is no difficulty. The one is when there is a Gentile with them; the other is when there is not a Gentile with them. For there is another Mishna: If there is a Gentile with them, they are believed when they say, We did not enter; but they are not believed when they say, We entered, but we did not touch. And if there is a Gentile with them, what of it? R. Johanan and R. Elazar: One says that they fear that the Gentile should not punish them, and the other says that they fear that the stranger should not give them away to the government. What is the difference between them? A Gentile who is not of importance.

"*And so too the thieves,*" etc. There is a contradiction from the following Boraitha: In the case of the thieves who have gone into the midst of the house, only the place where the thieves' feet trod is unclean. Said R. Pinhas in the name of Rabh: They are to be believed only in the case they have repented. It seems that our Mishna intended the same thing, for the statement is: Who have restored the vessels. Infer from this.

"*And in Jerusalem they are believed,*" etc. We have learned in a Boraitha: They are believed as regards large earthen vessels for sacrifice. And the reason is, because they do not make ovens in Jerusalem.

"*And at the time of the feast,*" etc. Whence is this deduced? Said R. Joshua b. Levi: Because it is written [Judg. xx. 11]: "So all the men of Israel were gathered against the city, associated together as one man." The Scripture makes them all equal.

MISHNA: One that opens his cask, and one that commences his dough at the time of a festival, R. Jehudah says: He shall finish it, but the sages say he shall not.

GEMARA: R. Ami and R. Itz'hak of Naph'ha sat at the portico of the latter. One began and said: According to the sages, may he keep it for another festival? He answered: Every one's hand has been handling it, and dost thou say, he shall keep it for another festival? He said to him: But hitherto as well, has not every one's hand been handling it? He rejoined: What comparison is that? Hitherto the uncleanness of a common person in a festival, the Law makes him clean, but now it is a case of uncleanness.

MISHNA: As soon as the festival is over, they make them pass on to the cleansing of the court. But if the festival is over on a Friday, they do not make them pass on, on account of the honor of the Sabbath. R. Jehudah said: Also not on Thursday, for the priests are not at leisure.

GEMARA: And the Boraitha adds: That the priests are not at leisure because of the removing of the fat.

MISHNA: How is that made out, that they make them pass on to the cleaning of the court? They dip the vessels which were in the Temple, and say to them: Be ye clean that ye touch not the table. All the vessels that were in the Temple had second and third sets, so that if the first became unclean they might bring the second instead of them. All the vessels which were in the Temple were subject to dipping, except the altar of gold and the altar of bronze, because they were like the floor. Such is the dictum of R. Eliezer. But the sages say, because they were overlaid.

GEMARA: We have learned in a Boraitha: Be ye clean lest ye touch the table or the candelabrum. Why did our Mishna not mention the candelabrum? Because the table is called in the Scripture perpetual; the candelabrum is not perpetual.

Resh Lakish said: It is written [Lev. xxiv. 6]: "Upon the pure table." From this it may be inferred that it may be defiled. Why? Is it not a vessel of wood made to rest, and as such is not subject to defilement? Infer from this that the table was raised up and exhibited the shewbread on it to the pilgrims, and they were told: See how beloved you are before the Lord, that the shewbreads are as warm now as they were when placed on the table. For R. Joshua b. Levi said: A great miracle was wrought in the shewbread. As its placing was miraculous so was its end, for it is written [1 Sam. xxi. 7]: "So as to put down hot bread on the day when it was taken away." It is written [Ezek. xli. 22]: "The latter was of wood, three cubits high, and its length was two cubits, and its corners and its top-piece and its walls were of wood, and he spoke unto me: This is the table that is before the Lord." He began with "altar" and he ended with "table." R. Johanan and Resh Lakish both say: At the time that the Temple was set up an *altar* made atonement for a man; now a man's *table* makes atonement for him.

"*All the vessels that were in the Temple had second and third sets,*" etc. The altar of bronze, because it is written [Ex. xx. 21]: "An altar of earth shalt thou make unto me." The altar of gold, because it is written [Num. iii. 31]: "The candlestick and the altars." The altars are placed in comparison one with the other.

"*Because they are overlaid.*" On the contrary, since they are overlaid they may become unclean. Said the rabbis to R. Eliezer: Why do you think them capable of defilement, because they are covered over? Their covering is of no avail in respect of them.

R. Abuhu in the name of R. Eliezer said: As to the scholars, the flame of Gehenna has no power over them. For this is shown by an *a fortiori* argument drawn from the salamander. As only the creature of fire, and still he that anoints himself with its blood, flame has no power over him, how much more then that the flames have no power over the scholars, whose whole body is fire, as it is written [Jer. xxiii. 29]: "Is not thus my word like fire? saith the Lord." Resh Lakish said the flame of Gehenna has no power over the transgressors of Israel, as is shown by an *a fortiori* argument from the altar of gold. For the altar of gold, upon which is only about the thickness of a denarius of gold, it lasted so many years and was not affected by fire; how

much less can flame have power over the transgressors of Israel, who are full of the commandments as a pomegranate is full of seeds, as it is written [Song of Songs iv. 3]: "Like the half of a pomegranate is the upper part of thy cheek," etc. Read not "the upper part of thy cheek," but "the vain fellows that are in thee."

END OF TRACT HAGIGA.

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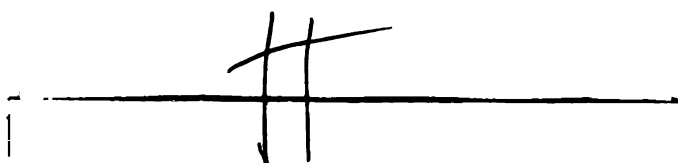
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NEW EDITION

OF THE

BABYLONIAN TALMUD

**Original Text, Edited, Corrected, Formulated, and
Translated into English**

BY

MICHAEL L. RODKINSON

SECTION MOED (FESTIVALS)

TRACTS BETZAH, SUCCAH, AND MOED KATAN

Volume VII.

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EXPLANATORY REMARKS.

In our translation we adopted these principles:

1. *Tenan* of the original—We have learned in a Mishna; *Tania*—We have learned in a Boraitha; *Itemar*—It was taught.
2. Questions are indicated by the interrogation point, and are immediately followed by the answers, without being so marked.
3. When in the original there occur two statements separated by the phrase, *Lishna achrena* or *Waibayith Aema* or *Ikha d'amri* (literally, "otherwise interpreted"), we translate only the second.
4. As the pages of the original are indicated in our new Hebrew edition, it is not deemed necessary to mark them in the English edition, this being only a translation from the latter.
5. Words or passages enclosed in round parentheses () denote the explanation rendered by Rashi to the foregoing sentence or word. Square parentheses [] contain commentaries by authorities of the last period of construction of the Gemara.

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TO
LOUIS STERN, Esq.

**IN RECOGNITION OF HIS MANY PHILANTHROPIC DEEDS AND
VALUABLE SERVICES IN THE CAUSE OF JUDAISM
AND ITS LITERATURE**

**THIS BOOK IS MOST RESPECTFULLY DEDICATED
BY THE EDITOR**

MICHAEL L. RODKINSON

New York, Friday ה'תרנ"ט, April 28th, 1899.

TO THE READER.

THIS volume contains three tracts, in order to maintain some uniformity in the size of the volumes,* whereas in former issues one subject required three volumes and another one volume, while in two instances each of two volumes treated of two different subjects; viz., three volumes being devoted to subject Sabbath (including Erubin), one volume to Passover, one to the Half-shekels (Shekalim—which were to be given in the beginning of each year) and New Year, one to the Day of Atonement (including also the Holocausts for the Altar). Of the three tracts now presented, Tract Succah treats of the Booth, Palm Branches, Citrons, etc., and specially appertains to the Feast of Tabernacles, the other two treating of the laws and regulations as to festivals in general; viz., Yom Tob (literally “Good Days”) of all festivals, including also the New Year, and Moed Katan (Minor Festivals) of the middle days between the first and seventh days of Passover and between the first and eighth days of Tabernacles.

As to the treatment of the semi-festivals, viz., Hanukka and Purim—the former is included in Tract Sabbath, Volume I., and the latter, which has a tract to itself, named “Megilah,” or “Book of Esther,” is to appear in the next and last volume of this section, and contains Taanith (the Regulation of Fast Days), Megilah (which is to be read while fasting), and, finally, Ebel Rabbathi (Great Mourning), which is also called “Sema’hoth” (Joys) for reasons which will be explained in our introduction to it.

We do not at present say more about the tracts of this section, as it is our intention to make further comment on them in our next volume.

NEW YORK, *April*, 1899.

* Each tract, however, is paged separately, for the reason stated in Introduction to Vol. VI., p. xvi.

TRACT BETZAH OR YOM TOB (FEAST DAYS)

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SYNOPSIS OF SUBJECTS

OF

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* See Introduction to Synopsis in Tract Sabbath, Vol. I., p. xxix; also note at end of Synopsis in Vol. V.

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TRACT BETZAH (YOM TOB).

CHAPTER I.

REGULATIONS CONCERNING EATABLES AND BEVERAGES: PREPARATIONS FROM THE FIRST DAY OF FESTIVALS TO THE SECOND, FROM THE FESTIVALS TO THE SABBATH, AND VICE VERSA.

MISHNA: An egg laid on a festival may be eaten on the same day. So say the school of Shammai; the school of Hillel, however, say it must not. The school of Shammai say that leaven the size of an olive and leavened bread the size of a date (are to be removed before Passover), but the school of Hillel say that both must be removed when of the size of an olive only. If wild game or fowl is to be slaughtered on a festival, the school of Shammai say one should dig up (the earth) with a spade and cover the blood, but the school of Hillel forbid the killing unless loose earth had been prepared for that purpose the day before. Both schools, however, agree that if the killing had been done, one may loosen some earth and cover the blood with it, for ashes are always ready in the hearth.

GEMARA: To what kind of hen does the Mishna refer? If to a hen designed for eating, why then does the school of Hillel prohibit the eating of the egg? Is it not a part of the eatables which were prepared (for the festival)? If to a hen kept for laying eggs only, what is the reason of the school of Shammai, who permit to eat it? Is this not Muktzah (designation *)? Should we suppose that the school of Shammai do not hold the theory of Muktzah, even then the eating of it could not be permitted, as it is a new-born thing, and even one who denies the theory of Muktzah should hold to the theory of Nolad (new-born thing). Nay, R. Na'hman has declared that one who denies the theory of Muktzah denies also the theory of Nolad.

* See footnote on p. 79 of Tract Sabbath.

If so, then the school of Shammai will be in accordance with R. Simeon (who denies the theory of Muktzah), and the school of Hillel will be in accordance with R. Jehudah (who holds it); but this would not be the case, because did not R. Na'hman state (in Tract Sabbath) that the school of Hillel are always in accordance with R. Simeon and the school of Shammai with R. Jehudah? R. Na'hman may say: Because we found an anonymous Mishna (in Tract Sabbath, p. 375) which is in accordance with R. Simeon, therefore he declares that concerning the Sabbath the school of Hillel hold with R. Simeon, and concerning the festivals we found an anonymous Mishna (Sabbath, p. 375) in accordance with R. Jehudah, therefore he declares that the school of Hillel are in accordance with R. Jehudah, who is more rigorous.

Let us see: Who makes the Mishna anonymous? Rabbi (its editor). Why does he make it anonymous in regard to Sabbath in accordance with R. Simeon, and in regard to festivals (makes it anonymous) according to R. Jehudah? This is no question. Relating to Sabbath, which is so rigorous that it has a capital punishment and there is no fear that anyone will dare to disregard its rules, therefore Rabbi made an anonymous Mishna in accordance with the more lenient R. Simeon; but relating to festivals, which have no capital punishment at all, and the rules are lenient, for fear that otherwise they may be disregarded, Rabbi made an anonymous Mishna in accordance with R. Jehudah.

Now, then, if the Mishna means a hen which is kept for laying eggs, and the reason that the school of Hillel prohibit it, is because the egg is Muktzah, why do they not differ about the hen itself? (whether it is permitted to eat it or not). Therefore said Rabba: The Mishna refers to a hen kept for eating, and to a festival which falls after Sabbath; and the teaching of the school of Hillel is not for the reason of Muktzah, but of preparation; *i.e.*, an egg which is laid to-day Rabba is certain that it was ripe the preceding day, and it is in accordance with his theory, thus: It is written [Ex. xvi. 5]: "And it shall come to pass on the sixth day, when they *prepare* what they shall have brought in"; *i.e.*, only on a week-day shall anything be prepared for the Sabbath or for festivals, but nothing should be prepared on a festival for the Sabbath, and *vice versa*.

Said Abayi to Rabba: Let it then be permitted on a festival which does not come after Sabbath, and he answered: It is as a precautionary measure for the festival which falls after Sabbath.

Said Abayi again: Let it then be permitted on a Sabbath, and he rejoined again: It is a precautionary measure for the Sabbath which falls after a festival. Said Abayi again: Do we take such precautionary measures? Have we not learned in a Boraitha: If one kills a hen on a festival and finds in it ripe eggs, he is permitted to eat them? Now, if such precautionary measures are taken, why should not the same precautionary measure be taken for the above eggs, for fear lest one eat new-laid eggs? Rabba again rejoined: Ripe eggs in the entrails of a hen are not a usual occurrence, and for an unusual occurrence no precautionary measures are taken.

R. Joseph, however, said that (the prohibition of eating an egg from a hen kept for eating) is as a precautionary measure lest one may eat fruit which has fallen from a tree on Sabbath. R. Itz'hak said that the precautionary measure is taken lest one drink the beverages which flow from a tree on Sabbath. From the following teaching we learn that R. Johanan agrees with R. Joseph's opinion, viz.: R. Johanan found R. Jehudah contradicting himself, namely: We have learned in a Mishna in Sabbath, one may not press fruit to derive beverage from it; and even if the beverage flowed of itself, it is prohibited. R. Jehudah, however, said: If the fruit was for the purpose of eating, the beverage which flows from it is permitted, and if the fruit was for beverage, the latter is not permitted. From this we see that although the beverage which flows from the fruit was not prepared on the preceding day, its use is nevertheless permitted; and in another place we find that the same R. Jehudah said, "that an egg which was laid on one festival day may be eaten on the second festival day"—on the second, but not on the first. This contradicts his first dictum, that the beverage may be used on the same day. And R. Johanan answered about this contradiction thus: Say, that it is on the contrary, that not R. Jehudah permits to drink the beverage, but the first Tana in the above Mishna. Now, when R. Johanan contradicted the teaching concerning the beverage and the egg, we must say that the prohibition of both is for one and the same reason.

Rabbina the son of R. Ula said: It is not so. R. Jehudah, who says that the egg must be eaten on the second day, and not on the first, refers to a case where the hen was kept for laying eggs only, and this is according to his theory of Muktzah.

An objection was raised from the following Boraitha: An egg which was laid on Sabbath or on a festival day must not be

handled to cover a vessel with it, or to support the foot of a bed with it. It is permitted, however, to cover it with a vessel to prevent it from breaking. If it is doubtful whether the egg was laid on that day or not, it is also disallowed to use it. Should it become mixed in even with a thousand eggs, all the eggs are prohibited to be used on that day. It is right according to Rabba's teaching, who says that when the egg is prohibited for the reason of preparation, which is biblical, therefore a doubtful egg must not be used because it is doubtful according to a biblical law, and all doubts about biblical ordinances must be decided more rigorously; but according to R. Joseph and R. Itz'hak, who say that it is prohibited only as a precautionary measure, why then is it not allowed to use the doubtful egg that is so only according to a rabbinical ordinance, and all doubts concerning rabbinical ordinances must be decided more leniently? The latter part of the Boraitha means that it was doubtful whether it was laid by a hen biblically forbidden to be eaten (*e.g.*, sick or crippled). If it is so, how will the latter part of this Boraitha, "if it were mixed in even with a thousand eggs, all are prohibited," be explained? It would be right if there were a doubt whether it was laid on a week-day or on a festival, where the prohibition is temporary (because on the morrow all may be eaten); and there is a rule when anything is temporarily prohibited, if it is mixed in with a thousand, the prohibition remains, but if the egg was doubtful to be from a biblically forbidden hen (in which case the prohibition remains in force always), then if it is mixed in with other eggs, why should they all be invalid? Let it be ignored as against the majority? (that one egg be removed, and the remaining should be used). The assumption that an egg is a thing of value, and therefore must not be ignored, would apply only to those who say that all things usually counted must not be ignored; but what can be said to those who say that only things which are *always* sure to be counted may be ignored? (This objection remains.)

R. Ashi said: The meaning of "doubtfulness" in the Boraitha is, whether it is a week or festival day, it is nevertheless prohibited to use it, although according to R. Joseph and R. Itz'hak it is only a rabbinical doubt, because the prohibition is only temporary, and in case of a temporary prohibition even a rabbinical one must wait till the prohibition is over.

We have learned in a Boraitha: Anonymous teachers in the name of R. Eliezer said that the egg in question may be eaten

together with the hen that laid it. To what case does the Boraitha refer? If the hen is kept for eating, then it is self-evident; if it is a hen kept for laying eggs, then both are not allowed to be used. Said R. Zera: The Boraitha means to say that the egg can only then be eaten when the hen which laid it was also eaten. How shall it be explained? Said Abayi: In case the hen was bought not for any definite purpose, if it was slaughtered and prepared, then it is clear that it was bought for the festivals, and the egg may also be used; but if the hen is kept alive, then it is clear that it was bought with the intention to keep it for laying eggs, and then it must not be used. R. Mari, however, said that the Boraitha meant to say nothing, but merely exaggerated (*i.e.*, the egg may be eaten in any manner), as we have learned in the following Tosephta: A new-laid egg may be eaten with the hen that laid it, and a new-born pullet with its shell. As the shell cannot be used and is only an exaggeration, so is it also meant with the egg and the hen which laid it.

It was taught: If Sabbath fell after a festival, or *vice versa*, anything born on one of these days must not be used on the other. So said Rabh. R. Johanan, however, allowed it to be used on the morrow.

Shall we assume that Rabh holds that both are of one and the same sanctitude? Did not Rabh say that the Halakha prevails according to the four old sages* who are in accordance with R. Eliezer, who said that Sabbath and the festivals are of different sanctitudes? Nay, here they do not differ concerning the sanctitudes, but as to the law of preparation mentioned above in the name of Rabba. Rabh is in accordance with this theory and R. Johanan is not.

The Tanaim of the following Tosephta differ on the same point: If an egg was laid on the Sabbath, it may be eaten on the festival, and *vice versa*. R. Jehudah in the name of R. Eliezer, however, said, that there is still a difference of opinion among the schools of Shammai and Hillel. According to the former it may, and according to the latter it may not be eaten.

The householder of R. Adda b. Ahabah had eggs which were laid on a festival preceding the Sabbath; he came to him and inquired whether it is permitted to roast them that day, to be eaten on the morrow. He answered: What is thy question?

* See Tract Erubin, p. 8a.

Because thou thinkest that when Rabh and R. Johanan differ the Halakha prevails according to the latter; yet even R. Johanan permits only to sip the egg when raw on the morrow, but he never permitted to handle it on the same day.

The householder where R. Papa lived, according to others another man, had eggs which were laid on a Sabbath preceding a festival, and he asked R. Papa if they could be eaten on the morrow, and R. Papa answered him: Leave it until to-morrow and come again, because Rabh did not use an interpreter on a festival day after meals to decide questions belonging to the next day, for fear, perhaps, that he had drunk more than a quarter of a lug of wine. When he came on the next day R. Papa said to him: If I had decided the question yesterday, when I was a little light-headed, I would have erred, and would have decided according to R. Johanan, as the rule is where Rabh and R. Johanan differ, the Halakha prevails always according to R. Johanan, and this would not be right, because Rabha said that the case in question is one of the three* where the Halakha prevails according to Rabh, both when he is lenient as well as rigorous.

R. Johanan said: Wood which falls from a tree on Sabbath must not be used on the following festival day; and if it would be asked what is the difference between the wood and the egg, it can be said that the egg can be used while raw just after it has been laid, and if left until the next day, because it must not be used on the same day; but if the wood will be used just after Sabbath is over, one might say that the use of the wood was allowed on the same day, and that it was not used because it was prohibited to make a fire on Sabbath.

R. Mathna said: If wood had fallen down from a tree directly into an oven on a festival day, one may add wood which had been prepared on the preceding day and burn it; but is not this handling a prohibited thing? To this the answer is, because the bulk of the wood may be handled, the rest is ignored. But did he not ignore the prohibited wood intentionally? and a Mishna teaches that a prohibited thing must not be ignored on purpose. This, however, is only true of a biblical prohibition, but not of a rabbinical. But according to R. Ashi, who said that a thing which is prohibited only temporarily, cannot be ignored by any means, what can be said? This is when the prohibited thing is preserved; but here, when the wood is to be destroyed by fire, it is different.

* As it will be explained further on, p. 8.

It was taught about the two festival days in exile : Rabh said if anything was born on the first day, it may be eaten on the morrow, but R. Assi says it must not. Said R. Zera : It seems to me that R. Assi is correct in his opinion, because in our time the time of the calendar is known to us, and nevertheless we hold in exile two days of festival (consequently we must hold all the ordinances which were ordained in that time). Abayi, however, said : It seems to me that Rabh is correct in his opinion, and our keeping of two days of festival in exile is merely because a message was sent to us from the West : Take heed of the customs of your ancestors, as it can happen that the government might forbid the keeping of festivals, and the exact date might be forgotten (after the government should retract the command).

It was taught : Rabh and Samuel both said of the two festival days of New Year : Something born on the first day must not be used on the other.

Rabha said : From the day of the ordinance of Rabban Johanan ben Zakkai,* an egg which is laid on the first day of the New Year festival may be eaten on the next day. Said Abayi to him : Did not Rabh and Samuel both say that it is not allowed ? Rejoined Rabha : I say to you that of Johanan b. Zakkai, and you mention Rabh and Samuel to me [says the Gemara : Do really Rabh and Samuel contradict a Mishna ? Nay, it presents no difficulty : The ordinance of Johanan b. Zakkai was only for Palestine, but Rabh and Samuel speak for the exile].

R. Joseph, however, said even after the ordinance of Johanan b. Zakkai the prohibition of the egg remains in force, because the prohibition has been ordained by the vote of a majority of sages, and everything that has been ordained by a majority some time ago, must again be voted by a majority. Said Abayi to him : Did the sages in Johanan b. Zakkai's time discuss about an egg ? They discussed only about the witnesses of the new moon. When it was ordained that the witnesses should not be received on the 30th day (consequently two days were kept festival), the egg was prohibited, but after that, when it was again allowed to receive the witnesses the entire 30th day, in consequence holiday was kept only one day, and the egg could not be any longer prohibited.

R. Ada and R. Shalman [both from the city of Khaluchith] said : The reason why the egg is prohibited even after the ordi-

* For this ordinance of R. Johanan ben Zakkai see Tract Rosh Hashana, pp. 55-56.

nance of R. Johanan b. Zakkai, is because the Temple will soon be rebuilt, and then one may say the last year, have we not eaten the second day of the festival the egg that was laid on the first day? We will do the same now, and they will not know that the last year had two separate sanctitudes; and now, when the Temple is built, the two days are as one long day of one and the same sacredness.

If it is so, let the witnesses who come to testify about the new moon, also not be received? because soon will the Temple be rebuilt, and they will say: Did we not receive the last year the whole 30th day? The same will we do now? What comparison is there? Only the court (Beth Din) can receive the testimony of the witnesses, but eating an egg appertains to the common people. Rabha, however, said: That even after the ordinances of R. Johanan b. Zakkai the egg is prohibited for this reason: Would not R. Johanan b. Zakkai himself agree that if the witnesses were coming after the Min'ha prayer (in the afternoon), both the 30th day and the morrow would be kept sacred? (Therefore we who are at a great distance from Palestine, and do not know when the witnesses appeared, must keep both days holy, and as of one kind of sacredness; in consequence an egg laid cannot be eaten on what is considered as the same day.)

Rabha said again: The Halakha prevails according to Rabh in these three ordinances, both when he is lenient and rigorous (namely: 1. An egg laid on a Sabbath preceding festival day or on a festival day preceding a Sabbath may be eaten on the morrow. 2. The same is the case with the two festival days in exile. 3. But if it was laid on the first day of the two New Year's days, it must not be eaten).

Rabha said: The preparing for the burial of a dead body on the first day of the exile festival must be done by Gentiles; but on the second day Israelites may do it, even if it is New Year. With a new-born thing, however, in the two days of New Year it is different (because *these* two days are considered as of one sacredness). The sages of Nehardai, however, said the case is the same with a new-born thing also. Said Mar Zutra: The law concerning burial on holidays refers to a case when the corpse had been lying some time and there is fear of corruption; but if it had just died it may lie until after the holidays and then be interred. R. Ashi, however, said: Even if it has just died it can be buried on the same day, as the sages considered the second day of a festival a week-day in relation to a dead body, and it is

allowed even to cut myrtle for it and prepare (a nice cloak for him besides) the shrouds.

Rabbina was sitting in the presence of R. Ashi on the first day of New Year, and noticed that he was downcast. He asked him: Why is the Master downcast? R. Ashi answered: Because I have not made a combining of cookery (Erub Tabshilin; *i.e.*, the third day of the new year was a Sabbath, and it was necessary to prepare on the second day of New Year for the Sabbath by making a "combining of cookery"). Said Rabbina to him: Let Master make it to-day. Did not Rabha say that whoever forgot to make a combining on the eve of a festival, is permitted to make it on the first day? And R. Ashi rejoined: Rabha allowed it only on the exile festival day, but not on the two days of New Year. Said Rabbina again: Did not the sages of Neherdai decide that the same is the case with New Year's day? R. Mordecai answered to Rabbina: I have heard Master plainly declare that he did not agree with the sages of Neherdai (Master means R. Ashi). Therefore do not molest him with this question.

The rabbis taught: A pullet which was born on a festival must not be eaten on the same day. R. Eliezer ben Jacob said even on a week-day it is not allowed to eat it on the same day, because its eyes are not yet open. We also learn in the following Boraitha: It is written [Lev. xi. 22]: "All flying insects that walk upon four legs shall be an abomination to you." By "all" it is meant to add the pullet whose eyes are not as yet open.

R. Huna said in the name of Rabh: An egg becomes ripe as soon as it is laid. What does Rabh mean to teach us by this statement? Shall we assume that he meant to say that it becomes ripe enough to be eaten with milk, which would not be the case if the egg were found in the entrails of a hen? Did not a Boraitha say: He who kills a hen and finds in it ripe eggs may eat them with milk? Shall we assume that Rabh means to teach us that when it is laid on a festival it may be eaten on that same day; but how if it were found in the entrails of a hen, would it not be allowed to eat it on a festival? Did not a Boraitha say that if ripe eggs are found in the hen on a festival day, they may be eaten? If it be said that Rabh means to teach us what the Boraitha has added to the Mishna (this cannot be said either, because) we have learned in the Mishna, an egg laid on a festival the school of Shammai permit to be eaten, etc. We see therefore that the above schools differed only about an egg laid already, but not about an egg found in the entrails of a hen; and

it cannot be said of the school of Hillel that they prohibited this, for then the above Boraitha which allows this would not be in accordance with any of the schools.

Rabh comes to teach us that only an egg which is laid is ripe to be put under a hen for hatching; but an egg which is found in the entrails of a hen, even if it were ripe, cannot be used for hatching, as it cannot breed pullets.

And the difference is in matters of buying and selling (*i.e.*, if one buy eggs for hatching and he was given eggs which were found in the entrails of a hen, the seller must return the money to him). As it happened once, one came to the market and asked for new-laid eggs and he was given eggs which were found in a killed hen. When the case was brought before R. Amai he decided that the sale was null and void and the seller must return the money. Is that not self-evident? One may say that when the buyer asked for new-laid eggs he meant eggs for eating, and he who sold him the eggs which were found in the killed hen has only to return to the buyer the difference between the value of a new-laid egg and one found in a killed hen. Therefore he comes to teach us that it is not so, but that the whole sale is null and void and the seller must return the money.

It happened, also, that one came to the market and asked for eggs of a hen which had paired with a cock, and he was given eggs of a hen which laid them by warming herself by scratching the earth; and when this case was also brought before R. Amai, he made the sale null and void for the same reason.

And if you wish, we will explain (the above saying of R. Huna in the name of Rabh), that an egg is ripe as soon as it is laid, means, that as soon as the greater part of it is out of the body of the hen, it is considered ripe; and this will be in accordance with R. Johanan, who said that an egg, of which the greater part was out on the eve of a festival, and it slipped back, and came out on the festival, it might be eaten the same day. And still others say, that Rabh means to teach that when the egg is wholly out then it is ripe, but not otherwise, the reverse of the opinion of R. Johanan.

The text says: When one has killed a hen and found ripe eggs in it, they may be eaten with milk. R. Jacob, however, said: When the egg is as yet covered with veins, it must not be eaten with milk.

The rabbis taught: All the females which have communication with their males in the day-time only, give also birth in the

day-time only; and those which have communication in the night-time only, give also birth in the night-time only. Those, however, which have communication at all times, give birth also at all times. Those that have communication in the day-time only: *e.g.*, a hen; and in the night only, *e.g.*, a bat; and at all times, *e.g.*, man and all animals similar to him.

To what purpose did the Master say all this? This is necessary to the following Halakha: R. Mari the son of R. Cahana says: One who has searched a chicken-coop on the eve of a festival at twilight, and does not find any eggs, and on the morrow before sunrise does find one, it may be eaten the same day (as it could not have been laid during the night). But did he not search the day before? Say, then, he did not search thoroughly; and even if he did search thoroughly, it is possible that at that time the greater part of the egg came out and slipped back again; and this is in accordance with what is stated above in the name of R. Johanan.

This is not so? For did not R. Jose b. Saul say in the name of Rabb: If one has searched a chicken-coop on the eve of a festival at twilight, and does not find any eggs in it, and on the morrow he finds one, it must not be used? He has reference to a hen which bears by scratching the earth (and such a hen may lay even at night). If it is so, say in the case of R. Mari also that the egg which was found in the morning was laid by such a hen.

There is the case where a male was in the coop. Even then, can it not happen that a hen may scratch the earth? Said Rabina: It is certain that when there is a male, no hen scratches the earth for the purpose of bearing. And at what distance in the neighborhood must the cock be? Said R. Gamda in the name of Rabb: As far as she can hear his voice in the day-time.

R. Mari, according to his decision, has decided a case (in which it was searched on the eve of a festival and nothing found in it, but an egg was found on the morrow, and there was no cock at) a distance of sixty houses.

When there is a stream between, the hen does not cross it, but she crosses a bridge; neither does she cross over a plank. It happened once that a hen crossed over a plank.

"The school of Shammai say that leaven the size of an olive," etc. What is the reason of their teaching? They maintain if the same size would be for leaven and leavened bread, why did the Torah need mention leaven at all? Let it have been written

"leavened bread," and it would be known from an *a fortiori* conclusion that leaven the size of an olive is prohibited (*i.e.*, as leavened bread, which is not as sour as leaven itself, one is culpable if he eats the size of an olive, so much the more, leaven itself the same size). Now, when the law mentioned leaven and leavened bread separately it is only to teach us that their sizes are different (leaven the size of an olive and leavened bread the size of a date). The school of Hillel, however, maintain that both are needed, because if *leaven* only were mentioned, one might say that because leaven is very sour, it must not be used, but leavened bread, which is not so sour, one may eat; if *leavened bread* only were mentioned, one could say that leavened bread which is fit to be eaten is prohibited, but leaven itself which is not fit for eating one is not culpable if he eats; therefore leaven is also mentioned.

We have learned also in a Boraitha: It is written [Ex. xiii. 7]: "And there shall not be seen with thee any unleavened bread, neither shall there be seen with thee any leaven in all thy boundaries." This is the point of difference between the school of Shammai and the school of Hillel: The first says, leaven the size of an olive and leavened bread the size of a date, and according to the latter, both are of the size of an olive.

"*When a person has killed,*" etc. If one has killed already; but may he not commence it? Said Rabha: The Mishna meant to say that if a person wishes to slaughter an animal at a festival and comes to ask how he shall do it, the school of Shammai say he must be told that he may slaughter first, dig to get loose earth, and then cover; but the school of Hillel say he must be forbidden to slaughter unless he has loose earth prepared from the preceding day. R. Joseph, however, said, that according to the school of Shammai he must be told to dig first, slaughter, and then cover. Said Abayi to R. Joseph: Shall we assume that the Master and Rabha differ about what R. Zera said in the name of Rabh, as follows: Whoever slaughters a wild animal or fowl, must have loose earth beneath, to soak the blood, and some on the top, to cover with, as it is written [Lev. xvii. 13]: "Then shall he pour out the blood thereof, and cover it up with (or *in*) earth"?* It is not said "to place earth *on* it," but to "cover it *in* earth." From this we infer that there must be earth underneath and earth on the top. Now, the Master agrees with R. Zera (and therefore he must be told to dig first), but Rabha

* The Hebrew term is *ḥāṣer*, which signifies both *in* and *with*.

does not agree with R. Zera (therefore in his opinion he must be told to slaughter first and dig after). Rejoined R. Joseph: We both agree with the dictum of R. Zera, and we differ on another point, namely, Rabha holds if there is already earth underneath, he may slaughter, but he must not dig first, for it may happen that he should afterwards reconsider the matter and not slaughter at all (then he will have dug for nothing), but I hold it is better to permit him to dig first, else it may be that he would not slaughter at all, and not enjoy the festival as becomes it.

"Both colleges agree," etc. R. Zriqa said in the name of R. Jehudah: The case is when one had a spade sticking in the ground from the preceding day. But he pounds the earth? (reduces the earth to powder). Said R. Hyya bar Ashi in the name of Rabh: It is meant that the spade was already in powdered earth.

"As the ashes from the hearth," etc. Where are the ashes mentioned? Said Rabha: The Mishna means to say, that the ashes from the hearth may be considered as always prepared. Said R. Jehudah in the name of Rabh: The case is when the hearth had been heated on the preceding day, but when the fire was made on the festival, it is not so. When the ashes, however, are hot enough for roasting an egg, they are considered as prepared. We have learned the same in a Boraitha, with the addition, that if one has brought loose earth for his garden or for a ruin, he may cover the blood with it.

R. Jehudah said again: One may bring a basketful of earth, and do with it all that he needs. Lectured Mar Zutra in the name of Mar Zutra the great: The case is when he has separated a corner for it.

An objection was raised: We have learned elsewhere: A kui* must not be slaughtered on a festival, and when it is, its blood must not be covered. Now, if it be so, let him cover it as R. Jehudah said above? What question is it—he could also cover it with the ashes of the hearth, or with a spade in powdered earth? We must say, then, that they were not available; and it is the same with the basketful of earth mentioned above, that he has not any. If such is the case, why a kui, of which it is doubtful whether his blood must be covered or not? Even an animal of which it is certain that his blood must be covered, the same is the case? The Mishna means to say, that not only an

* Cross between a he-goat and a hind.

animal of which it is certain that his blood must be covered must not be slaughtered, unless he has prepared a covering; but even an animal which is doubtful, lest one say that because of the enjoyment of the festival it shall be slaughtered without covering, it comes to teach us that he must not. But did not the latter part of the Mishna state, that if it *was* slaughtered the blood must not be covered, from which we must infer that the first part of the Mishna means, even when he has a prepared covering for it?

Therefore said Rabha: The ashes of the hearth are only considered to be prepared when the animal is of a species whose blood must be certainly covered; but when the animal is of a kind about the covering of whose blood there is a doubt, it is not so (*i.e.*, the ashes must not be handled for this purpose, as they are Muktzah). And this is in accordance with his theory elsewhere, that if one has brought earth to cover with it dung, he may cover with it the blood of a fowl, but not *vice versa*. The sages of Neharbelai, however, said that even if he has brought the earth for the purpose of covering with it the blood of a fowl, he may cover with it dung also. In the West R. Joseph bar Hama, and according to others Rabha the son of R. Joseph bar Hama, and R. Zera differed on this point. According to one a kui (about which it is doubted whether it is a wild or domestic animal) is regarded as dung, and according to the other it is not so (but who entertained either of these two opinions it was not known). Now, from the above teaching of Rabha, who said that earth prepared for a fowl must not be used for dung, we infer that Rabha is the one in whose opinion a kui is regarded as dung.

Rami the son of R. Jebha, however, said that the reason that we do not cover a kui on a festival is as a precautionary measure, lest one think the use of its tallow permissible. If so, let it not be covered even on a week-day? Nay, on a week-day one (who sees the blood covered) may think it is done for the purpose of cleaning the yard. But what shall be the reply to him who comes to ask (whether he should cover the blood)? Therefore we must say, that the reason is this: On a week-day, when it is doubtful, the sages decree that nevertheless he should trouble himself to cover it, but on a festival day the sages do not wish to put him to perhaps unnecessary work.

R. Zera taught: Not the blood of a kui only is it prohibited to cover on a festival day, but even when a slaughtered domestic animal's and fowl's blood were mixed together, it must not be

covered either. Said R. Jose bar Jasiniah : The case is when one cannot cover the whole blood with one (shovelful) stroke of the spade, but if he can, he must cover it. Is this not self-evident? One might say that we should prohibit this as a precautionary measure to prevent him from making two strokes. Therefore he comes to teach us that such precautionary measures are not necessary. Rabha said : If one has slaughtered a fowl on the eve of a festival, the blood must not be covered on the festival ; but if he kneaded dough on the eve of a festival, he must separate the "first dough" on the festival. The father of Samuel, however, said that even this is prohibited.

MISHNA : Beth Shammai say : It is prohibited to remove a ladder from one dove-cote to another ; it may, however, be inclined from one opening to another (of the same dove-cote). But Beth Hillel allow both.

GEMARA : R. Hanan bar Ammi said : Both schools differ only when it is done in public ground : According to Beth Shammai one who will see him carrying a ladder may think he is going to repair his roof ; but Beth Hillel do not care for that, for they say the dove-cote will show the man's purpose of carrying the ladder. But if this is done in private ground (where there is no person to see his act), all agree that this is permissible. But is it so? Did not R. Jehudah say in the name of Rabh, that all which is prohibited on account of its liability to be seen (and misjudged) remains so even in the greatest privacy? In this the Tana'im differ (Sabbath, pp. 336, 337).

Our Mishna does not accord with the Tana of the following Boraitha : R. Simeon b. Elazar said both schools agree that the ladder may be carried from one dove-cote to another ; the point on which they differ is whether the ladder may be carried back. The school of Shammai prohibit it, and the school of Hillel allow even this. Said R. Jehudah : The Mishna refers only to a ladder used for a dove-cote, but a ladder to an attic all agree is prohibited. R. Dosa said he may incline it from one window to another. Anonymous teachers say in the name of R. Dosa, that he may also trail the ladder (making it change its position by turning it about).

The children of R. Hyya were going out into the villages. When they came back their father asked them, was no question asked of you, which you have decided? and they answered that they were asked whether a ladder of an attic may be inclined on a festival, and they allowed it. And he said to them : Go, pro-

hibit what you have permitted. (Said the Gemara): "The children of R. Hyya thought that R. Dosa had allowed what R. Jehudah prohibited, and it was not so; he only allowed what the first Tana did not prohibit; *i.e.*, a ladder to a dove-cote, allowed by the first Tana even to be carried, R. Dosa permits only to incline.

"*It may, however, be inclined from one opening,*" etc. We learn also in another Mishna farther on: The shutters (of shops) must not be removed on a festival, so is the decree of Beth Shammai; but according to Beth Hillel they may be even returned to their places. From this we see that concerning the enjoyment of the festival, the school of Shammai are rigorous, and the school of Hillel are lenient. Is not this in contradiction to the first Mishna of this chapter, where we see the opposite? It would be (intelligible) if we explain the first Mishna's meaning that it speaks of a spade stuck in the ground before (then Beth Shammai would not be more rigorous). But what can be said of the self-contradiction of Beth Hillel? Said R. Johanan: Change the names of the authorities (assume the prohibitions to be made by Beth Shammai and the permissions by Beth Hillel). Says the Gemara: Perhaps it is not so, because we can explain the lenience of Beth Hillel in the case of the shutters by the fact that the law of building cannot be applied to vessels (according to their theory); but in the first Mishna, where such a reason cannot be found, they did not permit.

MISHNA: Beth Shammai say: It is unlawful to remove the birds from their places, unless they have been handled *before* the festival; but Beth Hillel say: It is unnecessary to do more than stand on the eve of the festival before the dove-cote and say: "This and this bird will I take for the festival."

GEMARA: Said R. Hanan bar Ammi: They differ only about the first brood of pigeons. Beth Shammai hold that if one will not handle it before the festival, he may change his mind (and spare it when he comes to take it on the festival, and will take others instead of them, but if he has handled it on the previous day, we are sure that he will not change his mind). Beth Hillel, however, do not entertain this fear. But as for the second brood, all agree that it is enough if he says before the festival: "I will take this and this."

According to Beth Hillel, why is it needed one should mention the individual bird? Would it not suffice to refer to the whole dove-cote (and say, "from this dove-cote I will take

more")? Should we assume that the school of Hillel do not hold the theory of premeditated choice (see Vol. III., p. 80)? But this would not be right, as from the Mishna (Oholath, VII., 3), we know that the school of Hillel hold this theory. Said Rabba: It is needed for the reason that if he will not point out the individual, he may handle the next day all birds of the dove-cote except the one he chooses (if any) unnecessarily. But did not Beth Hillel say it is enough if he says: "I will take this and this bird," and yet he may reject it when he comes to take it for slaughtering? Nay, this is on the eve of a festival, if he has chosen some of them, be they lean or fat, he will not exchange them for others; but if he did not so on the eve, and he comes to choose them on the festival itself, it may be that he will be compelled to handle many until he finds one that is fit, or it may happen he finds none fit, and he will handle them for no purpose, and he will be deprived of the enjoyment of the festival.

MISHNA: If a person who had prepared for a festival black pigeons finds white ones, or having prepared white pigeons, should find black ones; or two birds, and he find three, they must not be used. If three birds had been prepared and two only are found, they may be used; but if they had been prepared within the nest, and are found before the nest, they must not be used unless there were no other birds but these in the dove-cote.

GEMARA: Is not this self-evident? Said Rabba: The Mishna refers to a case when one had prepared both white and black, and on the morrow, when he comes to take them, he finds they have changed places. One might say that the pigeons are all the same, but they have changed places, hence the Mishna comes to teach us that it is not customary for the birds to change places, and therefore we must say that all the old ones are gone, and those which are found are other pigeons. Shall we suppose that this Mishna is in support of the decree of R. Hanina, who said that when one has to decide according to the majority of cases similar to one at hand, or according to the intrinsic probability, one should decide according to the former? (As our Mishna decided that they are other pigeons, and that is because in the majority of cases pigeons do not change places, we see that the Mishna decides according to majority and not probability.) Nay, the case of the Mishna can be explained as Abayi' says farther on, that it means not in the nest itself, but on the board before the

nest, where strange pigeons also come and roost (and so decides not according to majority, but probability).

"Or two birds, and he finds three," etc. Why is it so? For all reasons: Either all are strange pigeons, or at least one.

"If three birds," etc. Why so? Because two are the same, though one is gone. Shall we assume our Mishna is only according to Rabbi, and not the sages of the following Boraitha? If one had left at a certain place one hundred zuz of second tithe, and he found afterwards two hundred zuz, the ordinary and the second tithe money are mixed together. Such is the decree of Rabbi. But the sages said that the whole is considered as ordinary money (considering the first hundred as having been stolen, and this to be other money). But if he left two hundred zuz, and found only one hundred, it is considered that one hundred has been stolen, and the other hundred remains. So is the decree of Rabbi. But the sages said that the remainder becomes ordinary. Hence we see that the case of the doves in our Mishna is according to Rabbi? Nay, the Mishna can be explained even in accordance with the sages, for it was taught in addition to this Boraitha, that R. Johanan and R. Elazar both said that in the case of pigeons the law is different because pigeons have the habit of leaving their nest for short whiles.

"But if they had been prepared in the nest," etc. Shall we say *this* part of the Mishna is in support of the above decree of R. Hanina? Here it can also be explained as the former according to Abayi (that the board before the nest is meant where strange pigeons come to roost). Rabha, however, said: The Mishna refers to a case where there were two nests, one on the top of the other; and not only is one prohibited to use pigeons found before the lower nest, when he had prepared same in the lower, and found both nests empty, because it is considered that from only the lower nest they are gone, and those from the upper nest have come down; but if he had prepared them in the upper one, and found them in front of it, while both nests are empty, the case is the same; though usually pigeons do not go up, it is considered that the upper pigeons are gone, and those of the lower nest came up in front of the upper nest.

"Unless there were no other birds," etc. How was the case? Shall we say flying pigeons are meant? Then it may be assumed that those that had been in the nest had flown away, and these are strangers. And if pigeons too young for flying are meant, then if there is a nest within fifty ells, we may say that those

that were here bounded away, and these are strangers; but if no strange nest is near, is it not self-evident that they are the same and may be used, as Mar Uqba bar Hamma said: A pigeon that cannot fly yet is not able to bound away more than fifty ells? Nay, it can be explained thus: There is a nest within fifty ells, but it is situated in a corner so that the pigeons could not see it. They are in their own nest, and the Mishna comes to teach us, that the fear of their bounding away is only when there is another nest within fifty ells, which is visible to them when they are in their own nest; but if not visible, they do not bound away at all.

MISHNA: Beth Shammai say: The (large wooden) pestle may not be moved for the purpose of using it as a block to cut meat upon; but Beth Hillel allow it. Beth Shammai teach: It is unlawful to lay down a skin to be trodden on (as a preparation for its being tanned) or to raise it from the ground unless the (*minimum*) quantity of meat of the size of an olive be thereon; Beth Hillel, however, allow it.

GEMARA: We have learned in a Boraitha (an addition to this Mishna) that all agree that if one has already cut meat on this pestle, it may not be handled more (because the occasion on which it was necessary for the festival is over).

Said Abayi: Even if the pestle mentioned in the Mishna was a new one, made only for breaking bones, the case is the same; (and Abayi found this necessary to explain) lest one say, that because it is a new one, it shall be feared that he will change his mind and will not use it for this purpose, and so it will be handled unnecessarily, and therefore the Mishna comes to teach us that this fear is not entertained. From this we see that Beth Shammai have not such fear. But did we not learn in a Boraitha: Beth Shammai said the slaughterer and the knife must not be brought to the animal, nor, *vice versa*, it to them (for fear of his changing his mind, and not slaughtering at all, and being troubled for nothing)? And the same is the case with spices and the pestle, which must not be carried to the mortar, nor *vice versa*. But Beth Hillel allow both (hence we see that the school of Shammai fear his changing his mind). What comparison is it? He can reject on second consideration an animal because he wants a fatter one, or spices because he resolves to have a dish without spices, but in this case the animal is already slaughtered and the meat is for cooking; hence he must cut it and prepare it for eating.

"*Beth Shammai teach it is unlawful to lay down a skin,*" etc. We have learned in a Boraitha : Both schools agree that meat for roasting may be salted on the skin. Said Abayi : Only for roasting is it permitted to salt meat on it, but not for boiling (because for roasting much salt is not necessary, but for boiling more is needed). Is not this self-evident? It is plainly stated, "for roasting." Abayi comes to teach us that even for roasting, if more salt is needed than ordinarily, it is not permitted.

The rabbis taught : Tallow must not be salted and must not be turned over. In the name of R. Joshuah, however, it was said that one may spread it out upon nails for being aired. Said R. Mathna : The Halakha does not prevail according to R. Joshuah ; but wherein differs this case from the case of the skin in our Mishna ? (The cases are not identical.) When one sees him spreading out the skin, he may think because it is fit for sitting on, it is spread out for such purposes ; but when one will be allowed to salt the tallow, he may say : For what purpose have the sages allowed it? Only that it shall not become spoiled. Then what is the difference between spreading and salting, and he will also salt it?

R. Jchudah in the name of Samuel said : One may salt several pieces of meat at one time, though only one of them is needed. R. Adda bar A'hbah had recourse to ingenuity, and used to salt meat for a festival meal (salting one piece with the pretext that he will use it, and then rejecting it, and choosing another, and so on).

MISHNA : The shutters of stalls must not be removed on a festival according to Beth Shammai ; but Beth Hillel allow even to replace them.

GEMARA : What kind of shutters is meant? Said Ula : The shutters of movable stalls. He said again : There are three things of which the finishing was allowed (though not essential for the festival), for the reason of the beginning (which *was* necessary ; *i.e.*, if it would not have been allowed to finish them, they would not have been begun). They are : The skin for the tanner, the shutters of the shops,* and the replacing of a plaster (on the priest's hand †) in the Temple. And Rhaba said in the

* It means that he would not slaughter the animal at all if he would not be sure that the skin would not be spoiled ; and so he would not open the shop to take out what was necessary for the festival, if he would not be allowed to shut it again, and the festival would be without enjoyment.

† As the priest is not permitted to do his work of sacrificing when there is something between (Hatzitzah, *intervention*) his hand and the victim.

name of Rabb Jehudah the Babylonian Amora : * The same is the case when one opens a barrel or begins to knead dough on the festival (he may stop up the barrel, or finish the kneading, because he would not begin if he were not permitted to finish, and his enjoyment of the festival would not be complete), and this is according to Rabbi Jehudah the Tana, who said (in Hagigah, p. 52), he shall finish it.

Our Mishna is not in accordance with the Tana of the following Boraitha : R. Simeon b. Elazar said : The schools both of Shammai and Hillel agree that the shutters may be removed on the festival ; they differ only about the replacing of them. Beth Shammai do not permit this, and Beth Hillel allow even this. But this is in case there are hinges, but if there is none all agree it is permitted. But have we not learned in another Boraitha the contrary of this ? Said Abayi : It can be explained so : If the hinges are at the sides of the shutters, all agree it is prohibited ; † if there are no hinges at all, all agree it is permissible. They differ only on this point when the hinges are in the middle : Beth Shammai prohibit it as a precautionary measure, lest one think it permissible also even when they are at the sides, and Beth Hillel think such a precautionary measure is not to be taken.

MISHNA : A child, a Lulab (a branch of a date-tree), holy scrolls, must not be carried in public ground according to Beth Shammai ; but Beth Hillel allow it.

GEMARA : In the presence of R. Itz'hak bar Abdimi one Tana taught as follows : If one slaughters a voluntary offering on a festival, he is liable to the penalty of stripes. Said R. Itz'hak to him : According to whom is your teaching ? That is only according to Beth Shammai, who do not hold the theory that because it is permitted to carry things for the purposes of the festival, it is permissible to carry other things, even when they are not necessary for the purposes of the festival ; but according to Beth Hillel, who hold this theory, we can say, because slaughtering for the festival is permitted, slaughtering for other

* Rashi says : To some people it is doubtful if it was in the name of R. Jehudah the second, or R. Jehudah the disciple of Samuel ; but I say, he added, that Rhaba, who was from Pumbeditha, had never seen R. Jehudah the second, as we do not find that he, sometime in his life, ever went to Palestine. Moreover, it is said elsewhere that no one was so particular in his study as Rhaba of Pumbeditha, and we must assume that Rhaba was so particular that he would not leave in his words any doubt about the man in whose name he said it ; and if it was Jehudah the second, he would have certainly mentioned it.

† As when the hinges are at the sides, it is very difficult to remove and replace.

purposes is also permitted, consequently he is not liable to stripes. R. Johanan's opinion is also that Beth Shammai and Beth Hillel differ about the acceptance of the above theory.

Because a disciple has taught in the presence of R. Johanan thus: If one cooks the sinew which shrank [Gen. xxxii. 33] in milk on a festival, and eats it, he is liable to five times stripes: once for cooking the sinew, once for eating it, once for cooking meat in milk, once for eating meat with milk, and once for kindling a fire on the festival. And R. Johanan said to him: Go with thy teaching out of the college, because for kindling a fire and cooking on the festival he is not liable for stripes, according to the teaching of the Mishna; and even if you would find a Mishna which is in accordance with your teaching, it could be only according to the school of Shammai, who deny the theory that, because it is permitted to kindle a fire and to cook for the purposes of the festival, it is permissible also for other purposes; then, according to the school of Hillel, who agree with this theory, no Mishna could teach so. Now then, when kindling and cooking are permitted on the festival, you must remove the stripes for cooking and kindling out of the whole case.

MISHNA: It is unlawful, according to Beth Shammai, to carry to the priest on a festival the first dough (Halah) or other gifts, whether they had been set apart for that purpose on that day or on the preceding day. Beth Hillel, however, allow this. Said Beth Shammai: Let us say to them: Is there not an analogy of expression in both? First dough and other priestly dues are called gifts to the priest (Matanoth); and heave-offering (Terumah) is also called gifts to the priest. Now, as the last is prohibited, the same must be the case with the first? Rejoined Beth Hillel: Nay, how can the gifts be compared to heave-offering? The last one is not allowed to be set apart on the festival, whereas other gifts may.

GEMARA: At the first glance, the teaching of the Mishna, "whether it had been set apart on the same day," would seem to mean that it was slaughtered and set apart on the same day, and the expression, "the preceding day," would seem to mean that it was slaughtered also on that day. If it is so, however, according to whose opinion would the Mishna be? Not according to R. Jose, not according to R. Jehudah, but according to the anonymous teachers. As we have learned in the following Boraitha: R. Jehudah said: Beth Shammai and Beth Hillel do not differ about the gifts that were set apart on the eve of a festival,

whether they might be brought together with the gifts set apart and slaughtered on the festival. What they differ in is only whether those set apart on the eve of the festival might be brought to the priest separately. Beth Shammai do not allow this, and Beth Hillel permit it. R. Jose, however, said that the above schools do not differ about gifts at all, but only about the heave-offering ; but an anonymous teacher said that they never differ about the heave-offering, which is prohibited according to all, but only about other gifts. Hence our Mishna is in accordance with the anonymous teachers. Said Rabha : Did the Mishna teach that they were set apart and *slaughtered* on the same day? They were set apart on that day, but may have been slaughtered on the previous day. Then the Mishna will be according to R. Jehudah only, but not according to the anonymous teachers? Nay, we may say it is in accordance with the anonymous teachers also, but the point on which they differ would be the gift that had been slaughtered on a preceding day. If it is so, the anonymous teachers would say the same as R. Jehudah? Nay, there is a difference about the adding of the gifts set apart on the preceding day to those set apart on the festival itself (according to R. Jehudah it may be done, and according to the anonymous teachers it may not). Said R. Jehudah in the name of Samuel: The Halakha prevails according to R. Jose.

R. Tubbi the son of R. Nehemiah possessed one pitcher of wine of heave-offering on a festival, and he came to R. Joseph and asked him: Can I give it away to the priest to-day? And the answer was, that R. Jehudah in the name of Samuel declared the Halakha prevails according to R. Jose (who permits).

The host of an inn where Rabha bar R. Hanan was staying, possessed bundles of mustard stalks, and he asked his guest: May I thrash it and eat it on a festival? And he did not know the law. And he came before Rabha, who told him: We have learned in a Tosephta, one may pluck ears or crush pea-pods to get out the grains or peas on a festival. Abayi objects: We have learned in a Boraitha: Whoso has plucked ears on the eve of Sabbath, he may blow away chaff on the Sabbath from one hand into another, and eat, but not sieve. If he has done it on the eve of a festival, he may sieve it on the next day in a small but not a large sieve (that it may not be thought he does it for the next day). Hence it seems from this that to do it on the festival itself is not allowed. Rabha answered: The same would be the case on the festival itself. But as in the first part it is said: On

the eve of Sabbath, so in the last part he speaks of the eve of the festival. (Said Abayi again :) If it is so, then we find a case in which it is allowed to set apart heave-offering on a festival (as it is usually taken from a quantity of grains, not ears); and here, when he thrashes the ears for the purpose of eating the grain, you allow him to separate the heave-offering of it, for otherwise he is not allowed to eat, and in our Mishna it is plainly stated that the heave-offering is not allowed to be set apart on the festival. Rabha answered: It presents no difficulty. Elsewhere it is said, according to Rabbi's opinion heave-offering may be separated on the festival, and only R. Jose bar Jehudah opposed him, and our Mishna is in accordance with the latter.

How shall one pluck (a change from the ordinary week-day manner there must be)? Abayi in the name of R. Jose said: He shall pluck it with the thumb and the index-finger. But R. Ivya upon the same authority said: The thumb and the two fingers next to it. Rabha, however, said: As soon as he does it in a peculiar manner, the number of fingers he employs is a matter of no great consequence.

How shall one blow? R. Adda bar A'hba said in the name of Rabh: He shall blow only off his fingers (but not the palms). But in Palestine they ridiculed this, saying that, provided he does it in a peculiar manner, he may employ his palms also. Therefore R. Elazar said: He may blow it off one hand with his whole might (but must not use the other).

MISHNA: Spices may be pounded on a festival with a wooden pestle only, and salt with an earthenware jug, or with a large wooden spoon, according to Beth Shammai. But Beth Hillel say: Spices may be, as usual, pounded with a stone pestle, and salt with a wooden spoon.

GEMARA: From this we see that all agree that salt must be pounded in a different manner. Why? R. Huna and R. Hisda: One said, because all the dishes must have salt, but not all the dishes must have spices; and the other said, all the spices lose their fragrance, but not salt. What is the difference between the two? If one knows on the eve of a festival what dish he will prepare on the morrow? According to the former it needs a peculiarity (because he could have prepared it on the eve); and according to the latter it needs not, because had he prepared it on the eve the spices would lose their fragrance.

R. Jehudah in the name of Samuel, however, said: All that is pounded may be pounded on a festival as on week-days, even salt.

Did we not say above, that salt must be pounded differently? He holds with the Tana of the following Boraitha: R. Meir said: Both schools of Shammai and Hillel never differ about the point that all things may be pounded on a festival as on week-days, and salt when it is among them: what they differ about is, whether it may be done so when it is separate. According to Beth Shammai it must be pounded with an earthenware jug or a large wooden spoon; and only in a quantity needed for roasting, but not for stewing into a pot; but Beth Hillel allow any quantity.

R. A'ha Bardla said to his son: If it shall happen that you will have to pound something on a festival, you should incline your mortar, and then pound (*i.e.*, he shall make some change in the manner of pounding). R. Shesheth heard on a festival the sound of pounding in a mortar, and he said: It is surely not in my house. Why was he sure? Perhaps the mortar was inclined? Because he could infer from the sound that this was not so. Perhaps they were pounding spices? Then the sound would have been different.

The rabbis taught: *Ptisana* * must not be made on a festival, for nothing may be pounded. But a small quantity may be pounded in a small mortar.

It once happened that R. Papa was the guest of Mar Samuel, and *Ptisana* was offered him, but he did not partake of it. Why? Perhaps it had been done in a small mortar? He did not choose to trust his host's servants, because they were disobedient.

MISHNA: When one picks pulse on a festival, he may, according to Beth Shammai, only pick out the eatable part and eat it; but according to Beth Hillel he may pick it as usual in his lap, in a basket with holes, or in a large dish, but not on a large table, or through a small or large sieve. Rabban Gamaliel says: It is also lawful to pour water thereon, and remove the part not fit to eat, by hand.

GEMARA: We learn in a Boraitha: Said R. Gamaliel: The Mishna refers to a case when there was more of the eatable part than of the part unfit for eating; but if the opposite was the case, then all agree that he may take out only the eatable part and leave the rest. Is there any one who is allowed to do as usually even when the unfit part was larger than the rest? R. Gamaliel meant to say, that even when the quantity of the unfit part was

* Latin for a dish of pounded barley.

small, but to pick it out would be more trouble than to pick out the eatable part, all agree that he shall do what gives less trouble.

"Rabban Gamaliel said," etc. We have learned in a Boraita: R. Elazar bar Zadok said: Such was the custom in the house of Rabban Gamaliel: They usually brought a pail full of lentils and poured water on it, and the eatable part settled down, while the unfit part remained floating; but another Boraita states the contrary (that the unfit part settles down, etc.)? It presents no difficulty: the straw floats above, but if there is any dust or other such matter, it sinks.

MISHNA: It is unlawful for one to send to another as a present on the festival anything but eatables, according to Beth Shammai. Beth Hillel, however, permit to send even cattle, game, and poultry, either slaughtered or alive; also presents of wine, oil, fine flour, and pulse, but not grain. R. Simeon allows also to send grain.

GEMARA: R. Je'hie! taught: This is permissible only when he sends it by a few persons, but not by a whole line of men. A Boraita taught that a line is not constituted by less than three men.

"R. Simeon," etc. A Boraita taught: R. Simeon permits to send grain; e.g., wheat, to make of it a dish which the inhabitants of Lydia used to make (by grinding the grains of wheat); barley, to give it to cattle; and lentils, to make of them a dish.

MISHNA: It is also permitted to send clothes, sewed or not, even of *"Kelayim,"* in case they can be used on the festival, but not sandals with iron nails or unfinished shoes. R. Jehudah says: White shoes may not be sent either, because an artificer is required to make them fit for use. This is the general rule: Whatever can be used on the festival, may be sent as a present thereon.

GEMARA: It is right that sewed clothes should be permitted on a festival, because they can be used, and clothes not sewed may also be used for covering; but how can *Kelayim* be used? The Mishna meant to say rough clothes which can be used for sitting upon, and this is according to R. Huna the son of R. Joshua, who said that felt of the city of Narash (which was rough) might be worn even if in it is *Kelayim* (linen and wool mixed together).

"But not sandals," etc. What is the reason? Because once

an accident occurred.* Said Abayi: Sandals with iron nails must not be worn, because an accident happened on account of them, but they may be handled; and this we infer from our Mishna, which says that they shall not be sent, and if it were disallowed to handle them, it would be self-evident that they could not be sent.

"*Or unfinished shoes.*" Is it not self-evident? The Mishna means to say that even if there were nails in them already (so that they could be put on), yet being unfinished, they might not be sent.

"*R. Jehudah says,*" etc. We have learned in a Boraitha: R. Jehudah permits to send black shoes, but not white, because lime is needed to make them white; and R. Jose prohibits black shoes, because they must be polished. They do not disagree, however. Both speak of the customs in their respective places. In the place of one Master the skin of the shoes had the inner side turned out, and therefore it had to be made white; while in the other the opposite was the case, and polishing was needed.

"*This is the general rule,*" etc. R. Shesheth permitted to his disciples to send phylacteries on a festival. Said Abayi to him: Did not we learn in our Mishna, only a thing which can be used on the festival may be sent (and phylacteries are not used then)? And he answered: The Mishna meant to say things fit to be used on a week-day may be sent on a festival. Said Abayi: When the phylacteries are spoken of we would like to say something: If one was on the road on the eve of Sabbath or of a festival, and the Tefilin were on his head and the sun set, he may lay his hand on the Tefilin and thus come to his home. The same is the case when he was sitting in the house of learning and the Tefilin were on his head, he may lay his hand on them until he comes home.

* See Tract Sabbath, p. 116.

CHAPTER II.

REGULATIONS CONCERNING THE COMBINING OF COOKERY ON A FESTIVAL PRECEDING A SABBATH.

MISHNA: When the festival falls on Friday, it is unlawful to prepare thereon, on purpose, any food for the Sabbath, but for the festival alone, and whatever remains may be used for the Sabbath; and one may prepare on the eve of the festival one dish for the Sabbath especially, and then he may continue cooking on the festival for the Sabbath. Beth Shammai, however, say: Two dishes are necessary; Beth Hillel say: One is sufficient. Both, however, agree that fish and egg upon it may be considered as two dishes. If the dish thus prepared has been eaten or lost, nothing more may be cooked in addition to it; but if any small portion whatever is left, it suffices.

GEMARA: Whence is this deduced? Said Samuel: It is written [Ex. xx. 8]: "Remember the Sabbath day to keep it holy"; from which we infer that we should remember it when we are liable to forget it (*i.e.*, when it is holiday already, one can forget it). Our Tana, however, infers this from the following passage [ibid. xvi. 23]: "What ye shall bake, bake to-day; and what ye shall seethe, seethe to-day." From this R. Elazar inferred that it shall not be baked unless same is baked already, and it shall not be cooked unless same is cooked already. And this is used by the sages as a biblical support to the law of the combining of cookery.

The rabbis taught: It once happened that R. Eliezer was sitting and lectured a whole day (of the festival) about the laws relating to festivals. The first part of his audience arose and went out, and R. Eliezer said: These people must have great barrels of wine, and they are in a hurry to drink them. The second portion of the audience went away, and he said: These people must have smaller barrels. Of the third part he remarked: They must have cans. Of the fourth he said: They must have *lugs*. When the fifth part left him, he said: They must have only goblets. When the sixth part began to

depart, he said: They are worthy to be scolded (because the college began to be empty). At the same time he looked upon his disciples and saw the color of their faces was changed, and he said to them: My children, I did not mean you. I spoke only about those people who leave eternal life for temporary affairs. When his disciples were going away, he said to them [Nehem. viii. 10]: "Go your way, eat fat things, drink sweet drinks, and send portions unto him for whom nothing is prepared; for this day is holy unto our Lord: and do not grieve yourselves; but let the joy of the Lord be your stronghold."

The Master says: "Because they leave eternal life for temporary affairs." Is not the enjoying of the festival a religious duty? R. Eliezer said this in accordance with his theory that the enjoying of a festival is not obligatory, as we learned in the following Boraitha: R. Eliezer said: A man has nothing to do on a festival but either to eat and drink the whole day, or to sit and study; but R. Joshua said: He must divide the day—one-half of it for eating and drinking, and one-half of it for religious purposes. Said R. Johanan: The above both sages deduce from the following verse [Deut. xvi. 8]: "On the seventh day shall be a solemn assembly unto the Lord thy God"; another verse [Num. xxix. 35]: "An assembly shall be to you." How can the contradiction between these two verses be explained? R. Eliezer explains it thus: The whole day shall be either for you or for the Lord; but R. Joshua explains it thus: Divide the day—one-half for the Lord and one-half for you. Said R. Elazar:* All agree that on Pentecost the day must be partly devoted to one's self also. Why so? Because on this day the law was given to Israel, and we must enjoy it. Said Rabha: All agree also that on a Sabbath the day must be devoted to one's self also. Why? Because it is written [Is. lviii. 13]: "Thou shalt call the Sabbath a delight." And R. Joseph said: All agree that on the festival of Purim the day must also be devoted to one's self, as it is written [Esther, ix. 22]: "To make them days of entertainment and joy." Mar the son of Rabina was fasting the whole year except on Pentecost, Purim, and the eve of the Day of Atonement: Pentecost, because the law was given; Purim, because they are days of joy and entertainment; and the eve of the Day of Atonement, for a reason that is explained in Tract Yomah, p. 129.

* This is transferred from Pesachim, p. 68, b.

R. Joseph on the days of Pentecost used to say to his domestics: Prepare for me a calf which is the third-born (of the third birth), saying: If not this day be the reason, how many Josephs are there abroad! (and but for the law, he would not be distinguished among them).

R. Shesheth used to repeat his studies every thirty days, and, supporting himself against the wall of the college, said: Rejoice, my soul! Rejoice, my soul! For thy sake I have read, for thy sake I have studied.

What is meant, in the above verse of Nehemiah, by "send portions to those for whom nothing is prepared"? Said R. Hisda: It refers to those men who have not made an Erub Tabshilin (combining of cookery). What is meant by "let the joy of the Lord be your stronghold"? Said R. Johanan in the name of R. Elazar bar Simeon: The Holy One, blessed be He, said to Israel: My children, borrow money for my sake, and rejoice on the holy day, and trust to me, I shall pay it.

R. Tachlipha brother of Rabanai Huzaah taught: All the necessities of a man are appointed for him in the Heavenly Court in the ten days between New Year and the Day of Atonement, except the expenses for Sabbath, the festivals, and the studies of his children: the amount for these purposes appointed for him in Heaven is the same as that which he spends (and varies with it).

We have learned in a Boraitha: It was said that Shammai the Elder used to eat all days for the honor of Sabbath. When he found a good animal, he used to say: This shall be for Sabbath. But when he found a better one, he ate the former, and left the better one for Sabbath; but Hillel the Elder had another habit: Because all his deeds were for the sake of Heaven, as it is written [Ps. lxxviii. 20]: "Blessed be the Lord! *day by day* he loadeth us with benefits" (trusting in God to provide for Sabbath at the proper time).*

"*One may prepare on the eve of the festival one dish,*" etc. Said Abayi: Only a dish is good for the purpose, but bread alone is not. Why so? Shall we assume it is required to have an article of food which is not often eaten, and bread is always eaten, then a dish of *disa* (mush), which is rarely eaten, is nevertheless disallowed by R. Nehuma bar Zachariah in the name of Abayi? The reason is this: One must have a thing which can be eaten

* The saying of R. Johanan here is transferred in our edition from here to Tract Sabbath, p. 18, as it belongs there.

with bread, and *disa* cannot be eaten with bread. As it happened that R. Zera saw people eating *disa* with bread, he said: The Babylonians are fools, they eat bread with bread!

R. Hiya taught: Lentils which are on the bottom of a pot may be used as an Erub Tabshilin, if the quantity is of the size of an olive. R. Itz'hak the son of R. Jehudah said that the fat of a fowl, if it is of the size of an olive, may be similarly used. And R. Abha said in the name of Rabh: The prescribed quantity for an Erub is the size of an olive, and it is sufficient for one or for one hundred persons. Said R. Huna in the name of Rabh: The combining of cookery must be done intentionally. It is certain that the person who makes the Erub must have the intention, but how is it with the person for whom the Erub is made? Is his intention also needed, or is it not? Come and hear: The father of Samuel made an Erub for all the inhabitants of Nehardai, and R. Ammi and R. Assi made an Erub for the whole population of Tiberia (hence the intention of those for whom the Erub is made is not necessary).

R. Jacob bar Idi proclaimed: Everybody who has not made an Erub Tabshilin shall rely on my Erub Tabshilin (and shall do the preparing for Sabbath). And at what distance? Said R. Nehuma bar Zachariah in the name of Abayi: As far as the legal limit of Sabbath (2,000 ells).

There was a blind man who had classified Mishnaioth before Mar Samuel; and Mar Samuel saw he was downcast. And he asked him: Why are you downcast? And he answered: Because I have not made an Erub Tabshilin. Said Mar Samuel to him: Rely upon mine. The next year he saw him again sad, and got the same answer, and Mar Samuel rejoined: If it is so, you are a transgressor (you have not made one intentionally). All can rely upon my Erub Tabshilin, but not you.

The rabbis taught: On a festival which happens to be on Friday, the Erub of legal limit and the Erubin of courts are not to be made. Rabbi, however, said: The Erub of legal limit is not to be made, but the Erubin of courts may, because you can prohibit one to do a thing for to-morrow which he may not do to-day; but you cannot forbid a man to do a thing for to-morrow which he may do to-day (Erubin of courts are needed only for Sabbath, but not on festivals). It was taught: Rabh said the Halakha prevails according to the first Tana, but Samuel said the Halakha prevails according to Rabbi.

The rabbis taught: On a festival following on Sabbath one

shall say eight benedictions; that is to say, the Sabbath benediction separately. Beth Hillel, however, said: One shall pronounce seven benedictions, and he shall begin and close with Sabbath, and shall include the holiness of the day. Rabbi said: He shall close with the benediction: "Blessed be He who sanctifies the Sabbath, Israel, and the festivals." A disciple taught in the presence of Rabina: "Who sanctified Israel, the Sabbath, and the festivals," and Rabina rejoined: Does Israel then sanctify the Sabbath? The Sabbath is itself holy: Say then: "Who sanctified the Sabbath, Israel, and the festivals." Said R. Jose: The Halakha prevails according to Rabbi as interpreted by Rabina.

The rabbis taught: On a Sabbath following on the first day of the month, or any day of the intermitting days, one shall pronounce in the three prayers of evening, morning, and Min'ha seven benedictions; and concerning the festival he shall include the prayer about the return of the Temple-service, and if he has omitted it he must begin all again. But in the Additional Prayer he shall begin and close with the benediction of Sabbath, and the holiness of the day shall be included.

Rabban Simeon b. Gamaliel and R. Ishmael the son of R. Johanan b. Broka say that whenever there are seven benedictions, he shall begin and close with Sabbath, and the benediction of the day shall be included. Said R. Huna: The Halakha does not prevail in accordance with last pair.

R. Hyya bar Ashi in the name of Rabh said: One may lay an Erub of legal limit on the first day of a festival (in exile, where two days are kept) with a condition, if the right day of the festival is to-day, then the Erub is null and void, because one can go to-morrow without any Erub at all; and if the right day of the festival is the next day, this Erub shall be for that day. Said Rabha: The same is the case with the Erub for cookery.

The rabbis taught: It shall not be baked from one festival day for another. It was truly said that a woman may fill a whole pot with meat though she do not need more than one piece (for that day). The same is the case with a baker, who may fill a whole barrel with water, though he need only one can (for the day); but it is not allowed to bake except as much as is needed for the day. R. Simeon b. Elazar, however, said, that a woman (not a baker) may fill a whole oven with bread, because it is better baked when the whole oven is full. Said Rabha: The Halakha prevails according to the latter.

The schoolmen propound a question : If one has not made an Erub Tabshilin, is he only prohibited to do anything for Sabbath, but not his flour? Or is his flour also forbidden? What is the difference? To transfer his flour to others, if you say the flour is not prohibited, then another one can take his flour and prepare for him; but if you say his flour is prohibited, then he must transfer it. Come and hear: One who has not made an Erub Tabshilin must not bake nor cook nor save either for himself or for others, nor may others do it for him; but what shall he do (to eat something on Sabbath)? He shall transfer his flour to others, and then they may bake and cook for him. From this we infer that both he and his flour are prohibited.

The schoolmen propounded a question : How is it if one has transgressed and baked without an Erub? Come and hear: If one has not made an Erub Tabshilin, etc. (as mentioned above). Now, if it would be allowed to eat, why does not the Boraitha state that if one has transgressed and has baked, it is allowed to eat? Said R. Adda b. Mathna: From this nothing can be inferred. The Tana advises only how to dispose for a man, he shall be able to prepare something in accordance with the Law; but when one has acted against the Law, this Tana does not speak of it at all. Come and hear another Boraitha: If one has made an Erub Tabshilin, he may bake, cook, and save, and if he wants the Erub, it is allowed; but if he has eaten the Erub before he has baked or saved, then he is not allowed to bake, cook, or save either for himself or for others, neither are others allowed to do so for him. He may, however, cook for the festival and use what is left on the Sabbath, provided he does not do it cunningly (*i.e.*, he shall not add so much that he shall have sufficient for the whole Sabbath), and when he does it cunningly he must not use it for the Sabbath. (Hence we see, that if he acted against the Law, it is prohibited.) Said R. Ashi: The case of cunning is different, because the rabbis were very rigorous with such. R. Na'hman b. Itz'hak said: The Boraitha which said that cunning is prohibited is not at all in accordance with the decision of the rabbis, but of an individual, Hananiah, who taught it in accordance with the decision of Beth Shammai, as it is to be understood from the following: Hananiah said: Beth Shammai declare: One shall not bake unless he has made an Erub with bread; one shall not cook unless he has made it with something cooked; and one shall not save, unless he has already saved warm water for the Sabbath. Beth Hillel, however,

said: One may make an Erub with something cooked, and through it he may prepare everything.

"Beth Shammai say two dishes," etc. Our Mishna is not in accordance with the Tana of the following Boraitha: R. Simeon b. Elazar said: Both schools agree that two dishes are needed. In what they differ is about a fish and egg which is upon it. According to Beth Shammai it is considered as two dishes, but according to the school of Hillel it is considered only as one dish. Both agree, however, that if one put in a cooked egg in the fish or *κεφαλίδος* in the cooked fish, it is considered as two dishes. Said Rabha: The Halakha prevails as our Tana and according to Beth Hillel.

"If it has been eaten or lost," etc. Said Abayi: We have a tradition that he who has begun to knead dough and heard meanwhile that the Erub was lost, may finish his work nevertheless.

MISHNA: When the festival falls after a Sabbath, Beth Shammai say: Everything requiring purification must be immersed before the Sabbath. But Beth Hillel say: Vessels must be immersed before the Sabbath, and human beings on the Sabbath. Both schools agree that water which has become polluted may be purified by pouring it into an earthenware vessel, but not on earth itself. It is lawful, however, to dip vessels whose original appropriation has been altered, and men may bathe when they have changed from one company to another (to eat the Paschal lamb).*

GEMARA: We see from this Mishna that, according to all, a vessel must not be dipped on Sabbath. Why so? Said R. Bibbi: It is a precautionary measure, lest one leave the vessels unclean on the week-days for purification on Sabbath. We have learned in a Boraitha in support to R. Bibbi: A vessel which has become unclean on the eve of the festival must not be dipped on the festival; and this is a precautionary measure, as the one above mentioned. Rabha, however, said: The reason why one must not immerse on Sabbath is that it would seem as if one repaired the vessel. If it is so, why may a man bathe on Sabbath (and a man cannot eat Terumah, etc., when he has not bathed). A man is different, as it can be said that he is doing so to cool himself. That would be right, if he bathed in pure water; but if he immerses himself in turbid water? Said R. Na'hman bar Itz'hak: It happens that a man becomes heated, and then

* See Tract Pesachim, Chap. IX., Mishna 1.

he bathes even in water in which flax has been steeped, to cool himself. This would be right in summer-time, but what can be said if he does it in winter-time? Said R. Na'hman bar Itz'hak: It may happen a man becomes dirty and soiled, and then considers not the quality of the water. All this is right on a Sabbath, but what would be the law on a Day of Atonement? Said Rabha: Do you find something allowed to be done on Sabbath that is not allowed on the Day of Atonement? (Therefore, *because* it is permitted on Sabbath, it is permitted also on the Day of Atonement.)

"But not on earth itself." What is meant by this? Said Samuel: He may bring it in contact with water of a legal bath, but not in an unclean vessel.

According to whom is our Mishna? As it is not according to Rabbi, nor according to the sages of the following Boraitha: One must not immerse the vessel with the water therein to purify it, nor bring it in contact with water in a stone vessel to purify the water therein: so is the decree of Rabbi. The sages, however, permitted both. (Hence according to whom is the Mishna?) We may say that it is according to the sages' opinion, and the Mishna refers not to purification on a week-day but on Sabbath.

"Whose original appropriation has been altered," etc. The rabbis taught: If one wishes to immerse his vessels for the purpose of filling them with the oil of newly crushed olives, and afterwards changes his mind and resolves to crush the olives *in* them, or *vice versa*, he may do so. If one was engaged to eat the Paschal lamb with one company, and thereafter he changed his mind to eat with another company, he might do so.

MISHNA: One may bring peace-offerings on the festival, but not lay his hands on them; * and burnt-offerings may not be brought at all—according to Beth Shammai. Beth Hillel, however, allow all this.

GEMARA: Said Ula: The point on which both schools differ is the laying of the hands on the peace-offerings of the feast and whether burnt-offerings of the pilgrimage may be sacrificed at all. Beth Shammai hold: It is written [Ex. xii. 14]: "Ye shall celebrate *it* as a feast unto *the Lord*"; *it, i.e.*, the peace-offering, but not the burnt-offering. But Beth Hillel say: "unto the Lord": that signifies, all that is unto the

* See Lev. i. 4.

Lord is allowed. But vows and voluntary offerings, all agree, are not. Such also is the opinion of R. Adda bar A'hba. An objection was raised: We have learned elsewhere (in addition to this Mishna): R. Simeon b. Elazar said: Both schools do not differ concerning a burnt-offering which does not belong to the festival, that it must not be offered, and also that peace-offerings which belong to the festival may be offered. In what they differ is, when the burnt-offering *belongs* to this festival and concerning the peace-offerings which *do not* belong to this festival. According to Beth Shammai they must not be offered, and according to Beth Hillel they may. (Hence we see that according to both, vow and voluntary offerings are to be offered on the festival?) Answer this objection that the saying of R. Simeon b. Elazar must read thus: He said, Both schools do not differ when the burnt and peace-offerings do not belong to this festival, that they must not be offered, and the peace-offering which belongs to this festival, that it may; they differ only about a burnt-offering which belongs to this festival, that according to Beth Shammai it must not, and according to Beth Hillel it may. Said R. Joseph: Is it necessary to make out the Boraitha as erroneous because of the saying of Ula? Are there not other Tanaim who differ on this point, and Ula's saying can be according to them? As we have found in the following Boraitha: Peace-offerings which belong to this festival, when they are to be offered on it, Beth Shammai said: He may lay his hands upon it on the eve of the festival, and it shall be slaughtered on the festival; Beth Hillel, however, said: Both may be done on the festival; but vow and voluntary offerings must not be offered on the festival.

And the Tanaim of the following Boraitha differ on the same point: One must not bring thanksgiving-offerings on all days of Passover, because they contain unleavened bread; nor on Pentecost, because it is a festival; but he may bring them on the Feast of Tabernacles (on the intermitting days). R. Simeon, however, said: It is written [Deut. xvi. 16]: "On Passover, on Pentecost, and on the Feast of Booths." From this we may infer that all that may be brought on Passover and Pentecost, may be brought also during the Feast of Tabernacles; but what must not be brought on the first two, one may not on the third. R. Eliezer b. R. Simeon, however, said: One may bring thanksgiving-offerings during the Feast of Tabernacles, and by this will be fulfilled the duty of enjoying the holiday, but not the duty of bringing a feast-offering. Is not

this self-evident? Are not the feast-offerings a duty, and it is certain that a duty must be brought of a profane (ordinary) quality? He means to teach us, that even if one has explicitly said that he intends the thanksgiving-offering also for a feast-offering, nevertheless the duty of the feast-offering is not fulfilled. As R. Simeon b. Lakish asked of R. Johanan: If one say, "I will bring a thanksgiving-offering, and with this I will fulfil the duty of a feast-offering"; or, "I will be a Nazarite, but when I shall bring the offering after shaving,* I will take it from the second tithe money," what is the law? And R. Johanan answered him: He must bring a thanksgiving-offering, but the duty of the feast-offering is not fulfilled; he is a Nazarite, but cannot bring the shaving-offering from the second tithe money.

It once happened a man said: Give four hundred Zuz to a certain man, and he shall marry my daughter. Said R. Papa: The four hundred Zuz must be given to him, and the daughter, if he likes her, he can marry, but not otherwise. The reason is, because he has said first, "give him the money"; [but if he had mentioned the daughter first he would get the money only if he married]. If he had said: He shall marry and take the money, then he must marry her first. Meremar was sitting and declaring the Halakha in his own name. Said Rabbina to him: You teach this as if it were a Boraitha; we, however, learn it as the question of Resh Lakish from R. Johanan, mentioned above, and the decision is R. Johanan's.

The rabbis taught: It happened to Hillel the Elder that he brought his burnt-offering to the Temple-court for laying hands on it on the festival. The disciples of Shammai the Elder, however, surrounded him, and asked him: What is the matter with this animal? And he answered: It is a female, and I have brought it for a peace-offering. And he shook the animal's tail, and they went away. And on that day the school of Shammai took the upper hand over Beth Hillel, and the people wanted to decide the Halakha according to them; but one old man was there among the disciples of Shammai the Elder, Baba ben Butta by name, who was certain that the Halakha prevailed according to Beth Hillel. And he sent and brought of the best sheep of Jerusalem, and placed them in the Temple-court, and said: Everybody who wants to lay his hands upon them shall come and do so. And on that day Beth Hillel took the upper hand,

* See Num. vi. 9.

and the Halakha was decided according to them, and no objection was made by anybody.

Again, it happened once that a disciple of Beth Hillel brought his burnt-offering into the Temple-court for the purpose of laying his hands upon it, and a disciple of the school of Shammai met him and said: Why the handling? And he replied: Why are you not silent? So he silenced him with a rebuke, so that he went away. Said Abayi: From this we may infer that if a young scholar says to another a few words, the answer shall not be more lengthy than the remark which was addressed, as we have seen in the case of the two disciples, when he asked him: "Why the laying of the hands?" he answered him: "Why not be silent?"

We have learned in a Boraitha: The disciples of Hillel said to the disciples of Shammai: (Is not this an *a fortiori*?) If on Sabbath, when all things to be done for a human being are prohibited, nevertheless in honor of the Lord all is permitted; on a festival, when all things necessary for a human being may be done, so much the more everything may be done for the Lord (*i.e.*, and why, then, shall a burnt-offering of the pilgrimage not be sacrificed?). And they answered: You can infer this from voluntary and vow offerings, that are permissible for a human being, and nevertheless even you own that they must not be sacrificed on a festival. Said Beth Hillel again: There is no comparison here because voluntary and vow offerings have no appointed times. The burnt-offerings, however, have stated times. Rejoined Beth Shammai: Nay, even these have no appointed time, as we have learned in a Mishna: One who has not brought his feast-offering on the first day of a festival may do it during the whole festival and even on its last day. Rejoined Beth Hillel again: Is this not a fixed time? As we have learned in another Mishna, if one has not brought a feast-offering during the whole festival, he is no longer responsible to do it (consequently there is a stated time for it, and if we will prohibit him from bringing it on the first day of the festival, he may not bring it any more at all). Said Beth Shammai again: Has it not been said in the verse, "an assembly shall be unto you," which may signify for your sake and not for the Lord's sake? And they answered: Does not another verse say: "An assembly shall be unto the Lord"? Whence we may infer that all which is in honor of the Lord shall be done. And from the expression "unto you" we may infer "for your sake but not for the sake of strangers."

R. Iviah the Elder asked R. Huna: An animal which is half a Gentile's and half an Israelite's, how is the law of slaughtering it on a festival? And he answered: One may do it. And he asked him again: What is the difference between this and voluntary vow-offerings? And he replied: A raven flew away. When R. Iviah was gone, said Rabba, R. Huna's son, to his father: Was this not R. Iviah the Elder, whom you praised to me as a great man? And he answered: What could I have done with him? I am to-day weak, I have lectured, and need what is written in Song of Songs, ii. 5, to "strengthen me with flagons of wine, refresh me with apples"; and he asked me a thing of which the reason must be explained (at length). [And in reality, what is the reason? This: An animal which is half a Gentile's and half an Israelite's may be slaughtered on a festival, because if one wants to eat meat even the size of an olive, he cannot take it from the animal when it is still alive, but it must be slaughtered; and as this animal belonged half to an Israelite, he can certainly slaughter it. But vow and voluntary offerings, they are considered all for Heaven, and although the priests eat some of their meat, this is only because of their reward from Heaven, and not from the one who brings the offerings.]

Dough, however, which is half an Israelite's and half a Gentile's, is not to be baked on the festival, because it can be divided when it is yet dough. R. Hana bar Hanilai objects: We have learned of dough made for dogs, if the shepherd can eat of it, one is liable to take of it first dough, and may make an Erub with it, and may use it for the combining of the entrance; and the benediction of eating may be said over it, and if three or more men had eaten of it, they may pronounce the benediction of the meal, and it may be baked on the festival, and the man who eats it (when it is not leavened) on the first evening of Passover has done his duty of eating Matzah. Now, if it is possible to divide it when it is dough, why should it be baked on a festival (let him set apart the portion for the dogs, and bake for himself)? The dough for the dogs is different; because one can give a carcass to the dogs, instead of the dough. But does R. Hisda hold the supposition of *because*? Was it not taught (Vol. V., p. 74) that R. Hisda is against this supposition? Say, the case is when the shepherd has a carcass and intends to do so.

R. Huna was asked: May the inhabitants of Baga, who had the duty to give bread to the military, bake it on the festi-

val? And he answered: Let us see. If the soldiers are not particular when one takes a piece of the bread and gives it to a child, then of every loaf we can say: "This is fit for a child," and it may be baked. But if they are particular, it may not be so done. But have we not learned in a Boraitha as follows: It once happened to Simeon of Teman that he did not visit the house of learning on a festival day. On the morrow Jehudah b. Baba asked him: Why wast thou not yesterday in the house of learning? And he answered: Military were coming yesterday into the city, and wanted to rob the whole city; and we slaughtered for them calves, and made them eat, and they went away in peace. Rejoined R. Jehudah b. Baba: I wonder whether your loss was not greater than your benefit, for the Torah teaches "unto you," but not unto Gentiles. (They should not have done work for the soldiers.) Now, why? Were not the calves fit for Israelites also? Said R. Joseph: The calves were Terepha.*

But was it not fit for dogs when the owners are obliged to feed them? The Tana'im of the following Boraitha differ about this law: It is written [Ex. xii. 16]: "Save what is eaten by every soul, that only may be prepared for you." From the expression "every soul," we may infer, even a soul of an animal, as we find [in Leviticus xxiv.], "he that taketh the soul of an animal shall pay for it." Therefore the verse says plainly, "for you," and not for dogs. So said R. Jose the Galilean. R. Aqiba, however, said: For all souls, even souls of animals, are included. But for what purpose is it written "*for you*"? To indicate only animals for whose support you are responsible, but not for strangers, for whose support you are not responsible. Rabha accompanied Mar Samuel to the pulpit and the latter lectured: One may invite a Gentile on Sabbath, but not on a festival day, because on a festival day he may increase the Israelite's work in his behalf. When a Gentile guest came to Maremar or to Mar Zutra on a festival day, they said to him: If you are satisfied with what we have already done for ourselves, then you are welcome; and if not, you must excuse us, because we must not do any work for you.

MISHNA: It is prohibited to boil water on the festival for the purpose of washing the feet, unless the water is also fit to drink, according to Beth Shammai. But Beth Hillel allow it.

* Legally prohibited to be eaten by Israelites, as will be explained in Tract Hulin.

(All agree, however,) that a fire is to be made for the sole purpose of warming himself by it.

In three things Rabban Gamaliel decides like the school of Shammai more rigorously, namely: They prohibit to commence to preserve the heat of pots for Sabbath on its eve, when it happens to be a festival; to put together the pieces of a candelabrum; and to bake large loaves, but only thin cakes. Rabban Gamaliel said: They never used to bake in my father's house large loaves on the festival, but only thin cakes. The sages, however, said to him: What does this usage of your father's family prove, who though strict in this respect nevertheless allowed all Israel to bake on the festival large loaves and thick cakes?

GEMARA: How is the case? If an Erub Tabshilin was made, why do Beth Shammai prohibit it? And if none was made, why do Beth Hillel permit it? Said R. Huna: It may be explained, when the case is that an Erub Tabshilin was not made, but nevertheless what is necessary for one's life, the sages permit. And this is according to his theory elsewhere, where he said: If one has not made an Erub Tabshilin, one loaf and one pot may be baked, and cooked for him, and also light may be kindled for him. In the name of R. Itz'hak it was said: They may roast for him also a small fish. The same we have learned in a Boraitha, with the addition that one pitcher of water may be heated for him. Rabha, however, said: The Mishna can be explained also thus: that an Erub Tabshilin *was* made, and nevertheless Beth Shammai prohibit it, because the preserving of the heat everybody can see is done only for Sabbath.

"*To put together pieces of a candelabrum.*" What labor is in it? Said R. Hin'na bar Bisna: This refers to a candelabrum whose parts have to be screwed together, and is regarded like an act of building (construction) (see Tract Sabbath, p. 266).

It happened once that Ula came to R. Jehudah; his servant inclined the lamp so that the wick should sooner be extinguished (by the oil being out of its reach). R. Jehudah objected: Did we not learn that whoso puts oil into the lamp is culpable of kindling fire? and whoso removes the oil therefrom is culpable of extinguishing? Answered Ula: The servant did it without my knowledge.

Rabh said: To snuff a lamp on a festival is permitted. Abayi asked Rabba: How is the law to extinguish a conflagration on a festival? When there is danger of loss of life

I do not ask, for it is allowed even on a Sabbath; what I ask is, when there is a pecuniary loss only? He answered: It is not permitted. Abayi objected to him: Did we not learn: A chip of wood must not be extinguished in order to save it. However, for preventing the house or the pot from being filled with smoke, it is permitted? He rejoined: This is in accordance with R. Jehudah, but my decision is in accordance with the majority of the rabbis.

R. Ashi asked Amemar: How is the law to paint the eyes (for a medical purpose) on a festival? When there is danger, *e.g.*, when they prick, or are bloodshot, or drip, or drop tears continually, or are in fever at the first stages, it is not doubtful to me, as this is allowed even on a Sabbath. Where I am uncertain is, when they are almost cured, and the painting is done only for improving the sight? He decided that it is not allowed. R. Ashi objected to him with the same Boraitha which Abayi objected to Rabba as stated above, and Amemar's answer was the same.

Amemar himself, however, used to dye his eyes through a Gentile on the Sabbath. Said R. Ashi to him: What is your opinion in doing it? Because Ula the son of R. Ilai said: All that is necessary for a sick man may be done through a Gentile on Sabbath. And also R. Hamnuna said: All things which are not dangerous, it may be said to a Gentile that he should do them. But when is this the case? When the Gentile does it himself without assistance from the Israelite. But you, Master, assist him in his dyeing by your opening and closing the eyes. And he answered: There is R. Zbid, who has also asked the same question, and I answered him that assistance is not considered a labor at all. The same Amemar allowed that one should dye his eyes on the second day of New Year. Said R. Ashi to him: Did not Rabha say that in the two days of New Year the case is different with an egg (see above, p. 8)? And he answered: My opinion is as that of the sages of Nehardai, who say there is no difference.

"*To bake large loaves*," etc. The rabbis taught: The school of Shammai said: Thick loaves must not be baked on the Passover. Beth Hillel permit it. What are called thick loaves? Said R. Huna: If it is a span in thickness, for the showbread was thus. R. Joseph opposed: What comparison is this? There it is related of the specialists, who knew their work and were careful; there a great deal of labor was necessary (as stated in Menahoth,

that the flour of the showbread required three hundred oscillations and five hundred beatings of the fist); there it was baked with dry wood (as stated in Taanith, that on the fifteenth of Ab they had ceased to cut wood for the Temple); there was a hot oven which was constantly fired, and it was of iron. Should it be compared to common people, to common bread, to wet wood, and a brick oven which may not be heated as required?

Said R. Jeremiah bar Abha in the name of Rabh: I have asked especially our Master, our holy rabbi, what is meant by thick loaves? And he said: A great quantity; *i.e.*, not the loaves are thick, but the quantity of the dough is great. But why does he call them thick loaves? Because it is thick when kneaded. If so, why is it prohibited only on Passover, why not on other festivals also? It means also other festivals, but the Tana was teaching them the laws of Passover, and therefore mentioned that festival. Another Boraitha says plainly: Much bread shall not be baked on a festival, according to Beth Shammai; but Beth Hillel allow it.

MISHNA: He (Rabban Gamaliel) decided the law leniently in respect to the following three things: He allowed to sweep on the festival between the couches (or sofas on which the ancients used to eat), to put spices on live coals (after meals), and to prepare a complete roasted kid on the nights of Passover (as a memorial to the Paschal lamb). But the sages prohibit all these.

GEMARA: Said R. Assi: They differ only about the enjoyment of the odor of the spices, when they are already there; but to put the spices on the live coals, all prohibit. The schoolmen propounded a question: How is the law to put fruit in the smoke of spices to flavor them on the festival (as the custom was to do)? R. Jeremiah bar Abha in the name of Rabh said: It is prohibited, but Samuel permitted it. R. Huna said: It is prohibited, because one extinguishes the live coals. Said to him R. Na'hman: Let the Master say, because one kindles the spices? And he answered: In the beginning, when he pours out the spices on the coals, he extinguishes the coals, and afterwards they kindle. R. Jehudah, however, said: That is prohibited only on live coals, but in a heated oven it is permitted. Rabba, however, said: This is also prohibited, because he produces a new odor in the oven. [Rabba and R. Joseph both said: It is unlawful to cover a silk garment with a goblet of spices on a festival in order to impart an odor to it. Why so? Because the garment produces a new odor. But why is this different from grinding

or cutting spices for smelling, which is allowed? There the odor is in it when grinding or cutting them, the odor is only increased, but here he produces a new odor altogether.]

Rabha, however, said : Even on live coals it is also permitted, because is it not allowed to put meat on live coals for eating on a festival? R. Gbiha of Be-Kthil at the door of the exilarch lectured : Fuming is allowed. Said Amemar to him : What is meant by fuming? Does it mean to perfume the sleeves of a woman's dress? This must be done by a specialist, and this is certainly prohibited. And if it means to fume to produce good odors, the producing of a new odor is not permitted also? Said R. Ashi : I have declared this law to him and in the name of a great man, that it may be even to produce a new odor, and it is nevertheless permissible, because it is equal to meat on live coals, which is permitted.

MISHNA : Rabbi Elazar ben Azariah permitted three things which the other sages prohibit : His cow was going out on a Sabbath with a strap attached to her horns ; he permitted also to curry cattle on the festival, and to grind pepper in a pepper-mill. R. Jehudah says : It is not permitted with an iron currycomb, because a wound may be inflicted ; but with a wooden comb it is. The sages, however, prohibit both.

GEMARA : Did R. Elazar ben Azariah possess but one cow? Did not Rabh, or according to others R. Jehudah in the name of Rabh, say that thirteen thousand calves used R. Elazar ben Azariah to give as tithes from his cattle yearly? We have learned in a Boraitha that the cow mentioned in our Mishna was not his, but his neighbor's, and because he did not protest, it was considered as if it was his own.

" *He also permitted to curry cattle,*" etc. The rabbis taught : What is called קרור? An iron comb with small teeth, which produces a wound. What is called קרצוף? A wooden comb with large teeth, which produces no wound. And three Tanaim differ about this law. R. Jehudah holds that if a thing was done even unintentionally, it is prohibited ; but we do not take a precautionary measure to a wooden comb, lest one do it with one iron one. The sages are of the same opinion as R. Jehudah, but they say that such a precautionary measure may be taken. R. Elazar b. Azariah, however, holds with R. Simeon, who said that a thing done unintentionally is not prohibited at all, and therefore he permits both. Said R. Na'hman : The Halakha prevails according to R. Simeon, because R. Elazar ben Azariah

agrees with him. Said Rabha to R. Na'hman: Why does not the Master say that the Halakha prevails according to R. Jehudah because the sages agree with him? And he answered: I hold with R. Simeon, and confirm my opinion because R. Elazar ben Azariah agrees with him.

MISHNA: A pepper hand-mill is subject to defilement in all the three separate vessels whereof it is composed: the upper, because it is of metal; the middle one, because it is a kind of a sieve (which allows only the finely ground particles to pass through); and the lower one, because it is a vessel of capacity (where the ground pepper is collected).

A child's cart is subject to defilement through pressure (as will be explained in Tract Taharoth), and may be moved on Sabbath from one place to another, provided it is dragged over cloths or carpets. R. Jehudah said: It is not allowed to drag any piece of furniture except such a cart, because it makes but a slight impression on the ground (and does not remove the soil so as to make a furrow).

GEMARA: The cart is subject to defilement through pressure, because the child is in the habit of sitting on it. It may be handled on Sabbath, because it is a vessel; and may be dragged only on pieces of cloth, but not over the ground itself, because it would make a furrow, and the whole Mishna is in accordance with R. Jehudah, who holds that a thing which is made unintentionally, is also prohibited; but according to R. Simeon, who holds that it is not, it may be dragged on the ground also, no matter if it makes a furrow.

APPENDIX TO PAGE 42.

R. Zutra bar Tubiah said in the name of Rabh: If an eye has rebelled (bulges out), it may be painted even on Sabbath. The hearers thought, that is if the paint was already prepared; but to prepare and bring it through public ground on the Sabbath, it may not. Said one of the scholars, whose name was Jacob, to them: It was explained to me by R. Jehudah that even all this may be done. R. Jehudah permitted to paint an eye on Sabbath. Said R. Samuel bar Jehudah: Who will follow Jehudah, who permits to violate the Sabbath? Finally himself had sore eyes, and he sent to R. Jehudah to inquire whether it was permitted (to paint the eyes) or not, and the answer was: It is permitted to all, but not to you (because you have rejected my decision). And in reality, was it then my decision? It was Mar Samuel's. When his servant had fever in her eyes on a Sabbath, she cried, but none attended her (because of Sabbath). Finally the eye burst. On the morrow Mar Samuel lectured in public that if an eye has bulged out it may be painted on Sabbath, because the veins of the eye are connected with the cells of the heart.

R. Joshua b. Levi said: Unkli may be cured on Sabbath. What is "Unkli"? Said R. Abba: *Asthma*.—From Abodah Zarah, pp. 28a-29b.

CHAPTER III.

REGULATIONS CONCERNING FISHING AND HUNTING ON FESTIVALS.

MISHNA: It is not allowed to catch fish from aquaria on festivals, nor to give them food; but one may hunt beasts or birds in parks, and feed them. Rabban Simeon b. Gamaliel says: Not all aquaria and parks are regarded in the same light. This is the general rule. In case the animals have to be hunted it is prohibited; but when no hunting is required, it is not.

GEMARA: There is a contradiction. We have learned in a Tosephta that in parks beasts and fowls must not be caught on the festival, and must not be fed. The contradiction between the Tosephta and Mishna concerning the beasts could be explained that the Tosephta is in accordance with R. Jehudah, who prohibits this (Sabbath, p. 216); but the contradiction about fowls, how can it be explained? And if it be said, that here also there is no difficulty, because the Tosephta meant an unroofed park, while the Mishna spoke of a roofed park, did not the Mishna in Tract Sabbath state that according to all a fowl must not be caught in a house, and a house is certainly meant a roofed one? Said Rabha bar R. Huna: The Tosephta meant a bird called Durur in Arabic, which it is very difficult to catch, and which never becomes domesticated. As the disciples of R. Ishmael taught: Why is this fowl named Durur? Because to it the house and the field are the same. Now, when we know this, the contradiction about beasts can also be explained, that the Mishna speaks of a small park, and the Tosephta of a great one, where it is difficult to catch. What is called a small park, or a great park? Said R. Ashi: If the shadows of the two walls on the ground touch, then it is small, but otherwise it is great.

"*R. Simeon b. Gamaliel says,*" etc. Said R. Joseph in the name of R. Jehudah quoting Samuel: The Halakha prevails according to R. Simeon b. Gamaliel. Said Abayi to him: Is there any one that differs from him, that it is necessary for you to declare that the Halakha prevails according to R. Simeon b.

Gamaliel? Said the former: And what difference is it to you? Rejoined Abayi: Shall the Gemara be like a song, to learn it without knowing any reason for each decision?

"*This is the general rule,*" etc. What is meant by "have to be hunted"? The same authority says in the name of the same authority: If one must say, bring a net to catch it. Said Abayi to R. Joseph: Of geese and chickens it is usually said, bring a net, we will catch them. Nevertheless we have learned in a Boraitha that whoso catches geese and chickens is not culpable? Said Rabba bar R. Huna in the name of Samuel: The latter come to their places in the evening, and the owner is responsible for their feeding (therefore whoso catches them is not culpable), but animals of a park do not do so, and the owner is not obliged to feed them.

MISHNA: If nets have been spread for fish or wild game on the eve of a festival, it is not allowed to take from them, on the festival, unless it is known that they have been caught before its commencement. It once happened that a Gentile brought on the festival a present of fish to Rabban Gamaliel, when he said: It is allowed to use them, but I do not wish to accept presents from that man.

GEMARA: Is the deed of R. Gamaliel not in contradiction with the teaching of the Mishna? The Mishna is not completed. It must be read thus: If it is doubtful whether a thing was prepared from the day before, it is prohibited; but R. Gamaliel permits it; and it once happened also that a Gentile brought fish on a festival, in the morning, as a present to R. Gamaliel, and he said: They are permitted, etc. R. Jehudah in the name of Samuel said: The Halakha does not prevail according to R. Gamaliel. According to others, R. Jehudah declared his decision about the following Boraitha: Beasts from parks may be slaughtered, but not from nets (because it is not known on what day they were found there, on the festival or before it). R. Simeon b. Elazar said: If one found the nets disturbed on the eve of a festival, it is certain that they had been caught before the festival, and they are permitted; but if he came on the festival, and saw them disturbed, it is certain they were caught during the festival, and they are not allowed. Is this saying not contradictory in itself? It says: If he found it disturbed on the eve of a festival, it is certain that they were caught before the festival, and they are allowed, from which it is to be understood, that if it was doubtful, it is not allowed; and in the latter part it says:

If he found it disturbed on the festival, etc., it is certain that they were caught during the festival, and they are not allowed, from which it is to be inferred that when there is a doubt it is permissible? It means to say thus: If he found it disturbed on the eve, it is certain that they were already caught, and are permissible; but if it was doubtful, it is to be considered that they were caught on the festival, and are not permissible. Said R. Jehudah in the name of Samuel: The Halakha prevails according to R. Simeon b. Elazar.

"When he said, it is allowed," etc. Allowed what? Rabh said: They are permitted to be received, but Levi said, they are permitted to be eaten.

Said Rabh: A man should never absent himself from the house of learning, even for one hour, because I and Levi both were in the college when Rabbi declared this Halakha. In the evening he said: They are permitted to be eaten; but in the morning he said: They are permitted to be received. I, who was in the college in the morning and heard his second decision, gave up the first; but Levi, who was not, did not.

R. Papa said: The Halakha is as follows: If a Gentile brought a present to an Israelite on a festival, if the same kind of productions are found yet on the trees or ground, it is prohibited; and even in the evening, one must wait till the time when such a thing may be gathered and brought. But if that kind of production is no longer found on trees or on the field, then, if the present has been carried from within the legal limit, it may be accepted, but if from beyond the legal limit it may not. And if it has been brought for one Israelite, another may use it.

Rabba bar R. Huna said in the name of Rabh: When one has choked a pond, on the eve of a festival, and on the morrow he found there fish, they are permitted. Said R. Hisda: From the teaching of our Master we can infer that a beast which was overnight in the garden need not have been prepared on the preceding day (may be used). Said R. Na'hman: My colleague has attempted to decide the quarrel of great men. In the case of the fish, the man does nothing; but in this case, he must catch it. But how could R. Hisda decide that it has not to be prepared, did we not learn in a Boraitha, that a beast that was overnight in a garden must have been prepared, and a bird must have had its wings bound that it should not be exchanged for another? And this law is one of those which it has been testified, that they were said by Shemaia and Abtalian? This objection remains.

MISHNA: It is not allowed to kill on a festival an animal suffering from a mortal disease, unless there is time to eat thereof, on that day, at least the size of an olive, roasted. Rabbi Aqiba allows it, if there be only time to eat thereof the size of an olive, raw, even in the very place where it is slaughtered. If it has been killed in the field, the entire carcass may not be carried home on poles or sticks, but only piecemeal, by hand.

GEMARA: Said Rami bar Abba: The taking off the skin, and the cutting of a burnt-offering (which could be burnt without this) is only to teach the latter generations, that one shall not eat meat of a slaughtered animal before the skin is taken off, and was not cut in the usual pieces. Is this also a necessary teaching? Yea, as we have learned in a Boraitha, a man shall not commence eating garlic or onions from the roots, but from the leaves; otherwise his taste is coarse. Likewise, a man should not empty his goblet at a draught, otherwise he resembles a drunkard.*

A Boraitha states in the name of R. Meir: Why was the Law given to Israel? Because they are bold (difficult to be vanquished). The disciples of R. Ishmael taught: It is written [Deut. xxxiii. 2]: "From his right hand he gave a fiery law unto them." The Holy One, blessed be He, said: The Israelites are so bold that a fiery law must be given to them. According to others, the law of this people is like fire, because if such a law had not been given to them, no nation and tongue could stand before them. And this is as R. Simeon b. Lakish said: The boldest nation of all nations is Israel.†

"*The entire carcass may not be brought on poles.*" The rabbis taught: A blind man should not walk with his stick on a festival, nor a shepherd with his bag (pouch); also, a man must not be carried in a chair. It matters not whether it is a man or a woman. This is not so? Did not R. Jacob bar Iddi send a message that an old man was in his neighborhood and he was carried in a litter (*Lectica*), and they went to R. Joshua b. Levi and asked him whether it was lawful, and his answer was, that if he was needed by many people, he could do so. And our Masters use as a support to this opinion words of Ahi Shakia, who said: I have carried R. Huna in a chair on the festival from Hini to Shilli, and back. And R. Na'hman bar Itz'hak told: I have carried Mar Samuel

* See Tract Pesachim, p. 171.

† This is explained in our periodical "Hakol," also in our "Lebaker Mishpat," and we will touch upon it in our present translation.

from the shadow into sunshine, and back. The reason is stated, because if many people needed him it was allowed.

Says R. Na'hman to Hama bar Adda, the messenger of Zion: When you go to Palestine, turn down from your road and ascend the "Ladder of Tzur" and visit R. Jacob bar Iddi and ask him: How is their custom with a litter? When he arrived there, R. Jacob bar Iddi was dead, and he found R. Zrika, and asked him: How is your custom in regard to litters? And he answered: So said R. Ammi: One may be carried in them, provided he shall not put his hands on the shoulders of the bearers. What is meant by this? Said R. Joseph the son of Rabha: He shall not be carried in a palanquin (a kind of litter which required that he who is carried should hold by the shoulders of the bearers). Is that so? Did not R. Na'hman allow his wife Yalta to be carried in a palanquin? The case with Yalta was different; she was timid.

Amemar and Mar Zutra were carried on the Sabbath before the festivals on a palanquin, because there was a great crowd and it was feared they would be injured. According to others: Because it was so crowded by the people who came to hear, that they could not pass through.

MISHNA: If a first-born animal fall into a pit on the festival (and it is not known whether it was injured), R. Jehudah says: An expert may descend and see whether it had already an incurable and permanent blemish, in which case it may be drawn up and killed, but not otherwise. R. Simeon, however, said: If a blemish in a first-born animal was not recognized on the eve of the festival, this is not considered prepared, and must not be killed on the holiday.

GEMARA: On what point do they differ? Shall we assume that the point is, if it is allowed to examine blemishes on the festival, that according to R. Jehudah it is allowed, and according to R. Simeon it is not, then let him say so plainly. Why do they differ here when it fell in a pit? This case was necessary, lest one say that, because here is pity for the living thing which falls in the pit, it shall be allowed to be taken out for the purpose of slaughtering it, if it has a blemish, as R. Joshua said further on (Chap. V., p. 75). Therefore it comes to teach us that even in this case there is yet a difference of opinion.

If it is so, then the Mishna should say, he shall *bring* it up and slaughter it? And the difference on this point is only whether it should be slaughtered or not? The case is, when he has already brought it up, lest one say that when it is brought up

it may be slaughtered. Slaughtered! is it not a first-born without a blemish? That means, if it got a blemish. But if it has the blemish now, is it not yet Muktzah? The case is when it has a blemish which has to be examined on the eve of the festival, and now through its fall it has got a permanent blemish, and it can be slaughtered without any examination, lest one say that because a blemish was from yesterday, the owner had it in his mind, and might be slaughtered to-day, the Mishna comes to teach us that it is not so.

The rabbis taught: Of a first-born animal which was without blemish (if it fall into a pit on a festival), R. Jehudah the Nassi said: An expert shall descend and see whether it had a blemish, and then it may be drawn up and slaughtered; and if not, it shall not be slaughtered. Said R. Simeon b. Menasia to him: Did not the sages say that blemishes must not be examined on a festival? How so? If it got a blemish on the preceding day it must not be examined on the festival; but if it got the blemish on the festival, R. Simeon said that it could not be killed, because it was not prepared from the day before. They all agree, however, that if it was born on a festival with a blemish, it is considered as prepared. Rabba bar R. Huna lectured: If the animal was born with a blemish, the examination may be commenced on the festival. Said R. Na'hman to him: Abba,* we have learned if he has transgressed and had already examined, the examination can be useful, and thou sayest that they may *commence* the examination? Said Abayi: It seems to me that Rabba bar Huna is right, because the Boraitha teaches three cases. If it got a blemish on the eve it must not be examined on the festival. From this we may infer that it must not be examined, but that if it has already been examined, it may be used. (The second case is) if the blemish was got on the festival, R. Simeon said that it is not prepared. From this we see that, even if it has been examined and a real blemish found, it must also not be used. (And the third case is) all agree that if it was born with a blemish on a festival, it is considered prepared. Consequently, the examination may be commenced.

(Is that so?) We know that when R. Oshija came from Palestine he brought a Boraitha. Either when he got a blemish on the eve of the festival, or on the festival, according to the

* Rabba's name was *Abba*, and Rabba means Rab Abba. R. Na'hman as a colleague addresses him by name.

sages it is not to be considered prepared (and the Boraitha must be in accordance with R. Simeon, who says that it must not be examined on the festival; and nevertheless the Boraitha teaches that even if the blemish was from the eve of the festival, it is also not to be considered as prepared, we can say, then, that if it was born with a blemish, it is permissible only when it *was* examined, but it is not allowed to commence the examination, as R. Na'hman said above?) Yea, it can be said so, but the following Boraitha is yet a contradiction to him (why, then, should you prefer the Boraitha which R. Oshiya brought to *the former*?) Because the former Boraitha came from the sources of Adda bar Ukhmi,* who was known to be erratic in the Boraithas which he taught. Said R. Na'hman bar Itz'hak: It seems from our Mishna also that it is in accordance with the Boraitha of R. Oshiya, because it states: R. Simeon said: If the blemish was not recognized on the eve, etc., it is not considered prepared. Now let us see what is meant by "recognized"? Shall we assume that it was not visible at all? This would be self-evident. We must then say that it was not examined whether it was a permanent blemish or a temporary one; nevertheless it states that it is not considered prepared, even when one slaughtered it. (Consequently the latter part of the Mishna, which states that "all agree," etc., "it is prepared," must be explained as R. Na'hman corrected.)

Hillel asked of Rabha: Does the law of Muktzah exist for a half of Sabbath (*i.e.*, whether a thing is fit for one half of Sabbath, but not for the other half)? How can such a case be? If it was fit in twilight, then it was fit for the whole Sabbath; and if it was not fit at twilight, then it was not fit for the whole Sab-

* This name is mentioned only once in the whole Babylonian Talmud. In the Palestinian Talmud, however (Chap. I., Halakha 3) is mentioned R. Adda bar Uikhuma. The different pronunciation of the two Talmuds is usual, and so this Amora is the only one who was erratic. We are surprised why Zacuto and Heilprin, in "Seder-Hadoroth," ascribed this to Adda bar Abhimi, who is also mentioned only once in the whole Talmud. (In our edition, Vol. III., p. 24, and in the old edition the same saying is repeated, 9 *b* and 12 *a*), and there is not to be found even a hint that he was erratic. Also in the Palestinian Talmud the same is mentioned twice (Berakhoth, Chap. I., Halakha 3), with whom two great men of the Amoraim, R. Tanhum and R. Hezekiah, communicated. There it is also said that he was a disciple of R. Zera (Zeera—according to the pronunciation of the Palestinian Talmud). Why, then, should it be ascribed to such a man that he was erratic? Moreover, Heilprin does not mention Adda bar Ukhmi among the Amoraim at all, although he mentions his name in the paragraph of Adda bar Abhimi, and gives also all our citation mentioned above. We also do not know the sources from which Heilprin states that according to others it is Abba bar Abhimi.

bath? He meant to say it was fit at twilight, but afterwards it got wet from rain, and dried again, as it was in the beginning, and not fit during one part of Sabbath, and then fit again. How is it? The answer was: There is no law of Muktzah for a half of Sabbath. Shall we assume that the above Boraitha, which declares that if it was born with a blemish it shall be considered as prepared, is a support to Rabha's decree? Because the first-born, when it was yet in the womb of its mother, was fit along with its mother (because it was not reckoned a firstling before its birth); and as soon as it is born, it is not fit; and after its being examined by an expert and found blemished it becomes again fit (from this we see that the law of Muktzah does not exist for a half of Sabbath, as it was fit before its birth, became unfit at birth, and became fit again after examination).

Nay, said Abayi in the name of R. Saphra: It may be that the case was, the expert was by when it was born, and saw it was fit from its birth.

R. Jehudah the second possessed a firstling, and sent it to R. Ammi on a festival for examination. At first he thought he would not examine it. Said R. Zrika, or according to others R. Jeremiah, to him: If R. Simeon and R. Jehudah differ, the Halakha prevails according to R. Jehudah.

At another time he sent it to R. Itz'hak of Naph'ha, and the same happened again. Said R. Abba to R. Zrika: Why did not you let people do a thing in accordance with R. Simeon? And he answered him: Have you heard any decision that the Halakha is according to R. Simeon? And he said: Yea, so I have heard from R. Zera. Said some one of the disciples present: If I will be worthy to go to Palestine I would like to learn the Halakha from the mouth of R. Zera. Later when he came to Palestine, he asked R. Zera: Did the Master say that the Halakha prevails according to R. Simeon? And he answered: I did not say it is so, but I said: It seems so to me, because the Mishna relates, R. Simeon said: If the blemish was not recognized while it was yet day, it is not prepared, and the Boraitha teaches the same in the name of the sages (in plural). And I thought the Boraitha did so because the Halakha prevails accordingly. How is it in reality? Said R. Joseph: Come and hear. I will base my decision on the words of great men, that R. Simeon ben Pazzi in the name of R. Joshua b. Levi, quoting R. Jose b. Saul in the name of Rabbi, upon the authority of the Holy Assembly of Jerusalem, said that R. Simeon (b. Menasseh) and his colleagues

decide the above Halakha according to R. Meir. How can they have decided it according to R. Meir? They lived (the Holy Assembly of Jerusalem) in an earlier age than he. Say, they decided it in accordance with the *system* of R. Meir (this will be explained in Tract B'choroth).

Ammi of Vardinaa was the examiner of the firstlings of the Nasi; and he did not examine on festivals. When this was told to R. Ammi, he said, he does right. Is it so? Did not R. Ammi himself examine the blemishes of the firstlings? Nay, he used to see them the preceding day, but he kept his decision until the morrow, when he asked the owner how the animal had come by the blemish. As it happened when a man brought a firstling before Rabha on the eve of a festival, after noon, and at that time Rabha was washing his head. He raised his eyes, and looked on the blemish, and told the man: Go away to-day, and come to-morrow. The next day he asked him what was the cause of the blemish, and he answered: I have given it barley on one side of thorns, and it was on the other side; when it wanted to eat, it put forth its head between the thorns and thus tore its lip. And Rabha asked him: Perhaps you did it intentionally? And he said: No.

MISHNA: An animal which dies on the festival *may* not be removed thereon. It happened once, when Rabbi Tarphon was questioned on the subject, and also concerning a separate piece of dough, which had become polluted, he went to the college and inquired. They told him: They may not be removed from the spot.

GEMARA: Shall we say that this anonymous Mishna is not in accordance with R. Simeon (see Sabbath, p. 375)? Nay, the Mishna can be explained in accordance with him, but he owns that animals that died on Sabbath are prohibited. This would be right according to Mar bar Amemar, who said in the name of Rabh that R. Simeon owns it; but according to Mar b. R. Joseph, who declares in the name of Rabha that R. Simeon differs, even when the animals died on Sabbath, and said that they *may* be used? (What can be said to that?) Zera explained this Mishna, that it refers to an animal that was consecrated for sacrifice. And it seems Zera is right in his explanation, because the Mishna speaks further on about Hala that became unclean; and as the Hala was a consecrated thing, so must be also the animal in question.

MISHNA: An association for the purpose of jointly pur-

chasing an animal may not be formed on the festival; but if this was arranged before the festival, the animal so purchased may be slaughtered and shared on the festival.

GEMARA: What is meant by "may not be formed"? Said R. Jehudah in the name of Samuel: The price of the animal must not be fixed on the festival; but how shall it be done? Said Rabh: Two animals shall be brought, and placed side by side, and it shall be said: The value of this animal shall be as the value of that. We have learned also in a Boraitha: One shall not say to his neighbor: I will be a partner with you in this animal for one Sela or more; but he may say: I would be a partner with you for one half, third, or quarter of it.

MISHNA: R. Jehudah said: (A butcher who sells meat on a festival) may weigh it against a vessel or hatchet; but according to the sages he may not even look on the scales at all.

GEMARA: What is meant by "at all"? Said R. Jehudah in the name of Samuel: Even to preserve the meat from mice, he must not put it on the scales. Said R. Iddi bar Abbin: That is, when the scales hang on the lever. R. Jehudah in the name of Samuel says again: A butcher who is a specialist must not weigh the meat on his hand. He says again: The same must not weigh the meat in water. R. Hyya bar Ashi said: It is not permitted to make a hole in the meat, to use it as a handle. Said Rabina: But if he made it with his hand, not with a tool, it is allowed. R. Huna said: One may make a sign upon the meat, as Rabba bar R. Huna would cut the meat in the shape of a triangle for a sign. R. Hyya and R. Simeon the Great used to weigh one piece against the other, and they did it according to R. Joshua, as we learn in the following Boraitha: R. Joshua said: One may weigh one piece against the other. And R. Joseph said: The Halakha prevails according to R. Joshua, because there is a Mishna in Tract B'choroth in accordance with his decision.

MISHNA: Knives may not be ground or set on the festival; but it is permitted to sharpen one knife with the other.

GEMARA: Said R. Huna: It is only on a whetstone, but on wood one may. Said R. Jehudah in the name of Samuel: Even on a whetstone it is only prohibited to sharpen, but to remove the fat from it one may. We may infer from this, that on wood it is allowed even to sharpen.

Who is the Tana who holds that on a whetstone it is not permitted? Said R. Hisda: It is at any rate not according to R.

Jchudah, as we have learned in a Boraitha : R. Jehudah allows to make on a festival even the arrangements for the preparation of food (Sabbath, p. 309).

Said Rabha to R. Hisda : Shall we lecture in thy name that the Halakha prevails according to R. Jehudah? And R. Hisda answered : It may be the will of the Lord that all good things like this shall ye lecture in my name.

R. Nehemiah b. R. Joseph said : Once I was standing before Rabha, and saw that he took the knife and made passes with it over a basket. And I said to him : Does Master intend to sharpen it, or to remove the fat? And he said : To remove the fat. But I saw that he intended to sharpen it. From this it is understood that the Halakha prevails thus, but is not to be proclaimed to the people. Abayi told that the same thing happened to him and his Master, Rabba.

The schoolmen propound a question : May one give the slaughtering-knife to the wise for examination on the festival? R. Mari the son of R. Bizna allowed this, but the rabbis prohibited. R. Joseph, however, said : A scholar (Talmud Hakham) may examine the knife for his own use, and then lend it to others. R. Joseph said again : A knife that becomes blunt may be sharpened by pressure, provided that the knife becomes only blunt, but not injured.

R. Jehudah in the name of Samuel said : A spit that became crooked must not be repaired on a festival. Is not this self-evident? He meant to say, that even with the hand, without the aid of tools, it is not allowed. The same says again : After the meat has been roasted on the spit, it may not be handled more (because the blood defiling it makes it unfit for use until cleaned). Said R. Adda bar Ah'bah in the name of R. Malkiya : He may, nevertheless, take it to put into a corner, the same as it is permitted to do with a thorn that is seen in public ground. (Sabbath, p. 75.)

MISHNA : One must not say to a butcher : Give me meat for a Denar ; but the butcher may slaughter the animal, and divide it among the customers.

One may say to another (on the festival), fill me this vessel, but it must not be a vessel appropriated to measure with. R. Jehudah says : If a measure is used it must not be quite filled. Abba Saul b. Batnit used to fill his measures on the day before the festival, and delivered them to the customers on the festival. The same Saul said : One may do so even on the inter-

mediate days, on account of the froth in the measure. The sages, however, say: One may do so also on week-days in order to let out the entire contents of his measure into the vessels of his customers.

GEMARA: What is meant by "vessel appropriated to measure with"? Said Rabha: That is, he shall not mention the kind of measure, but if the vessel is a measure he may do so. And R. Jehudah comes to teach that even this must not be done. From this we see that, about the enjoyment of the festival, R. Jehudah is more rigorous, and the sages are more lenient; but did we not learn in the Mishna about the scales (p. 55), that R. Jehudah is more lenient and the sages are more rigorous? And this would be a contradiction to that teaching? It presents no difficulty. The above Mishna referred to a thing which was not a weight, but this speaks of a vessel that is a measure. This reconciles the contradiction between one teaching of R. Jehudah and the other. And as regards what sages teach about the scales? They merely say that a man shall not do as is usually done on week-days, but here he does not do as on week-days, because it is not usual that a man should give wine to his guest to drink from a measure.

"*Abba Saul b. Batnit*," etc. A Boraitha taught: One may do it in the intermediate days to prevent interruption in the house of learning (if he will busy himself with the measuring, he will fail to go to the college).

The rabbis taught: Abba Saul collected three hundred pitchers of wine barely from the froth of the measures;* and his colleagues collected the same amount from what remained in the measures after emptying them for the customers. Both brought this wine to the treasurers of charity at Jerusalem. The treasurers said to them: It is not necessary for you to do so (because it is your own). But they replied: We do not wish to use (because we do not consider it ours). And the treasurers rejoined: If you are so rigorous towards yourselves, go and dispose of it for the benefit of the people.

* Rashi explains thus: It was known to him how many lugs there had been in his barrel, and also how many he sold out to his customers, and the remainder which was in the barrel he considered was left because of the froth of the measures, and during the year it amounted to three hundred pitchers. And his colleagues who sold oil, which makes no froth, collected the same number from the remainder of the measures, as there is always some oil left in them, and during many years they collected from this the same amount.

R. Hisda accompanied Rabbana Uqba, and the latter lectured : One must not measure barley to give it to cattle ; but one may nevertheless take a Kab full, or two Kabs, and give it to the cattle without fear. But the baker (cook) may measure the quantity of spices for putting into the pots, lest he spoil the flavors.

R. Jeremiah bar Abba in the name of Rabh said : A woman may measure the flour on a festival for her dough, for the purpose of separating a due share of the first dough. Samuel, however, prohibited to do so. But did not the disciples of Samuel teach in his name that it is allowed? Said Abayi : Now, when the disciples declared in his name that it is permitted, and from himself it was heard that it is not, we may assume that he retracted his decision in order to teach us how to act.

The rabbis taught : One must not resieve flour on the festival ; but R. Papias and R. Jehudah b. Bthera both permit it. All agree, however, that if some dust or a chip fell into the flour, that may be done. One disciple taught in the presence of Rabina that if a chip has fallen into it, he shall remove it with the hand. And Rabina rejoined that this is by an *a fortiori* argument, not allowed, because it looks as though he sifts it.

Rabha bar R. Huna the Minor lectured at the gate of Nehardai : One may resieve flour on the festival. Said R. Na'hman to the people of Nehardai : Go and tell Abba, Take thy favor and put it on the thorns (*i.e.*, he did not any good with his lecture). Go and see how many sieves are used in Nehardai on the festival (even before his lecture).

The wife of R. Joseph has sifted flour on the back of a sieve, and he said to her : See, I want to have good bread (it means, you should not make any change). The wife of R. Ashi sifted the flour on the back of the table (to show a change from the week-days). Said R. Ashi : My wife is the daughter of Rami bar Hama, who was very particular in his deeds, and if she had not seen it done in the house of her father, she would not do it.

MISHNA : One may go to a shopkeeper with whom one is used to deal, and say to him : "Give me so many eggs or nuts," because the master of a house is used to count similar articles by numbers.

GEMARA : The rabbis taught : One may go to his shepherd who is an acquaintance, and ask him for one goat or one sheep ; to his butcher, to ask him for a shoulder or leg ; to the bird-seller, and ask him for one old or young pigeon, to his baker, and

ask him for a loaf or roll; and to his grocer, and ask him for twenty eggs or fifty nuts or ten peaches or five pomegranates or one lemon—provided one does not mention any numbers of measures. R. Simeon b. Elazar said: Provided one does not mention the prices.

CHAPTER IV.

REGULATIONS CONCERNING THE CARRYING AND HANDLING OF THINGS ON THE FESTIVAL.

MISHNA: If one has to transport jars of wine from one place to another (on a festival) he must not carry them in a basket or a case, but on the shoulder, or in his hand in front of his person. The same is the case when he has to carry straw; he must not put the bundle on the shoulder behind, but must carry it in his hand. One may commence to take a heap of straw (for fuel), but not of stacks of wood in an unused yard behind the house.

GEMARA: A Boraitha taught: If it is impossible to change the manner usual on week-days, it may be done as ordinarily.

Rabha has ordered in Mehuzah as follows: "A heavy burden which a man carries on a week-day with great trouble, if he has to bear it on a festival, he may carry it with the help of a *Rigla* (a long, crooked pole for bearing burdens), and though it is also heavy and a trouble, it is a change of the manner, on week-days. And what one man carries on week-days with the help of a *Rigla*, two men shall carry. The burden which two men carry on a pole on their shoulders, they shall carry on a festival with the hand, and what is carried with the hand, shall on the festival be carried with a cloth." All this shall be done, if possible; but if it is impossible, it shall be carried as usually, because the Master said: If it is impossible to change the manner it is allowed.

Rabha bar R. Hanin said to Abayi: A Mishna teaches: It is prohibited to clap with the hands, strike on the hips, and to dance on a festival. And in our time we see people do so, and we do not say to them anything. And he answered: And according to your theory, come and see the women who take their cans and go and stand at the gates of the entry, which is also prohibited, and we say nothing to them (would you also blame us for this?). This is not so (because it is a rule). Let

Israel do things unintentionally rather than intentionally (*i.e.*, they were sure that if it was told to them, they would not listen, and to preserve them from conscious transgression, they keep silence). And there is no difference in such a case between a biblical and a rabbinical prohibition. Because the adding from the eve of the Day of Atonement to the Day of Atonement (about half an hour) is biblical, nevertheless we see women eating and drinking till dark, and we say nothing.

"*But not of stacks of wood*," etc. R. Kahana said: From this it may be inferred that we must not commence to take of a whole store (stock storehouse), because it is "designated." Then it would be according to R. Jehudah, who holds the theory of Muktzah. How then would be explained the beginning of the Mishna, that one may begin to take of a heap of straw, that would be according to R. Simeon, who does not hold the theory of Muktzah? The Mishna refers to spoiled straw (which is no longer fit for food of animals). But it may yet be used for bricks? It refers to a case when there were thistles (or thorns) in the straw.

MISHNA: Wood may not be taken from a booth, but the pieces lying by may be used.

GEMARA: R. Hyya bar Joseph taught before R. Johanan the following Boraitha: Wood must not be taken from a booth, but only the pieces lying near it. R. Simeon, however, permits it. But all agree that from a booth made for the Festival of Tabernacles it must not be taken *then*. If the booth was made conditionally, all must be done according to the condition.

It has been said: R. Simeon permits it. But did he not demolish a tent? Said R. Na'hman bar Itz'hak: The case is when the tent is already demolished, or so weak as to *fall down* soon, so that even on the preceding day he had the intention to take wood of it.

The Boraitha states: If the booth was made conditionally, etc. Can then a condition affect it? Did we not learn in Succah (p. 10), that R. Shesheth said in the name of R. Aqiba: that the wood of the Succah is prohibited in all the seven days at all events? This part of the Boraitha means an ordinary booth, not a tabernacle.

MISHNA: One may bring wood from the field when it is a stack, and from a wood-shed, even of the dispersed pieces of wood. What is called a wood-shed? If it is near the city. So is the decree of R. Jehudah. R. Jose, however, said: If there is a door which can be locked, even if it is within the legal limit.

GEMARA: R. Jehudah said in the name of Samuel: Wood may be brought only from the stacks that are in the wood-shed, but not dispersed pieces. Did not our Mishna teach that from a wood-shed may be taken even dispersed pieces? The Mishna is only according to an individual Tana, but the other sages differ from it. Rabha said: Leaves of a vineyard or of branches, although they are gathered and lie together, because by a wind they may be dispersed, are to be considered as dispersed already, and may not be used. But if one had put a heavy thing on them the preceding day, they may be used.

"*What is called a wood-shed,*" etc. The schoolmen propound a question: Did the Mishna mean both? Did it mean that it is near the city and has a door, and R. Jose comes to teach if it has a door it is enough, if it is not near the city, but within the legal limit, or when it has no door, even near to a city, also not? Come and hear: Because R. Jose teaches that if it can be entered through a door, and the door can be locked, it is allowed even within the legal limit, we may infer that R. Jose decides in both cases leniently. Said R. Sala in the name of R. Jeremiah: The Halakha prevails according to R. Jose, leniently.

MISHNA: It is not permitted to cut wood from new beams, even from an old beam that was broken on the festival; neither may wood be cleft with an axe, or saw, or bite-hook, but with a chopping-knife only.

GEMARA: Has not the first part of the Mishna said that we must not cut wood at all? Said R. Jehudah in the name of Samuel: The Mishna is not completed, and must be read thus: It is not allowed to cut from a pile of logs, neither from a beam that was broken on the festival; but from a beam that was broken the preceding day. And when they cut it, they shall not do it with an axe, etc. The same we have learned in the following Boraitha: One may not cut wood from a pile of beams, nor from a beam broken on the festival, because they are not considered prepared while it is yet day.

"*But with a chopping-knife only.*" Said R. Hinna bar Salmia in the name of Rabh: It is only with the side of the blade used for chopping wood, but with the broad side wherewith one can cleave beams, it is not allowed.*

* It is difficult to understand the argument, as it is not known to us how the chopping-knife was made. Even Tosphet remarks because we do not know what kind of a chopping-knife it was, therefore it is not allowed to cut wood with any knife, only with the hand.

MISHNA: A house filled with fruits, if a hole was made, it is allowed to take fruit through this hole. R. Meir, however, said one may make a hole in the house, to commence with, for the purpose of taking the fruit.

GEMARA: Why so? Is he not demolishing a tent? Said R. Nehuma bar Adda in the name of Samuel: The Mishna refers to a house of bricks without mortar. R. Zera said: R. Meir allowed this only on a festival, but not on Sabbath. The same we have learned plainly in a Boraitha. Samuel said: If the doors of the cellars are tied with ropes, one may untie; but he may not untwist the ropes themselves, nor cut them off. When, however, with such ropes vessels were tied, he may untwist them and cut them off, and there is no difference between Sabbath and a festival in this case.

An objection was raised from the following Boraitha: If the doors of the cellars are tied with ropes, on Sabbath, one may untie, but he may not untwist the ropes themselves, nor cut them off. On a festival, however, all this is allowed? The Boraitha is according to R. Meir, who allows this on a festival to commence with, but I say according to the rabbis. But did the rabbis differ with R. Meir that if the doors of the cellars, etc.? Have we not learned in another Boraitha, that the sages agree with R. Meir concerning this case? Samuel holds with another Boraitha which stated differently.

MISHNA: It is not permitted to make a cavity in a lump of potter's clay for the purpose of using it as a lamp, because a utensil is thereby formed; neither may charcoal be made on a festival, nor the wick of a lamp be cut in two. R. Jehudah says: With fire it may be done.

GEMARA: Who is the Tana who holds that when a hole is made in such a lump it is called a utensil? Said R. Joseph: That is R. Meir (who states so in Tract Kelim).

The rabbis taught: One must not make a hole in a lump of clay to use it as a lamp, nor plates used by rustics (who are not particular about fine china, but use them as soon as made, before they have been hollowed out and *baked* in fire).* R. Simeon b. Gamaliel, however, allows it.

"Neither may charcoal be made," etc. Is this not self-evident? What use can one make on that day of charcoal? Taught R.

* The commentators, Rashi and Tosphet, also the dictionaries, try to explain this term, but it remains obscure.

Hyya : The Mishna refers to those who need the charcoal for an *olearius* on this day (*i.e.*, a machine to heat oil to be fit for the body and clothes). Is it allowed then to take a bath on this day? As Rabha had explained in another place that it was allowed to go to sweat before it was prohibited, so also can this Mishna be explained to mean sweating, before the prohibition was made (see Sabbath, pp. 71, 72).

"*Nor the wick of a lamp*," etc. Why is it not allowed to do it with a knife? Because he makes of it a utensil (*i.e.*, he makes two out of one). Is not the same with fire? Taught R. Hyya : R. Jehudah meant to say that the ends shall be placed in two lamps, and shall be separated by burning the middle part, (and he only kindles the lamps).

R. Nathan bar Abba said in the name of Rabh : One may snuff a wick on the festival. Bar Qappara taught : Six things were said about a wick: three rigorously and three leniently. Rigorously: One must not commence to braid the wick, nor singe, nor cut it in two; and leniently : One may *twist* it with the hand, soak in oil, and make two wicks by burning the middle part. R. Nathan bar Abba in the name of Rabh said again : The rich men of the Babylonians are among those who descend to Gehenna; as it once happened Sabathai bar Merenus came to Babylon and asked them to support him in some business, and they did not; and he asked that they should feed him at least, and they also refused. Then he said : They are descendants of the "mixed multitude," as it is written [Deut. xiii. 18]: "And grant thee mercy, and have mercy upon thee." From this we infer that whosoever has mercy for creatures, he is surely of the children of Abraham our father, but whosoever has not mercy for creatures, it is certain he is not. The same says again in the name of the same authority : Whosoever is dependent upon the table of his neighbor, the whole world is dark for him. As it is written [Job xv. 23]: "He wandereth abroad for bread, (saying), Where is it? he knoweth that there is ready at his hand the day of darkness." R. Hisda said : His life is no life at all.

The rabbis taught : There are three men whose lives are not counted as lives at all: He who is dependent on the table of his neighbor; he whose wife dominates over him; and he who has bodily suffering. According to others, he who has no more than one shirt.

MISHNA : One may not break pieces of earthenware, nor cut paper for the purpose of roasting salted fish on it. Ashes

from the oven or hearth may not be removed, but they may be moved to one side. Two barrels must not be brought near each other, to place a pot on them over the fire, nor may a piece of wood be used to support a pot, nor a door. Cattle may not be driven on the festival with a stick; but R. Eliezer b. Simeon permits it.

GEMARA: Why so? Because he produces thereby utensils.

"*Ashes of the oven*," etc. R. Hyya b. Joseph taught in the presence of R. Na'hman that if it is not possible to bake in the oven unless one removes the ashes, one may do so. It happened to the wife of R. Hyya that half a brick from the wall of the oven fell down into the oven on a festival. Said R. Hyya to her: See to its removal, because I like to have good bread. Rabha said to his servant: Roast for me a duck, and see that it shall not be singed. Said Rabina to R. Ashi: We were told by R. Aha of Hutzl that the Master's servants, when the oven is closed, smear it with clay on the festival. And he answered: We live near the River Euphrates, where clay is ready at hand. The case is, when he makes a sign on the clay on the previous day. Said Rabina: To knead ashes, it is permitted (because they cannot keep for a long period).

"*Nor may a piece of wood*," etc. The rabbis taught: A pot must not be supported with a piece of wood nor a door, because wood is prepared only for fuel. R. Simeon, however, allows this. Cattle must not be driven with a stick, but R. Eliezer the son of R. Simeon permits it. Shall we assume that R. Eliezer holds with his father, that no theory of Muktzah exists? Nay, he is more lenient than his father; for his father would assent that they must not be driven with a stick, because it seems as if they are taken to the market.

Hizra (Abhazar in Arabic), R. Na'hman prohibited to use for the purpose of roasting on it meat; but R. Shesheth permits it. If it was dry, all agree it is permitted; they differ only when it is wet yet. Whosoever prohibits it, does it because it is not fit for fuel, and whosoever permits it, does it because in a great fire this also can be used. The Halakha, however, prevails thus: That a dry one is allowed, but not a wet one.

Rabha lectured: A woman shall not enter a wood-shed to take a crooked piece of wood for a poker; and if a poker was broken on the festival, it must not be burned, because fire may be made with vessels, but not broken vessels (Sabbath, p. 270). Shall

we assume that Rabha holds with R. Jehudah regarding the theory of Muktzah? Did not Rabha say to his servant: Roast me a duck, and throw the entrails to the cat? With the entrails it is different; because, as they become putrified he made up his mind the day before that they must be given to the cat.

MISHNA: Rabbi Eliezer says: One may take a splinter from the wood lying near him to clean his teeth with, and gather in the yard small pieces of wood, and burn them, because whatever is in the yard may be considered as prepared for the festival. But the sages allow one to pick up only those pieces that lie near him, and only to burn them. Fire may not be produced on the festival from wood, stones, dust or earth, or from water; nor may one heat tiles to broil food on them.

GEMARA: R. Jehudah said: To food fit for cattle the law of making a utensil does not apply (*e.g.*, to take straw or other fodder of cattle, and break it for cleaning the teeth, or so, is permitted; because, being fit for cattle, it may be handled, etc.).

R. Kahana objected him: We have learned that branches of spice-trees may be handled to enjoy the odor, and to fan with them a sick man. One may *grind*, also, to produce an agreeable odor; but one must not break them for the purpose of enhancing the odor. If he did so, he is not liable to a sin-offering; but if he broke them for the purpose of cleaning the teeth with them, he is liable. And he answered: If the Boraitha had said that one may not break them for the purpose of cleaning the teeth, it would be a great difficulty to me; much more, when it says he is liable to a sin-offering for it. The Boraitha must be incomplete and must be stated thus: He may grind with his hand for the purpose of odor; he may break them for this purpose, but the case is only when they are yet soft. But when they are already hard, he shall not break them. If he did so, however, he is not culpable, although it is prohibited; but if he broke for the purpose of cleaning the teeth, he is liable to a sin-offering.

In one Boraitha we have learned, he may break it in order to smell it, and in another one—that he must not break it for this purpose? Said R. Zera in the name of R. Hisda: It presents no difficulty. The Boraitha which allows it means when they are soft, and the other one, when they are dry. R. A'ha bar Jacob opposed: Why shall dry ones not be allowed? Did not a Mishna (Sabbath, p. 332) state: One may break open a cask to cut dry figs therefrom, etc.? Furthermore: Rabha and Rabbin, the sons of R. Adda, both say; When we were at the house of R. Jehudah,

he used to break twigs off a spice-tree, and give us sticks of the same, although the sticks were so large that they could be used for an axe or a spade handle. Therefore we must say that of the two Boraithas (mentioned above) one is according to R. Eliezer and one according to the rabbis of the following Boraitha: "R. Eliezer said: One may take a splinter from the wood lying near him to clean his teeth with; but the sages say: He can take it only from a manger. All agree that he shall not break it off, and if he did so, to clean the teeth or to open the door with it, if unintentionally on a Sabbath, he is liable to a sin-offering, and if intentionally on a festival, he is liable to the punishment of stripes. So is the decree of R. Eliezer. The sages, however, say: In both cases he is free, because this is only a *Shbuth* (Sabbath-rest, rabbinically)." Now, the Boraitha which states that he must not break it off is in accordance with R. Eliezer, who says there that he is liable to a sin-offering; and the Boraitha which states that he may do so is in accordance with the rabbis, who say there that he is free, even if he broke it off for the purpose of cleaning his teeth. Here, however, when it is for the purpose of smelling, it is allowed to commence with. But does not R. Eliezer hold what is stated in the above Mishna, that one may break open a cask, etc.? Said R. Ashi: According to R. Eliezer, the Mishna must be explained that the cask was cemented with resin, and it is impossible to use it afterwards as a vessel.

"And gather in the yard." The rabbis taught: He may gather in the yard and burn, because all things that are in the yard are considered as prepared, provided he does not make of them heaps. R. Simeon, however, permits even this. On what point do they differ? One holds that if he makes heaps, it seems as if he prepared them for the day subsequent to the festival; but the other holds that his pot proves that it is for to-day.

"Fire may not be produced," etc. Why so? Because to produce a new thing is not lawful.

"One may not heat tiles," etc. What labor is that? Said Rabba bar bar Hana in the name of Rabbi Johanan: The Mishna refers to new tiles, that must be examined as to whether they can stand fire. According to others, it is a labor because they must be heated long, until they become hard.

The rabbis taught: New ovens or hearths are considered as ordinary vessels that may be handled in the yard; but they must not be anointed with oil, nor cleaned with a wet cloth, nor cooled

in cold water to harden it. But if all this should be done only for the purpose of baking on that day, it is allowed.

The rabbis taught: The head and the feet of an animal may be scalded, also singed. The hair may be removed by fire, but not with lime, clay, or earth; nor must it be cut off with scissors. Herbs must not be cut out with the same scissors with which they are usually detached from the ground. But one may prepare *χίμαρα* (artichoke) and thistle and bake in a large oven, and water may be formed in an "antikhi" (a kind of kettle: see Sabbath, p. 74). A new large oven, however, must not be heated on the festival, because it may burst.

The rabbis taught: One must not blow bellows, but one may blow through a pipe. A spit must not be sharpened and fixed (for the purpose of roasting).

The rabbis taught: A cane must not be splintered for the purpose of roasting salted fish. A nut, however, may be cracked through a piece of cloth, without fear lest that the latter be torn.

MISHNA: R. Eliezer said again: In a Sabbatical year a man may place himself on the eve of Sabbath at the place where figs or raisins are kept, and say: From there I will take to-morrow. But, according to the sages, he must point out the exact spot, and say: I will take from this point to that point.

GEMARA: In a Mishna (Maasroth, Chap. IV., 2) it is stated: If children had saved dates from the eve of Sabbath and forgot to separate the tithe, when the Sabbath is over they must not eat them until the tithe is separated. Also in another Mishna (ibid. III., 1): If one passed dates through his yard to dry them, his household may eat of them moderately. Now, Rabba asked R. Na'hman: Does the Sabbath fix the time for separating tithe even from things the labors belonging to which are not finished yet? Shall we assume that because it is written [in Is. lviii.]: "Thou shalt call the Sabbath a delight," it fixes the time of tithing even for things the labors belonging to which are not finished yet, or it fixes the time only for things the labors on which are finished and not otherwise? And he answered: Sabbath fixes the time in any event. The former said again: Why shall not Sabbath be equal to a yard which does not fix the time for things on which the labor is not finished yet? Let the law of Sabbath be the same? And he answered: We have an explicit teaching that the Sabbath fixes the time for the thing in any event. Said Mar Sutra the son of R. Na'hman: Our Mishna which states that only on Sabbatical years it may be done so, and not

in an ordinary year, must also be explained, that because the Sabbatical year is exempt from tithe, he may do so; but in an ordinary year it must not be done so, because the Sabbath fixes it for tithe. When Rabbin came from Palestine he said, however, in the name of R. Johanan, that Sabbath, Heave-offering, a Yard, and Price all do not fix for tithe, only in things on which all the labor belonging to them is already done.*

Sabbath—to state that the law is not after Hillel in the following Boraitha: If one transferred fruit from one place to another to cut it, and Sabbath overtook him, R. Jehudah said that only Hillel prohibited to eat it before separating tithe, but all his colleagues differ from him.

A Yard—to state that the law is not after R. Jacob in the following Mishna, which says that whoso passes dates through the yard, his household may eat of them moderately, and they are free from tithe. And a Boraitha, in addition to this Mishna, states that R. Jacob says tithe must be separated, and R. Jose b. Jehudah frees it from tithe.

Heave-offering—to state that the law is not after R. Eliezer in the following Mishna: Fruit of which the heave-offering was separated before all the labors belonging to it were finished, R. Eliezer prohibits to eat from moderately, but the sages allow this.

And Price—as we learned in the following Boraitha: Whoso bought dates from a man of the common people in a place where the majority of gardeners press the dates, he may eat of them moderately; and when he comes to give tithe of them, he may separate tithe from it (but it is not necessary to separate heave-offering). And from this Boraitha we have learned three things: Firstly, that the price which is made does not fix for tithe until all the labor is done; secondly, that the majority of the common people do separate tithes; and thirdly, that if one comes to separate tithes from fruits bought from one of the common people, from a doubt lest the seller had not yet separated the tithe, he may separate it even from things the labors belonging to which are not yet finished.

* The law of the tithe of all these will be explained in Tract Maasroth. The meaning of "Price" is, that if the grain was sold before it became ripe, it does not fix it for tithe.

CHAPTER V.

REGULATIONS CONCERNING LABORS PERMITTED AND NOT PERMITTED ON BIBLICAL FESTIVALS.

MISHNA: It is allowed to throw down fruit (kept on the roof for drying) by a trap-door (into the yard) on the festival, but not on Sabbath. It is also allowed to cover fruit, or jars of wine or oil, with vessels to protect them from rain. One may also place a vessel to receive rain on Sabbath.

GEMARA: Of which quantity does the Mishna speak? Said R. Zera in the name of R. Assi, according to others R. Assi in the name of R. Johanan: The same quantity which we have learned in the Mishna (in Sabbath, p. 276). One may even clear off four or five chests of straw or grain in order to remove obstacles to instruction, etc. But perhaps there it is different, because there are obstacles to instruction; but here, where it is not the case, it may be a less quantity? Or, on the contrary, there the Mishna speaks of Sabbath, which is rigorous, therefore a slight quantity is allowed. But here it is a festival, perhaps a greater quantity is allowed? It can be interpreted even in another way: There, where there are no damages of *money*, a quantity from four to five is allowed; but here, where there can be damages of money, even more is also allowed? And another question: There the Mishna teaches that one must not clear out a whole barn, and Samuel explained this that the Mishna meant he shall not clear out the whole barn for fear he will notice pits and would like to fill them up (ibid. 276). How is the law in our case? Shall we assume that because Sabbath is rigorous, the precautionary measure must be taken; but in the case of the festival, which is lenient, it need not be taken? Or, on the contrary, there, where although the reason is the fear of interruption in the house of learning, yet it is not allowed to clear the whole barn, how much the more here, where such a reason does not exist? And another question: Here the Mishna teaches that fruit must be thrown through a trap-door, and R. Na'hman said in addition

to this, that it is allowed only from *that* roof; but to throw it from this roof to another, it is not allowed. And so it was also taught in a Boraitha, that the fruit must not be carried from one roof to another, although the roofs are of equal altitude. Shall we assume that only in the case of the festival which is lenient this is prohibited as a precautionary measure, lest one shall come to hold cheap the holiday, and will do other things, but on Sabbath which is rigorous and no such fear exists, perhaps this is allowed? Or, on the contrary, as here, where the fruit can be damaged, we do not allow this; there, where no such a fear exists, so much the more it is not allowed. And another question: A Boraitha in addition to this Mishna teaches he shall not let it down by ropes and also not by ladders. Shall we say that only here, where the fear of the interruption in the house of learning does not exist, it is prohibited; but there, where such a fear does exist, it is allowed? Or, on the contrary, here, although there is fear of damages, it is not allowed, so much the more there? All these questions are not decided.

"And fruits may be covered." Said Ula: Even piled-up bricks not mortared may be covered. R. Itz'hak, however, said only fruit fit for consumption may be covered with vessels, but no other things.

"One may place vessels to receive rain." A Boraitha taught: When the vessel was full, he might empty it, and put it in its former place again; and so repeatedly. The handmill of Abayi was exposed to the rain (and he had not enough vessels to protect it). He came to Rabba his Master, and asked; and he answered: Go and place your bed in that room (where the handmill was), and then the handmill will be considered as a night chamber, which may be removed from a bedroom (and then he can remove the bed again). Abayi himself considered the law and said to himself: May one turn a clean thing into an objectionable thing intentionally? While he sat and thought thus, the handmill cracked. Said he: I deserve this punishment because I was disobeying my Master.

Samuel said: A chamber-pot and similar vessels may be removed, and voided on the garbage; and then washed, and returned. The schoolmen who heard this thought that the dirt may be removed only together with another vessel, but not without another vessel? Come and hear: Once a dead mouse was found in the place where R. Ashi's spices were kept, and he said: Take it by its tail, and throw it out.

MISHNA: All transgressions of the precept of Shbuth,* whether by any optional actions, or actions for religious purposes, are also such on the festival. The following actions are forbidden on account of Shbuth: To climb trees, mount an animal, swim in water, clap with the hands, strike on the hips, or dance. The following are prohibited as optional actions: To administer justice, to acquire a woman as a wife (by giving a ring, money, etc.), to take off the shoes of one refusing to marry the deceased brother's widow (Halitzah), or to marry such a brother's widow. The following actions are prohibited as though they are actions for religious purposes: To consecrate anything, to value sacred things, to pronounce anything as devoted (to the service of the Temple), to separate heave-offerings and tithes. All these have been decided to be prohibited on the festival, and *a fortiori* on Sabbath. (This is the rule): There is no difference between the Sabbath and the festival, except that the preparation of food is permitted on the latter.

GEMARA: To climb trees—lest one tear off something; mount an animal—lest one should cut off a twig (to drive it therewith); to swim—lest one make a *swimming bladder*; to clap the hands, strike on the hips, dance—all lest one fix musical instruments.

"The following are prohibited as optional." To administer justice: is this not a religious act? The case is, when there is a better man than he who can perform it. *To acquire a wife:* is this not a religious act? The case is, when he has already a wife and children. *The ceremony of Halitzah and Jibum:* are these not religious duties? The case is, when there is an elder brother than he, and the duty falls on the elder brother. And the reason why all these are prohibited is as a precautionary measure, lest he come to write. *And these are prohibited, though religious acts:* as a precautionary measure, lest he will come to buy and sell. *To separate heave-offerings, etc.:* is not this self-evident? Taught R. Joseph: The case is, when he wants to give it to the priest on the same day. But the law applies only to things wherefrom it is fit to separate the day before; but if he kneads dough on the festival, the first dough may be separated and given to the priest. *All these on the festival, etc.:* there is a contradiction to this (in the first Mishna of the chapter): "One may throw fruit on the festival, but not on Sabbath"? Said R. Joseph: There is no

* See above, p. 67.

difficulty: Our Mishna is in accordance with Eliezer: that the precautionary measures taken for Sabbath are to be taken also for festivals; and the other Mishna is according to Joshua, who says: When mother and son fall in a pit, the first may be taken out for slaughtering, and then by connivance the other. R. Papa, however, said that the above Mishna is in accordance with Beth Shammai, and the first Mishna is in accordance with Beth Hillel. But perhaps it is not so? The statement of Beth Shammai refers only to carrying out, but not to handling it? Nay, is then handling not necessary in carrying out?

MISHNA: Cattle and utensils may be brought as far only as their owners may go, and when a person commits his cattle to his son or shepherd, they may not be brought or driven farther than the owner may go. Utensils that are appropriated to the exclusive use of one among brothers living together in the same house may be brought as far as that brother may go; but if they are not thus exclusively appropriated to one only, they may be brought to the places where all may go.

A utensil that had been borrowed since the eve of the festival may be carried as far as the borrower may go; but if on the festival, as far as the lender may go. And when one woman has borrowed of another spice, water, or salt, to make dough, they may be carried as far as both may go. R. Jehudah excepts water, because its substance does not remain visible.

GEMARA: Our Mishna seems to be not in accordance with R. Dosa of the following Boraitha: R. Dosa, according to others Abba Saul, said: Whoso had bought an animal from his neighbor on the eve of a festival, although he did not receive it until the festival, the animal may be driven as far as the buyer may go. The same is the case with him who gives an animal to the shepherd. If the arrangement was made before the festival, but he delivered it on it, it must be considered as the shepherd's? Nay, the Mishna can be explained also in accordance with R. Dosa, and it presents no difficulty. Our Mishna refers to a case where there are two shepherds in the town (when it was not known to which of them he would give); therefore it is considered as the owner's. But R. Dosa speaks of a case where there is but one shepherd. This explanation seems to be right, because our Mishna teaches, "to his son or shepherd." And as there may be more than one son, so is it about shepherds.

Said Rabba bar bar Hana in the name of R. Johanan: The Halakha prevails according to R. Dosa.

The rabbis taught: If two men had borrowed one garment, one should go in it to the House of Prayer in the morning, the other to the Dancing-house in the evening. Thus one will make an Erub to the north and the other to the south. Whoso has made an Erub to the north may go in this garment only as far as he who has made an Erub to the south may go in it to the north; and *vice versa*. But if either has made an Erub *at his* legal limit, so that by giving the right to move two thousand ells *more* in one direction, he loses the right to walk in the opposite direction even one step, then the garment belonging to both may not be moved from the town by either.

It was taught: If two men bought a barrel and an animal in partnership on the eve of a festival, the barrel may be moved by either to places where he goes; but the animal is not allowed to be driven except to places where both are allowed to go. So is the decree of Rabh. But according to Samuel, the case is the same with the barrel as with the animal. (Let us see:) What is the reason of Rabh's theory? If Rabh holds the theory of premeditated choice, then why shall the animal not be allowed? And if he does not, why shall the barrel be allowed? We may say that in reality he holds this theory (and therefore the barrel is allowed); but the animal is different, because it was alive at the twilight before the festival, and the blood changing its place from one member to the other on the festival, neither half can be chosen by either man (and as the partners have to go in different directions, neither may move the animal). Said R. Kahana and R. Ashi to Rabh: Even according to your theory, if the animal would be slaughtered, both partners would be allowed to eat of it, although the blood was circulating from one half designated for one man to the other half of the other man. Consequently the circulation of the blood is not feared in case of the law of Muktzah. Why, then, shall it affect the law of legal limit? Rabh was silent. What is in reality the law? R. Hoshia said: There is the theory of choice, and R. Johanan says: There is not. Mar Zutra lectured that the Halakha prevails according to R. Hoshia.

Samuel said: An ox from the dealer may be moved by every buyer to the places where he goes; but an ox belonging to the herdsman may be driven only where the people of the town have a right to go.

"*A utensil borrowed since the eve of,*" etc. Is not this self-evident? The case is, when one actually received it on the festival, we would assume that as at twilight it was yet in the lender's

house, it should not yet be considered as the borrower's, he comes to teach us that the arrangement suffices to make it considered as the borrower's. And this is in support of R. Johanan's decree, who said: One who had arranged to borrow a utensil from his neighbor on the eve, and took it on the festival, is considered as the borrower's.

"But if on the festival," etc. Is this not self-evident? The case is, when it was the custom of this man to borrow of that man often, and we would assume that the lender had the intention to give it to him from the eve, and therefore it should be regarded as the borrower's, he comes to teach us this is not the case; because it may happen that meanwhile another man may come and borrow it.

"And when a woman borrowed," etc. When R. Abba intended to go to Palestine, he prayed that it should be the will of the Lord he should say a thing which should be accepted (by those sages). When he arrived there, he found R. Johanan, R. Hanina bar Papi, and R. Zera; according to others, R. Abahu, R. Simeon b. Pazzi, and R. Itz'hak of Naphha, who were sitting interpreting our Mishna, saying: Why, let the water and the salt be ignored in the dough? Said R. Abba to them: Would it be right, when one threw in one Kab of wheat into ten Kabs of his neighbor's, shall the owner of the nine Kabs take the one Kab as his own and enjoy it? (The same shall be the case here. Because water and salt are of little value, shall they be ignored?) They were laughing at him. Said R. Abahu to them: Why do you laugh? Have I taken your garments? They laughed again. In reality, what is the reason of the Mishna's teaching? Said Abayi: That is a precautionary measure, lest they will make the whole dough in partnership. Rabha said: The reason is because spices give a flavor, and everything that gives a flavor cannot be ignored. R. Ashi said: The reason is, this prohibition is only temporary, and anything temporarily prohibited cannot be ignored, even when it is among a thousand.

"R. Jehudah excepts water." Did R. Jehudah except water, and not salt? Have we not learned in a Boraitha: R. Jehudah said that water and salt both are ignored, either in dough or in a pot? It presents no difficulty: Our Mishna speaks of Astrakhan salt, which is coarse, and must not be ignored, while the Boraitha means salt of Sodom, which is fine and is ignored. But we found another Boraitha, which says that according to R. Jehudah water and salt are ignored only in dough, but not in a pot, because of

its wetness (and it imparts a taste to every part). It presents no difficulty: One Boraitha applies to a pot where something thick is cooked, while the other means a pot of soup.

MISHNA: Burning coals may be carried as far as the owners may go, but a flame may be carried everywhere. If a coal of consecrated fire has been applied to profane use, the sin of desecration has been committed; but though no profane use must be made of a flame of sacred fire, yet a person who applies it thus has not incurred the penalty, and thus, if anybody carries (on Sabbath) a burning coal into a public place, he is guilty, but does not incur the penalty for a flame. The water of a well belonging to an individual may be carried as far as that man may go; but if it belongs to a town, as far as the inhabitants thereof may go. The water of a well made for the use of travellers (such as those) who come from Babylon, may be carried as far as he who draws it may go.

GEMARA: The rabbis taught: Five things have been taught about the burning coals: They may be carried as far as the owners may go; but a flame, everywhere. The sin of desecration applies only to a coal, but not to a flame; it must not, however, be used. A coal of idolatry is prohibited to be used, but the flame is permitted. Whoso carries a coal into public ground on Sabbath is culpable, and a flame is innocent; and whoso has made a vow not to receive any benefit from his neighbor must not use his coal, but may use his flame. Why may a consecrated flame not be used, but a flame of idolatry may be? In regard to idolatry, which is repulsive, and men avoid it in any event, no precautionary measure was taken; but to a consecrated thing which is not so, it was taken.

"*A well belonging to an individual*," etc. Rabba suggested the following contradiction before R. Na'hman: Our Mishna teaches that the water of an individual may be carried only as far as he may go, and in another Boraitha we have learned: Running rivers and springing wells are to be considered as the feet of every man (Sabbath, p. 261). Said Rabba: The Mishna refers to a well where water is not springing, but collected, and the same was taught in the name of Samuel by R. Hyya bar Abbin.

"*Babylonian travellers*": as the feet of him who draws it. It was taught: If one draw it and give it to another man, R. Na'hman said it may be considered as the feet of him for whom it is drawn; but R. Shesheth says, as his who draws. In what point do they differ? One holds that the well may be considered

as ownerless (and if the water was drawn for any one he becomes the owner), and the other holds that they are partners.

MISHNA: If one has fruit in another town of which the inhabitants only made an Erub (but not the owner), they must not bring his fruit to him; but if he has made the Erub, the fruit may be carried to any place he is allowed to go.

When one has invited guests, they must not carry home with them anything from the table, unless he had granted it to them the day before the festival.

GEMARA: It was taught: If one has deposited fruit at his neighbor's house, Rabh said the fruit is to be considered the property of the keeper; but Samuel said it is still regarded as the property of the depositor. An objection was made, based upon our Mishna: If he made also an Erub, the fruit may be brought to him. Now if, according to Rabh, it is considered the property of the keeper, what is the use of his making an Erub? Said R. Huna: The disciples of Rabh explain our Mishna that it refers to a case when they assigned a corner for his fruit (so that it is as if under his supervision). Come and hear (another objection): "They must not carry home," etc., "unless he had granted it," etc. Now, if it is considered the keeper's, what is the use of granting on the day before? The answer is, that granting is equal to assigning a separate place, as explained above, and if you wish it can be said that the case when granting is different.

R. Hana bar Hanilai suspended meat on the bar of the door, and went away. After when he wished to use it he came before R. Huna and asked him whether he can use it or not (because the meat was brought to him by a butcher out of town, and he feared perhaps he brought it from over the legal limit), and R. Huna answered: If yourself have suspended it, you may use it, but if the butcher suspended it, you may not.

MISHNA: One must not give drink to, or slaughter, animals living wild, but one may do it to domestic animals. And what are called domestic animals? When they are at night in the town or the suburbs; and those which are in the open field are called wild.

GEMARA: To what purpose are both drinking and slaughtering stated? It is a thing by the way: it comes to teach us that before slaughtering it is good the animal shall drink, because it is then easier to take off the skin.

The rabbis taught: Wild beasts are called those which depart

about the time of Passover, and feed in the marshes in the summer, and return in the fall; and domestic are called those which go out every day beyond the legal limit, but return every night. Rabbi, however, said: Both kinds mentioned are called domestic; but which are called wild beasts? Those that never come to inhabited places. Does, then, Rabbi hold the theory of Muktzah (prohibiting to slaughter even a wild beast)? Did not his son, R. Simeon, ask him: Dates which become not ripe on the tree, but are put in boxes of palm-branches and remain there till they ripen, what is the law about eating them on Sabbath according to R. Simeon? And he answered: The theory of Muktzah, according to R. Simeon, does not exist at all? (And as we know that Rabbi's opinion was according to R. Simeon, consequently he does not hold the theory of Muktzah at all?) Rabbi said to the sages as follows: According to my opinion, no theory of Muktzah exists. But even in your opinion, would you not own to me that the animals which return in the fall must be called domestic? And the sages answered: No; in our opinion they are still called wild beasts.

END OF TRACT BETZAH (YOM TOB).

TRACT SUCCAH (BOOTHS)

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TO THE PRESIDENT OF "TEMPLE ISRAEL," NEW YORK,

DANIEL P. HAYS, Esq.

In consideration that through his influence, this Congregation is the first and unique among the reformed to establish a Succah in connection with their Temple, the Editor takes much pleasure in dedicating the tract which treats about the Succah, to him, to the Rabbi, and all the associates who took part in introducing same.

Very respectfully,

MICHAEL L. RODKINSON.

New York, Tuesday **י"ב ניסן**, April 25th, 1899.

SYNOPSIS OF SUBJECTS

OF

VOLUME VII.—TRACT SUCCAH.*

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* See Introduction to Synopsis in Tract Sabbath, Vol. I., p. xxix.; also note at end of Synopsis in Vol. V.

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MISHNAS VIII. to XI. What is the law when one buys a Lulab from a common man in the Sabbatical year. Is a citron equal to a tree in all respects? Does the fruit of the Sabbatical year become exchanged, if it is done in the manner of buying and selling? The Sabbatical year holds the money exchanged for its fruits. May both the fruit of Sabbatical year and of second tithe be exchanged for wild game, cattle, and fowl, when they are alive or slaughtered? How the Lulab was used in the second Temple, and in the country at that time, and what R. Johanan b. Zakkai has ordained after its destruction. When the first day of Tabernacles falls on a Sabbath. What happened to Rabban Gamaliel, R. Elazar b. Azariah, and R. Aqiba when the former bought a citron for a thousand Zuz, and what he did with it. What R. Elazar b. Zadok relates how the custom of the men of Jerusalem was. When the Lulab may be put in water, when water may be added, and when it must be changed. At what age a minor has to shake the Lulab, to perform the duties of Tzitzith, Tefilin, and his father to teach him the Torah, and to read with him the Shema, 56-61

CHAPTER IV.

MISHNA I. The Lulab and willow to surround the altar were sometimes used on six days, and sometimes on seven days of the festival. The Hallel and the eating of peace-offerings took place on eight days, and the pipes were played on sometimes five, sometimes six days. In which case was the Lulab used seven days? Whence do we deduce this from the Scriptures? Why do we use the Lulab seven days in memory of the Temple, and not the willow? Do the Lulab and the willow violate the Sabbath or not? Can one fulfil the ceremony of the willow with that which is tied to the Lulab? May a man go more than ten Parsaoth on the eve of Sabbath? 62-66

MISHNAS II. to IV. How was the commandment to take the willow fulfilled in Jerusalem? What was said when they went around the altar with the willow? The saying of R. Simeon b. Jochai, that he could exempt the whole world from the day of judgment, since he was born till that time, etc. Must the benediction on the Lulab be pronounced all the seven days, or on the first day only? Shall the benediction of the time be pronounced with the Lulab and the Succah, and when? Come and see: The usages of the Holy One, blessed be He, are not as the usages of human beings. Can the citron be eaten during the seven days, or on the eighth day only? The difference

of opinion between the Tanaïm and Amoraim, if the ceremony of the willow is based upon a tradition of the prophets, or it is only a custom of theirs. Must the benediction of the time be pronounced on the eighth day of the Tabernacles, which is a separate holiday? The Hallel and the enjoying of the peace-offerings were for eight days. How so? How was the pouring out of the water? Why the people called out to him who poured out the water: "Raise thy hand." Why were the holes of the two silver basins of which the wine and water were poured out not equal in size? The saying of R. Elazar, that the doing of charity is greater than all the sacrifices. Charity is rewarded only in accordance with the kindness with which it is done. In three things is the bestowing of favors greater than charity, . . . 66-75

CHAPTER V.

MISHNAS I. and II. The difference of opinion about the music of the sacrifices, if it was instrumental or vocal. How pious and distinguished men danced before the people with lighted flambeaux in their hands, and what they said. After reaching the gate they turned westward; what they said about their ancestors and themselves. The beauty of the Temple which was rebuilt by Herod the Great, and the advice which the sages gave to him. The beauty of the diuplustin (double portico) of Alexandria in Egypt, all that it contained, the seventy-one golden chairs for the Sanhedrin, and how all this was destroyed by Alexander of Macedonia. The separate places for males and females in the Temple, and how they were changed in order to prevent levity. About the lamentation of the death of Messiah ben Joseph, and the death of the evil angel. The tradition of the two Messiahs, ben Joseph and ben David, and the different explanations of the verse Zechariah, vii. 10, according to the believers of the old tradition and the believers of the Messiahship of Christ. About the evil angel—how he appears in the beginning and how he grows in the nature of human beings. What the Messiah ben David will ask of the Lord. The seven names of the evil angel. The evil angel is hidden in man's heart. How he tempts scholars more than any one else. How Abayi watched a man and a woman who went on the road: What one shall do when the hideousness has attacked him. The three verses of the Scriptures which clear Israel on the judgment day. Who are meant by the four carpenters mentioned in Zechariah, ii. 3? Who are the seven shepherds and the eight anointed men mentioned in Micah, v. 4? The four lads who held jars of oil containing 120 lugs. Was it in all 120 lugs, or did each jar contain so much? Who said: Well be to our youth which does not disgrace our age? and who said *vice versa*? What Hillel the Elder said when he was engaged in the enjoyment of the pouring of the water. For what purpose the fifteen songs of degrees were said by David. What is the meaning of "we belong to God" and "we raise our eyes to God"? . . . 76-85

MISHNAS III. to VI. How many times was the trumpet blown in the Temple every day, and how many on the festivals? The different opinions of the Tanaïm about this point. When was the maximum of forty-eight times blown? For what purpose were the seventy bullocks offered on the seven days of the Feast of Tabernacles? And for what purpose was the one bullock offered [Numb. xxix. 36]? Three times in the year all the

twenty-four orders of priests were alike entitled to share the pieces of offerings of the festival, and in the shewbread, for what purpose? Whence do we deduce that all the orders of priests had equal shares in the offerings that were said to be sacrificed on the festivals? If a festival falls before or after a Sabbath, all the twenty-four orders share alike in the shewbread. What is meant by before or after? About the order of Bilgah, when Miriam his daughter becomes an apostate, and what she said when the enemy entered the sanctuary, and what was done to the whole order, . 85-92

TRACT SUCCAH.

CHAPTER I.

REGULATIONS CONCERNING THE BUILDING OF A LEGAL BOOTH FOR THE FEAST OF TABERNACLES, ITS WALLS, AND ROOFING.

MISHNA: A booth which is higher than twenty ells is not valid. R. Jehudah, however, says it is. One which is not ten spans high, one which has not three walls, or which has more sun than shade, is not valid.*

GEMARA: Whence do we deduce this? Said Rabha: It is written [Lev. xxiii. 43]: "In order that your generations may know that I caused the children of Israel to dwell in booths." Up to twenty ells a man knows that he is living in a booth, but higher than twenty ells he does not know, because his eyes do not frequently perceive the roof. R. Zera said: From the following passage [Isa. iv. 6]: "And a tabernacle shall it be for a shade in the daytime from the heat." Up to twenty ells a man sits in the shade of the roof, but if it is higher than twenty ells a man sits in the shade of the walls (but not of the roof). Said Abayi to him: According to your theory, if one has made a booth between two hills, it is also not legal (because there is no shadow from the roof at all)? And he answered: What comparison is this? if the hills were removed, he would sit in the shadow of the roof; but here, if the walls would be taken away, there would be no shade at all. Rabha said: From the following passage [Lev. xxiii. 42]: "In booths shall ye dwell seven days." The Law commands that for seven days one shall remove from his permanent dwelling into a temporary dwelling. Up to twenty ells, ordinarily a man makes a temporary dwelling; but higher than this it is not usual to make a temporary dwelling. Said Abayi to him: According to you, if one has

* See Vol. III., p. 1, Gemara, which also belongs to our Mishna.

made iron walls, and covered them with a legal roof, would it also be unlawful for a booth? Rabha answered: I mean to say this: Up to twenty ells, which is an ordinary height for a temporary dwelling, even if one makes it a permanent dwelling, he can fulfil his duty; but over twenty ells, which is the ordinary height only of a permanent dwelling, even if one has made it a temporary dwelling, it is also unlawful? According to whom is the following saying of R. Joshia in the name of Rabh: The sages and R. Jehudah differ only when the walls do not reach the roof; but if the walls do reach the roof, all agree that the booth is valid though the walls be higher than twenty ells? It is in accordance with Rabha, who says that the sages make it invalid because the eye cannot reach the roof; but when the walls are attached to the roof, the eye is able to do so.

According to whom would the following saying of R. Hannan in the name of Rabh be: that they differ only about a booth less than four ells square, but when it is four ells square all agree that it is valid? This is in accordance with R. Zera, who says: The rabbis make it unlawful because of the lack of shadow, and in a booth four ells square there is a shadow. And according to whom is the following saying of R. Hannan b. Rabha in the name of Rabha: They (the sages and R. Jehudah) differ when the booth is only of a size to accommodate a man's head and greater part of body, and his table; but if it is of a larger size, then if it is higher than twenty ells, is it also valid? It is not, according to any one. An objection was raised: We have learned in a *Boraitha*: A booth which is higher than twenty ells is not valid. R. Jehudah, however, makes it valid, even if its height is forty or fifty ells; and he said: It happened that the Queen Helen, in the city of Lud, was sitting in a booth which was higher than twenty ells, and the older sages were entering and going out of it, and they did not object. And the sages answered him: This is not proof. She was a woman, and it is not obligatory for a woman to sit in a booth at all. And he rejoined: Everybody knows that she had seven male children; and besides this, all her acts were only in accordance with the will of the sages.

Now, it is right according to him who said that they differ in a case where the walls of the booth do not reach the roof, because usually a queen is sitting in a booth whereof the walls reach not the roof, that air may come in; but according to him who said that even in case of a small booth they differ, is it customary that a queen should sit in a small booth? Said Rabba bar R. Adda:

The case was of a booth separated into chambers. But is it customary that a queen should sit in a booth separated into chambers? Said R. Ashi: Yea, the case was that of a large booth with chambers, and the sages differ about the chambers. They hold that she sat in a separate chamber, but her children were sitting in a lawful booth, and therefore the elders did not object; but R. Jehudah said, her children sat with her, and nevertheless they did not object.

R. Samuel bar Itz'hak said: The Halakha prevails that the booth must be large enough to accommodate the head, the greater part of the body, and a table. Said R. Abba to him: According to whose opinion is this? And he answered: It is according to Beth Shammai, and nevertheless one shall not deviate from this law. R. Na'hman bar Itz'hak opposed this: Where do you find that Beth Shammai and Beth Hillel differ about a small booth? Perhaps they differ about a large booth, and the case was that the man was sitting at the entrance of the booth, and the table was in the house. Beth Shammai prohibit this as a precautionary measure, lest he incline himself toward the table, and then he will not be sitting in the Succah at all, and Beth Hillel does not call for such a precautionary measure. And a support to this I can bring from the following Boraitha: If one whose head and greater part of body was in the booth, and his table was in the house, Beth Shammai say it is not lawful, and according to Beth Hillel it is. Now, if they differed about the size of the booth, it should be said: if one sat in a booth which cannot contain more than the head and greater part of the body. And another Boraitha stated that Rabbi says if a booth does not contain four ells square it is invalid; but the sages say, if it contains the space for the head and the greater part of the body it is valid? Nay, they differ in both cases, and the Boraitha is not complete, and must be read thus: if one was sitting with his head and greater part of his body in the booth, and the table was in the house, he did not fulfil his duty, according to Beth Shammai; but Beth Hillel say he did, and a booth which cannot contain more than the greater part of the body and the head is unlawful, according to Beth Shammai; but Beth Hillel say it is.

Who is the Tana of the following teaching of the rabbis: In a house which is not four ells square, it is not obligatory to have a Mezuzah (a battlement),* and it is not subject to being defiled

* Deut. xxii. 8.

by plagues, and it is retained at the jubilee year in a fortified town [Lev. xxv. 29], and a man possessing such a new house must not be kept from going to war, and an Erub must not be made in it, and it is not counted as a house to combine with the houses of the alley, and an Erub (from the courts) must not be deposited in it, and it must not be regarded as a house on the border between two towns, and brothers and partners do not divide it? Shall we assume it is according to Rabbi, not the sages? Nay, we can say that it is in accordance even with the sages. Do the sages allow a dwelling of less than this size? Only when it is a Succah which is temporary; but a house which is a permanent dwelling even the sages agree must be at least four ells square. Then men can live in it; but if less, it is not called a house at all.

If the booth was higher than twenty ells, and one put in pillows and feather-beds, it is not considered as made lower thereby; even when he renounces their use for any other purposes, because we ignore his resolve, as people in general do not do it. But if one puts there straw, and renounces it, it is considered as made lower; and so much the more, loose earth. But if one puts there straw which he does not renounce, although he does not purpose to remove it, and also sand, which he does not renounce—in that case Jose and the sages differ (Tract Ahaloth, Chap. XV. 6). If the booth was higher than twenty ells, and from the roofing hung down small twigs, then if they are so numerous that there is more shadow than sunshine, they are considered to make it lower; but if less than that, they do not make it lower. If it was high only ten spans, and small twigs hung down from the roof, Abayi thought that if there was more sun than shadow between the twigs, it was valid. Said Rabha to him: It is an unendurable dwelling, and nobody would live in it. (Therefore it is not valid.)

If it was higher than twenty ells, and one constructed in it a bench along the whole middle wall, if the bench is as large as the legal size of a booth (seven spans and a trifle), then the booth is valid (the whole booth because of a crooked wall); but if he constructed a bench along a side-wall, if from the edge of the bench to the opposite wall it is four ells, it is not valid; but if less than this, it is valid (because the bench legalizes two walls, the third being without the legal limit). If he constructed a bench in the midst of the booth, if from the edge of the bench to each of the walls it is four ells, it is not valid; but if less, it is valid, because of a crooked wall on all sides. If, however, he put the bench on

one side, then if it is less than four ells of the wall, it is valid (because of a crooked wall on one side); but if it is four ells, it is not. If the booth was less than ten spans in height, and he dug in it a pit to make it ten spans high, if from the edge of this pit to the wall is three spans, it is invalid; but less than that, it is valid. Why, then, in the case when it is twenty ells high, are less than four ells needed to make it valid, while here, when it is ten spans high, less than three spans are needed? Because there a wall is in existence, and to make it invalid one must have four ells; but in the case of ten spans, the wall is not considered a wall at all, and to make it a wall less than three spans are wanted (because then it is Lavud, *i.e.*, considered as attached to the ground of the pit when it would be ten spans high). (See Sabbath, p. 12, note §.)

The rabbis taught: If one has placed four poles and roofed them, according to R. Jacob, it is valid in cases when the poles admit of partition, as will be explained further, for a booth, but according to the sages it is invalid. Said R. Huna: They differ only about the edge of the roof. R. Jacob holds the theory of Gud Assik (see Erubin, note, p. 6) applies here, and the sages hold that it does not. But about the middle of the roof they all agree it is invalid. R. Na'hman, however, said: They differ even about the middle of the roof. The schoolmen propounded a question: Does R. Na'hman mean to say they differ about the middle, but about the sides all agree that it is valid? Or does he mean to say, they differ even about the middle? This question is not decided.

The rabbis taught: If one drove into the ground four poles and roofed them, R. Jacob said, it should be seen whether each of the poles is so thick that if it would be divided it would reach a span on each side (see illustration of enclosures, Erubin, p. 18), then they must be considered as enclosures and the booth is valid; but if they have not such a thickness, it is not valid. And this is according to his theory elsewhere, that the enclosures of a booth must be not less than a span at each side. But the sages said, the booth is not valid unless there are two walls as usually; and the third wall is sufficient, even if it is one span.

"If less than ten spans." Whence is this deduced? It was taught: Rabh and Mar Hanina, R. Johanan and R. Habiba, taught [in the whole section of Moed, whenever these names are mentioned, they put R. Jonathan in the place of R. Johanan], the ark was nine spans, and the cover to it one span, together it is

ten. As it is written [Ex. xxv. 22]: "And I will meet with thee there, and I will speak with thee from above the cover." And we have learned in another Boraitha: R. Jose said that the Shekhina never descended, and Moses and Elijah never ascended the heaven. As it is written [Psalms, cxv. 16]: "The heavens are the heavens of the Lord, but the earth hath he given to the children of man"; but is it not written [Ex. xix. 20]: "And the Lord came down upon Mount Sinai"? And the answer is, that He did not come down lower than ten spans* from the ground. (Now, when He says, "I will speak to thee from above the cover," that means ten spans higher. From this we see that ten spans are counted as separate premises; hence ten spans is the minimum height of a dwelling.)

It is true, the ark is nine spans, because it is written [Ex. xxv. 10]: "And they shall make an ark of shittim wood: two ells and a half shall be its length, and one ell and a half its breadth, and an ell and a half its height" (and as an ell is six spans, the height of one and a half is nine spans). But where do we find that the cover is one span? From the teaching of R. Hanina as follows: Of all the utensils that Moses made, the Law had prescribed before the length, the breadth, and the height. In case of the cover, however, the length and the breadth are written, but not the height; and we must go and draw this lesson from the meanest of the utensils, as it is written [ibid., ibid. 25]: "And thou shalt make unto it a rim of a hand's breadth round about." As the height of the rim is a span, we infer that the height of the cover is also a span. But why from the meanest of the utensils—why not from the utensils themselves? Because there is a rule, when much is grasped at, nothing is grasped; but when little is grasped, it is retained. R. Huna said: We infer it from this passage [Lev. xvi. 14]: "On the face of the cover, eastward"; if less than a span, it would not be called face. But where do we find that the distance between the roof and ground should be ten spans? Perhaps the roof itself should be included? Therefore we say this theory they draw from the Temple; as it is written [in I Kings, vi. 2]: "And the house which King Solomon built unto the Lord was sixty ells in length, and twenty in breadth, and thirty ells in height"; and [ibid., ibid. 26]: "The height of the one cherub was ten cubits, and so was the other"; and a Boraitha states, as

* See the article, "What is the Talmud?" in our pamphlet, "The Pentateuch, its Languages and Characters," for an explanation of this saying.

we have found in the Temple, that the cherubim were a third of the height of the house, so also in the tabernacle in the desert they were one-third. Now, the height of the tabernacle was ten ells, as it is written [Ex. xxvi. 16]: "Ten ells shall be the length of each board." How many spans are in ten ells? Sixty. A third thereof is twenty: take off ten, which was the height of the ark with the cover, ten is left. And it is written [ibid. xxv. 20]: "And the cherubim shall spread forth their wings on high, overshadowing the cover." Hence we see that the Torah calls "overshadowing" when above ten spans. Therefore we infer that the roofing overshadowing the booth must be above the ten spans.

This would be right according to R. Meir, who said that all the ells mentioned in the Torah measure six spans; but according to R. Jehudah, who says that the ells of a building measured six spans, but other ells only five spans, what can be said? If so, the ark with its cover would be only eight and a half: then remain for the cherubim eleven and a half. Shall we say that the booth must be high at least eleven and a half? According to R. Jehudah the size of a booth is (Sinaic). (As it is said in Tract Erubin, p. 5.)

"One which has not three walls." The rabbis taught: Two walls must be as usually, but the third one may be even one span. R. Simeon, however, said: Three must be as usually, and the fourth one may be a span. In what point do they differ? The rabbis hold, the bases are the Massorah (*i.e.*, if we came to draw something from Scripture the basis must be the Massorah) and as [in Lev. xxiii.] "in booths" is mentioned three times, and the Hebrew term for this is **בסוכות, בסכת, בסכת**;* that is, two of them are written in the singular and one in plural, and from each term in the singular we infer the necessity of one wall, and from the term in the plural two, which make four: take off one expression intended as a commandment to make booths in general, we infer from the two which are superfluous the necessity of three walls; that is, two as usually, and the third one the tradition reduces to a span in case it is valid. But according to R. Simeon the basis must be the biblical words as they *read*; and as all three *read* in the plural, we infer the necessity of six walls: take off one term as a general commandment, we have left four; hence three must be as usually, and the fourth tradition reduces to one span. And if you wish, we will say: that all

* In our Scripture we do not find so, but see the Massorah.

agree that the basis must be the Massorah, but the point whereon they differ is, one holds that the first verse, where the commandment is written, we also take into consideration to infer the necessity of a wall—consequently it is four walls; and one holds that the first must not be taken into consideration, and it is only three. R. Mathua said: R. Simeon infers his theory from the following passage [Isa. iv. 6]: “And a tabernacle shall it be for a shadow in the daytime from the heat, and for a refuge, for a covert from tempest and from rain” (*i.e.*, if it is not three walls, it cannot be a protection from wind, etc.).

Where shall be placed the wall which is one span wide? Said Rabh: One may place it where one wall ends, no matter which; it was taught that the same was said by Samuel in the name of Levi, and so also it was decided in the college. R. Simon, and according to others R. Joshua b. Levi, said: The wall which is a span shall be wide as a span made by the palm when extended, and one shall place it at a distance of less than three spans from another wall, so that the theory of Lavud should apply.

R. Jehudah said: A booth that was made as an entry is valid (the two walls need not be adjacent, but may be opposite, while the wall of one span can be placed at any side one likes). R. Simeon, and according to others R. Joshua b. Levi, said: Such a booth is lawful only when one places an enclosure four spans and a trifle wide, and at a distance of less than three spans from the wall, so that the theory of Lavud can apply: then it will be counted together seven spans and a trifle, which is the lawful width for a booth. Why is it said there that it is sufficient when it is wide as an extended span, and here that an enclosure of four spans is needed? There, where there were two walls, as usually, a span is enough; but here, in which case they are opposite, an enclosure of at least four spans is required. Said Rabha: And to it must be added an appearance of a door (on the other side). R. Ashi found R. Kahna, who made a third wall extended a span wide, and on the other side an appearance of a door; and he said to him: Does not the Master hold with Rabha, who said that an appearance of a door is sufficient for a third wall? And he answered: I hold with the saying of Rabha, as it is interpreted above, that an appearance of a door must be added too.

Again: “*Two walls as usually,*” etc. Said Rabha: This booth is considered private ground in reference to a Sabbath falling in the Feast of Tabernacles, so that things may be carried

from another private ground into this booth, and *vice versa* (although for a legal private ground three walls are needed), because as the two walls are considered a Succah, it is considered also private ground for this Sabbath. Rabha said again: If one has made a roof above an entry which has a side-beam, it is valid for a booth.* And the same said again: If one has roofed the enclosure of a well (see illustration in Erubin, p. 18), it may be used as a booth.

"If there is more sun than shadow, it is not valid." The rabbis taught: If there is more sunshine than shadow from the roof, but not from the walls. R. Joshiah, however, said: Even if it is more sunshine from the walls, it is also invalid. Said R. Yemar bar Shlomiah in the name of Abayi: What is the reason of R. Joshiah's decree? Because it is written [Ex. xl. 3]: "Thou shalt cover the ark with a vail"; now the vail was a partition, and the Torah says: "Thou shalt cover with it"; we may infer from this, the partition shall be equal in law to the cover (or roof). And what will the rabbis say to the query of R. Joshiah? The rabbis explained the expression, "Thou shalt cover it," that it means he shall fold the vail a little towards the ark, so that it shall seem as a cover.

Abayi said: Rabbi, R. Joshiah, R. Jehudah, R. Simeon, and Rabban Gamaliel, the school of Shammai, R. Eliezer, and the anonymous teachers all hold that a booth must be considered not as a temporary but as a permanent dwelling. (Rashi explains that it means that it should be possible to turn it into a permanent dwelling.) Rabbi, as we have learned above, that a Succah that was not four ells square is invalid; R. Joshiah, from the statement just mentioned; R. Jehudah, as he declares valid a booth which is higher than twenty ells; R. Simeon, as he requires four walls (three as usually, and one, one span wide); Rabban Gamaliel, as he declares invalid (farther on) a booth constructed on board a vessel or on a wagon; Beth Shammai, as they declare in a Mishna, farther on, that it is invalid if it can contain a man's head and greater part of body, while his table is in a house; R. Eliezer, as he declared a Succah constructed in the shape of a pyramid is invalid; and the anonymous teachers, who declare invalid a circular Succah.

R. Johanan said: A booth which is made like a lime-kiln (*i.e.*, round), if its circumference is large enough that twenty-four

* The law of an entry with a side-beam is explained in Tract Erubin, Chap. I.

persons may sit at the walls, it is valid ; but if not, it is invalid.* And this teaching is according to Rabbi, who said that a booth which is not four ells square is not considered a booth at all.

R. Levi in the name of R. Meir said : Of two booths of potters which are one within the other, the innermost is not valid for a legal booth, and is liable to have a Mezuzah, but the outermost may be used as a legal booth, and needs not a Mezuzah. Why so? Let the outer one be considered as a passage to the innermost, and a passage is not exempt from a Mezuzah? Because of both booths the outer one is only temporary, and it is exempt from a Mezuzah.

The rabbis taught : The booths of strangers, made only for the summer, booths for women (to make the toilet), booths made for animals, or booths made by Samaritans for the feast, and everything whatever called a booth is valid as a religious tabernacle, provided that it is roofed according to the Law. What is meant, "according to the Law"? Said R. Hisda : If it was roofed for this end, what is meant by the saying : "Anything whatever that is called a booth is valid"? To include the booths of shepherds, of those who watch dried figs, watchmen outside of the towns, and of those who watch fruit (all these are booths if they are roofed according to the Law, and are valid for religious purposes).

MISHNA : An old Succah, Beth Shammai hold, is not valid, but Beth Hillel hold it is valid. What is called an old Succah? One which was constructed thirty days before the festival ; but if it has been constructed on purpose for the festival, even though it be one year old, it is valid.

GEMARA : What is the reason of Beth Shammai's opinion? It is written [Lev. xxiii. 34] : "The feast of the booths shall be seven days unto the Lord." From this we infer that the booths must be made for the purpose of the feast. And what would Beth Hillel say to this passage? They infer from it another theory in accordance with R. Shesheth, who says in the name of R. Aqiba : Whence do we know that the wood that was used for the booths, must not be used for another purpose all the seven days? Because it is written : "The feast of the booths shall be seven days unto the Lord." And we have learned in a Boraitha :

* The Gemara interprets this law by a geometric calculation how much space a person needs, and the relation of a circle and a square, with illustrations, which do not belong here, and therefore we omit.

R. Jehudah b. Bethyra said: In the same manner that the name of the Lord rests on the feast-offering (and this prohibits the eating of the feast-offering till the pieces are offered on the altar), so does the name of the Lord rest on the booth, to prohibit the use of the material of which it is constructed during the seven days. But did not Beth Shammai also infer this prohibition from the same passage? Yea, we must therefore say that the reason of Beth Shammai is another passage [Deut. xvi. 13]: "A feast of tabernacle . . . seven days." Infer from this that the booth must be made for this purpose. And what do Beth Hillel infer from the above passage? They infer from it that a Succah may be made during the intermediate days also, while Beth Shammai do not allow it.

MISHNA: If one constructs his Succah under a tree, it is the same as if he made it in his house (under the roof). Should he construct one Succah above another, the upper one is valid, but the lower one is not. R. Jehudah says: Should the upper one not be inhabited, the lower one is valid.

GEMARA: Rabha said: The Mishna refers only to a tree under which there is more shadow than sunshine; but if the sunshine is more than the shadow, it is valid. And I infer this, because the Mishna teaches that a booth which was made under a tree is as if made in a house, why does it express it thus? Let it say, it is invalid? We must therefore assume that it means: As in a roofed house there is more shadow than sunshine, so is it also under a tree, under which the same is the case. But if there is more sunshine than shadow, what is the use, since the branches of the tree, which are invalid, will combine with the roofing of the booth to shut out the sunshine, and thus make the Succah invalid? Said R. Papa: The case is when one has cut off the branches. If they have been cut off, is it not self-evident that the booth is valid? One might say, we shall take a precautionary measure (lest any make it under a tree which has its branches) and he comes to teach us that such precautionary measures are not to be taken.

"*One Succah above another*," etc. The rabbis taught: It is written [Lev. xxiii. 22]: "Ye shall sit in booths." We may infer, in booths, but not in a booth which is under a booth, or under a tree, or in a house. On the contrary, it is written in the "booths" in the plural (that can mean, in this and in that)? Said R. Na'hman bar Itz'hak: It reads plural, but it is written in the singular.

What distance must be between the upper and the lower Succah, that the second should be invalid? Said R. Huna: One span, as we find this measure in the law of defilement (Ahaloth, Chap. III. 7): R. Hisda and Rabba bar R. Huna both said: Four spans. The reason is, that we do not find any distance considered to be of any significance if it is less than four spans. Samuel, however, said: Ten; and his reason is, that as to make it valid it must be no less than ten spans, so as make it invalid there must be ten spans. When R. Dimi came from Palestine, he said that in the west they so interpret: If the roof of the lower one could not bear the pillows and feather-beds of the upper one, then the lower is valid. From this we may infer that the first Tana holds that, although the lower one cannot bear the pillows in the upper one, it is nevertheless invalid? We may say that the difference between the first Tana and the sages is in a case in which the roof of the lower one could bear it, but not easily (according to him it is invalid, according to them it is valid).

MISHNA: If a cloth be spread over the (roof of the Succah as a screen) against the sun, or below (the roof, inside) to catch the falling leaves, or if one spread a cloth over a (four-post) bed-tester, the Succah is not valid, but one may spread a cloth over two bed-posts.

GEMARA: Said R. Hisda: The case is if one spread a cloth to catch leaves; but if he did it only for ornament, it is allowed. Is not this self-evident? Did not the Mishna say plainly "to catch leaves"? One might say the same is the case when it is an ornament also, but the Mishna mentioned a thing, it is usually so done; he comes to teach it is not so. It was taught: That such ornaments do not make it lower (if it was more than twenty ells high, it is not lowered thereby, or if it was ten spans they do not make it invalid). Said R. Ashi: But if the cloth was hung before a side-wall, it makes it smaller. It happened once that the shirt of Menymmin, the servant of R. Ashi, was soaked in water, and he spread it on the roof of the booth to dry. Said R. Ashi to him: Take it off, for one might say, we cover the roof with a thing which is subject to defilement. But everybody will see that it is wet? I mean to say, that when it will be dry, you shall take it off.

It was taught: If the ornaments of the Succah are four spans under the roof, R. Na'hman said the Succah is valid, but R. Hisda and Rabba bar R. Huna both say it is invalid. But sages were once the guests of the exilarch, and R. Na'hman made them

sleep in a booth where the ornaments were four spans beneath the roof; and they kept silent, and said nothing. Then he asked them: Did the Masters retract their decision? And they answered: We are delegates for a religious purpose, and therefore we are free from the duty of a Succah.

R. Jehudah in the name of Samuel said: One may sleep in a nuptial bed, because its canopy is not considered as a roof (being slanting) even when it is ten spans high. An objection was raised: We have learned, who sleeps under a canopy in a booth does not fulfil his duty? There is the case when the canopy is not of a nuptial bed, but different, like a roof. Rabha bar R. Huna lectured: One may sleep under a canopy, although it is like the roof, and high ten spans; and it is according to R. Jehudah, who said that a temporary tent cannot make a permanent one be ignored, as we have learned in a Mishna. R. Jehudah said: Our custom was to sleep in the booth under the bed in the presence of the elders. But let him say: The Halakha prevails according to R. Jehudah? If he would say so, one might say it is only the case with a bed because it is made to be slept on, but not underneath it (and therefore cannot make the permanent tent ignored); but in the case of a bed with a canopy, which was made for sleeping in, it may be thought different. Therefore he teaches us there is no difference.

MISHNA: If one has trained a vine, or gourd, or ivy over the booth, and covered it, it is not valid; but should the covering be the greater part of the roof (and they the smaller part), or if they had been cut off, it is valid. This is the rule: Everything subject to defilement, and not growing from the ground, must not be used as a roof to the booth; but everything not subject to defilement, and growing from the ground, may be used.

GEMARA: R. Joseph was sitting in the presence of R. Huna, and said: To the Mishna which says, if they are cut off, the Succah is valid. Said Rabh: They (the remainder of the roof) must nevertheless be shaken (after having been cut off). Said R. Huna to him: This said Samuel. R. Joseph turned away his face from him and said: Did I say to you Samuel did not say it? I told you Rabh said, and Samuel may have said it also. Rejoined R. Huna: But I tell you that only Samuel said it, and not Rabh, because, according to the latter, it is valid without shaking, as it happened once that R. Amram the Pious made fringes [Num. xv. 38] on the garment of his wife, but he did not cut asunder the heads of the thread; and later, when he came to ask about

it, R. Hiya b. Ashi said to him: So said Rabh: The cutting asunder of the thread, this makes the fringes lawful. From this we see that according to Rabh the cutting off makes it valid, though nothing but this was done. And the same is the case here also. Cutting off makes valid. Shall we assume that the point of difference between the Tanaim of the following Boraitha is the same as that of Rabh and Samuel? Namely, we have learned in an addition to the Mishna: If a myrtle bough has more berries than leaves, it is invalid till the latter are made fewer; but it is not allowed to do so on a festival (Succah, Chap. III.). If, however, one transgressed, and cut off the berries on a festival, the myrtle bough is invalid according to R. Simeon b. R. Jehozodok, but is valid according to the sages. Now, the schoolmen thought the point on which R. Simeon and the sages differ is whether the cutting is a final preparation, for they thought all agree that the Lulab should be tied together in the beginning with the other branches, drawing a lesson from the Succah, about which it is said: "Ye shall *make*," *i.e.*, you shall commence to make, but not use what is made already. And R. Simeon says it is invalid, because he does not regard the cutting as a final preparation, and the Lulab, being tied with an invalid myrtle, is invalid; but the sages hold the cutting is a final preparation, and therefore the Lulab is valid. Hence the point whereon they differ is the same as that whereon Rabh and Samuel differ: whether the cutting off is a final preparation (and then shaking is not needed) or not. Nay, all agree that the cutting off is *not* considered a final preparation, but R. Simeon and the sages differ whether the Lulab has to be tied together at all, or not; R. Simeon maintains that it must, and the sages say, it must not; as we find in a Boraitha that the sages make no difference whether it was tied or not, and only R. Jehudah maintained that if untied it is invalid. But according to whom would be the following teaching: There is a merit in tying the Lulab; it is, however, valid if it is untied? This is in accordance with the rabbis, and the merit is because it is nicer when tied, as it is explained elsewhere that the word [Ex. xv. 2] וַיְהַיֵּי means, "beautify your religious performances for the Lord's sake."

"This is the rule: everything subject to defilement," etc. Whence is all this deduced? Said Resh Lakish: It is written [Gen. ii. 6]: "But there went up a mist from the earth." As a mist is not subject to defilement, and ascends from the earth, so also must the Succah be a thing not subject to defilement,

and growing from the earth. This would be right according to those who said that the booths in the desert were of clouds of glory; but according to those who say that they were ordinary booths, what can be said? Namely, as we learn in the following Boraitha: It is written [Lev. xxxiii. 43]: "I caused the children of Israel to dwell in booths": these were clouds of glory, R. Eliezer said. But R. Aqiba said: They were ordinary booths. Said R. Ashi: It is written [Deut. xxi. 13]: "Of thy threshing-floor and wine-press." *Of* thy threshing-floor, but not the threshing-floor itself; *from* thy wine-press, but not the wine-press itself. R. Hisda said: From the following passage [Nehem. viii. 15]: "Go forth unto the mountain and fetch olive leaves, and oleaster leaves, and myrtle leaves, and palm leaves, and leaves of the three-leaved myrtle, to make booths, as it is written." Are not the leaves of the myrtle and those of the three-leaved myrtle the same? Said R. Hisda: The myrtle leaves for the Succah, and the three-leaved myrtle for a Lulab.

MISHNA: Bundles of straw, of wood, and of twigs must not be used to cover the Succah; all of these are become valid, however, if the bundles are loosed. As side-walls, however, all of these may be used.

GEMARA: R. Jacob said: I have heard from R. Johanan two things which he explained to me, namely: the above Mishna, and the Mishna farther on, "Should one hollow out a space in a stack (of sheaves) to use it as a Succah, it is not considered such." Of one of them he says the reason is that it is only a precautionary measure, lest one make his storehouse for a Succah, which biblically is allowed; and of the other he said the reason is, because it is written: "Ye shall make," from which we infer, it must not be ready-made (and this is biblical). But I don't know for which Mishna the reasons are respectively given. Said R. Jeremiah: Let us see. R. Hiya bar Abba said in the name of R. Johanan: Why is it prohibited to cover with bundles of straw, wood, or twigs? Because it may happen a man comes from the field in the evening with his bundle on the shoulder and puts it on the roof for the purpose of drying, and later he resolves to leave it there as a roof to the booth, and it is said, "Ye shall make it," but not have ready-made. Now, as we see that the reason for this is biblical, that for our Mishna must be a precautionary measure. Then why was R. Jacob doubtful? Because he had not heard the saying of R. Hiya in R. Johanan's name. Said R. Ashi: What is the difference? Does,

then, the law, "shall make," apply only to our Mishna, and not to the other Mishna farther on, or does the precautionary measure apply only to the other Mishna, and not to ours? Both are alike (and why, then, does he make a difference between them?). R. Johanan can say that his teaching is correct, because our Mishna states, they must not cover it; that means, to commence it, and it is a precautionary measure, but if he has covered, it is valid. But there it is said, It is not a Succah, even after it has been covered; it is even biblically not a Succah.

Said Rabha bar bar Hana: I have heard in the name of R. Johanan three things: If he has roofed it with bundles of flax it is invalid, but if with unsoaked flax, it is valid; and as for Hushne [meaning uncertain] flax, I am in doubt about it. Rabha bar bar Hana added to this: What he meant by *Hushne* flax, I don't understand. Does he mean, flax soaked and dried, but not brushed; or brushed already, but not made into bundles?

R. Hanan bar Abba said: With thorns and weeds a Succah may be covered. Abayi, however, said, if they have no leaves, one may; but if they have leaves, one must not. Why so? Because, when the leaves fall down, this will trouble him, and he will leave the booth and go out. R. Gidl said in the name of Rabh: The roots of a tree may be used to cover with, although they are intertwined, because a bundle made by nature is not called a bundle. And even if he tied together the extremities, he may nevertheless use them, because as at the base they intertwine naturally, the bundle at the top is not considered such.

R. Hisda in the name of Rabbina b. Shila said: Branches (stalks) of *διχρα* may be used for covering, though they are intertwined, because a bundle made by nature is not considered as a bundle. And although one ties them together himself, he may nevertheless use them, because as at the base they intertwine naturally, the bundle at the top is not considered such. So also we have learned in a Boraitha: The stalks of *διχρα* may be used as covering.

Maremar lectured: The bundles they sell out in the market in Syria may be used to cover, although they are tied together, because they tied them only to know the number. Huts of reeds, used by fowlers, if they are untied at the top, may be used as a covering for a booth although they are yet tied together below? Said R. Papa: One loosens them at the bottom also. R. Huna the son of R. Joshua, however, said: Even if they

were not untied at the base, they also may be used, because a bundle that cannot hold together is not called a bundle.

R. Abba said in the name of Samuel: If of herbs by which the sages said a man can fulfil his duty to eat bitter herbs on Passover was made a tent, they bring defilement, when a corpse or part of a corpse was in it, to all vessels that are in the tent; but if a partition was made of them they do not prevent the defilement to spread further, and if they are used to cover a Succah, they make it invalid, because when they become dry they crumble and fall. Therefore, even if they are wet, they are considered not to exist at all, and in place of a roof an empty piece of space.

MISHNA: One may cover with thin boards, according to R. Jehudah, but R. Meir prohibits it. If one has put a deal board four spans wide over the booth, it is valid, provided that one sleep not under it (the board).

GEMARA: Said Rabh: They differ only about boards that are four spans wide. R. Meir prohibits it as a precautionary measure, lest he come to make a ceiling, and R. Jehudah does not take this measure; but if they were less than four spans, all agree that it may be used. Samuel, however, says, on the contrary: They differ only if it is less than four spans; but if more, all agree it is prohibited. If it is less than four spans and even less than three (they differ), how can it be? Is it not considered a stick? Said R. Papa: Samuel meant to say thus: If it is four spans, all agree it is not valid; less than three, all agree it is valid. They differ only from three to four; one holds because it is not of the prescribed size (four spans), it is valid, because they are considered as sticks; and another holds, as it is more than three, to which the theory of Lavud cannot apply, we take the precautionary measure. Come and hear: Two sheets, if put in the middle of the roof, each of which is less than four, but whose combined width is four spans or more, make the booth invalid; but two boards of the same sizes do not combine to make it invalid. R. Meir, however, said: The same is the case with both. It would be right according to Samuel, who said that they differ when it is less than four spans; but if it is four spans, all agree it is invalid, because then it would be explained that the combined width makes the Succah invalid if it is on the side of the roof (attached to a wall), and their combined width is four ells, not four spans (for otherwise, if the roof is by the wall, it is valid up to four ells because it is considered as a crooked wall continued). But

according to Rabh's opinion, this can be only according to R. Meir ; but according to R. Jehudah, what can be meant by the expression "combined width," since according to him, if they are less than four spans, they are considered sticks? R. Jehudah does not mean combined width, but only uses the same expression as R. Meir (without a particular meaning).

We have learned in a Boraitha according to Rabh, and in another Boraitha according to Samuel : according to Rabh, if one has covered the Succah with boards of cedar that are less than four spans wide, all agree they are valid ; but if they are four spans, R. Meir makes it invalid, and R. Jehudah makes it valid. Said R. Jehudah : It happened once, in a time of danger, we brought boards four spans wide, and roofed a balcony and used it as a Succah, and the sages answered him : A dangerous time does not prove. According to Samuel : If one has roofed the booth with cedar boards four spans wide, all agree it is invalid ; if less, according to R. Meir, it is invalid ; according to R. Jehudah, valid. R. Meir agrees, however, that if there was between one board and the other the width of a board, one may lay between anything fit, and the Succah is valid. And R. Jehudah agrees, that if one board was wide four spans, it is valid, but one must not sleep under it, and who does so does not fulfil the duty of a Succah.

It was taught : If one placed the boards on their edges on the Succah, R. Huna said the booth is invalid, but R. Hisda and Rabba bar R. Huna both said it is valid. It happened once R. Na'hman came to Sura : R. Hisda and Rabba bar R. Huna visited him and asked him the law about the boards in question, and he said : They are considered as iron spits, and certainly invalid. Said R. Huna to them : Did I not tell you that R. Na'hman agrees with me? And they answered him : Did the Master explain to us the reason of this, and we did not accept it? Rejoined R. Huna : Did you ask me for the reason, and I did not tell it to you?

MISHNA : If small rafters, over which is no ceiling, are to be used for a booth, R. Jehudah says : Beth Shammai hold, the rafters must be loosened, and the middle one out of every three removed. But Beth Hillel hold : One must either loosen them, or else remove one of every three. R. Meir says : One must remove one out of three, but one need not loosen.

GEMARA : It is right according to Beth Hillel, as their reason is because it is written : "Ye shall *make*," and not have

ready-made. Hence either of the two is sufficient. But what is the reason of Beth Shammai? If the reason is the same, why must he do both? Is not one sufficient? It is as a precautionary measure, and Beth Shammai meant to say thus: Although one has loosened, it is not valid until he removes one of every three. If it is so, then Beth Shammai said the same as R. Meir. R. Meir meant to say, Beth Shammai and Beth Hillel did not differ, if one has removed same, though they were not loosened.

MISHNA: If one roofs his booth with iron spits, or with boards of a bedstead, if there is as wide a space between them (covered with anything fit) as one of them, it is valid. If one should hollow out a space in a stack (of sheaves) to use it as a Succah (although of the prescribed size), it is not considered as a Succah at all.

GEMARA: Shall we assume that the decision of R. Huna the son of R. Joshua, who says, that if the open spaces of a fence equal the fence proper it is not valid (Erubin, p. 35), contradicts this Mishna? R. Huna can explain the Mishna, that it means an interspace a trifle wider than the spit or board itself, so as to allow it to be taken out and replaced without difficulty. But can it not be made precisely to fit? (Rashi explains this question thus: At the first glance the answer of R. Huna is that, whenever the thing is mentioned to be of the same width, it is meant to be a trifle less wide, so as to be removed without difficulty: and to this comes the question, why should it be so made? can it not be made to fit precisely? And to this question the answer of R. Ammi will be farther on. But Tospheth oppose to this another explanation, which is still more complicated, and we have therefore translated the text literally.) Said R. Ammi: Yea, but this Mishna means, it is only valid then, when it is a trifle more. Rabba, however, said: The Mishna can be explained even if it was precisely; but if it was laid lengthwise, it should be placed crosswise, and *vice versa* (and above them the lawful roofing, so that the fit must be more than the unfit roofing, and thus the fit portion above neutralizes the unfit portion below).

"*With boards of a bedstead.*" Shall we assume that this is a support to R. Ammi bar Tibiumi, who said that if one covered the Succah with broken utensils it is invalid? Nay, the Mishna can be explained as R. Hanan said in the name of Rabbi. If the side-board of the bedstead was laid with two short boards, or two short boards with the side-board, which is subject to defilement (as will be explained, Kelim, Chap. XIX. 9). What is meant

by broken utensils? Said Abayi: Remnants of silken togas, that measure less than three fingers square, and are of no value to either rich or poor (Sabbath, p. 272). We have learned in a Boraitha in accordance with R. Ammi bar Tibiumi: The remainders of a mat of bark or reeds, although they are less than of the prescribed size to be subject to defilement, must not be used to cover a Succah. A mat of sticks, if it is large, may be used to cover it (because a large one is only made for a covering, and is not a utensil subject to defilement); but if small, it may not. R. Eliezer, however, said, that even a large one is subject to defilement, and may not be used.

"If one should hollow," etc. R. Huna said: The case is, when there is no hole of the size of one span in length by seven in width; but if there was, it is a Succah.* We have learned so also in a Boraitha: If one hollows out a space in a stack to use it as a Succah, it is a Succah. And this Boraitha must be explained as the decree of R. Huna to prevent the contradiction to our Mishna.

MISHNA: If one suspends textile walls from the roof downwards, if they do not reach the ground within three spans, it is invalid. If they stand on the ground and are high ten spans, it is valid. R. Jose, however, said: Even when the walls do not reach the ground by more than three spans the law of ten spans applies to both cases (and in either case it is valid).

GEMARA: On what point do they differ? One holds that a hanging partition makes the Succah valid, and the other that it does not. We have learned in the Mishna in Erubin, Chap. VIII. p.206, concerning a wall that was between two courts and a partition was made, and R. Jehudah said there: The partition is not more effectual than the wall which is between them. Said Rabba bar bar Hana, in the name of R. Johanan: R. Jehudah's decree there is of the same system as R. Jose's in our Mishna, who says that a hanging partition makes valid. In reality, however, it is not so. R. Jehudah does not agree with R. Jose, and *vice versa*. Because R. Jehudah, who allows it there, does so because Erubin of the courts are rabbinical; but here, in the case of the Succah, which is biblical, he would not allow it. And, on the contrary, R. Jose,

* The reason is because a hole of a span constitutes a legal tent in the law of defilement, and the covering above it is called roofing. Now, if one enlarged this hole to the size prescribed for a Succah, from the base upwards, so that he diminished the covering, he is considered to have made a new roofing and thus a new tent for this purpose, and it is a valid Succah. (Rashi.)

who allows it here, does it because the Succah is only a positive commandment; but concerning Sabbath, where there is a capital punishment, he would not allow it. And if it be asked, What happened in Ziporeth (which will be related farther on), according to whose opinion was it? Not according to R. Jose, nor in accordance with R. Jehudah, but according to R. Ishmael bar Jose. Namely: When R. Dimi came from Palestine, he told that it happened once (in Ziporeth) that they had forgotten to bring the holy scrolls on the eve of Sabbath, and on the morrow they put sheets on the pillars and brought the holy scrolls, and read them (and these hanging partitions were made at the command of R. Ishmael).

R. Hisda in the name of Abimi said: A mat which is large four spans and a trifle can be used as a side-wall to the Succah. How shall it be placed? It shall be hung in the middle, less than three spans from the ground, and less than three spans from the roof, because we apply the law of Lavud to both places. Is not this self-evident? One may say that two Lavuds in one case do not apply, he comes to teach us that we may.

MISHNA: If the roof is three spans distant from the walls, the Succah is invalid. If the roof of a house was broken, and it was covered, then if there are four ells between the wall and the covering, it is invalid; but if less it is valid. The same is the case with a court surrounded by balconies. If the top of a large Succah was covered with something unfit, if it is distant four ells it is not valid.

GEMARA: Rabha said: I once found the rabbis of the college sitting and declaring: Air makes the Succah invalid with three spans, but unfit covering makes it invalid only with no less than four ells; and I said to them: Where do you find that air makes invalid with three spans? In our Mishna, which teaches if the roof was at a distance of three spans it is invalid? Then, learn also from it that unfit covering should not make the Succah invalid if it is less than four ells? as it teaches farther on, that a house whose roof was broken, and it was covered in the middle, if there is from the covering to the wall four ells, then it is invalid? And they answered: Leave alone this teaching, because Rabh and Samuel both said that this teaching is only because we consider it as a crooked wall. And I rejoined: If it is so, what would be according to your opinion? If there would be air less than three spans, and unfit covering less than four ells, in the same place, it certainly would be valid; but if one covered the

vacant space with iron spits, it would make it invalid. Now, the air, which is so rigorous that it makes invalid by three spans, will not be equal to an invalid covering which is so lenient that it makes invalid only by four ells? And they said to me: And according to your theory, that unfit covering makes invalid only when it is four ells, how would the case be if empty air less than three spans were added to it? Would it not be valid? But if one puts iron spits over the empty place, would it not make it invalid? Now, then, does not the same question apply to your theory also? And I rejoined again: What comparison is this? In my opinion, unfit covering makes invalid with four ells, because that is the prescribed quantity, and the same is with air; and as both quantities are not equal, they do not combine together to make the Succah invalid. But according to your opinion, that the reason is not because it is a prescribed quantity, but because the roof is separated from the wall, then the question is, what is the difference whether it be separated from the wall by air less than three spans and unfit covering, or by iron spits and unfit covering? Said Abayi to him: And even according to the Master's opinion, that because the quantities are not equal they do not combine, this can be said only of a large Succah, where unfit covering makes not invalid unless it is four ells; but in a small Succah, where unfit covering makes it invalid with three spans, are not the quantities then equal? Consequently they must combine, even in a large Succah. Answered Rabha: In a small Succah it is not because the prescribed quantities are equal, but because the prescribed size for a Succah does not remain.

Abayi said: If there was air three spans wide in a large Succah, and one diminished it by sticks or iron spits, it is considered as diminished; but if it was a small Succah, if with sticks it is lawful, but with iron spits it is not. But this is the case only when it is near the wall. If in the middle of the roof, however, R. A'ha and Rabina differed: According to one, the law of Lavud applies also in the middle, and according to the other it can only be applied when they are at the side.

R. Jehudah bar Ilai lectured: If the roof of a house was broken, and one covered it with fit covering, it is valid for a Succah. Said R. Ishmael bar Jose to him: Rabbi, explain your decision, because my father had explained thus: If it is less than four ells from the wall, then it is valid; but if four or more, it is invalid. Again lectured the same: An *abruma* (a small fish not distinguishable from prohibited reptiles) is permitted. Said R. Ish-

mael to him : Rabbi, explain the decision, for so said my father : From one place it is permitted, from another it is not. Accordingly, Abayi said : The small fish called Tza'hnthā (smelt), of the river Bab, are permitted (and from another not).

It was taught : If one has covered a balcony which has small pillars (less than three spans one from the other), it is valid for a Succah : but if it has no pillars, Abayi said it is valid, because the edge of the roof downward may be considered as making (forming) a wall ; but Rabha said it is invalid, because he does not hold this theory. Said Rabha to Abayi : According to thee, who holdest this theory, even if the middle wall of the Succah was broken, let it also be valid, as the edge of the roof is considered to descend and make a wall. Said Abayi : I yield to thee in this point, because it looks like an open entry. An objection was raised from our Mishna : If a court is surrounded by balconies, etc., why ? Let it also be considered that the edge of the roof makes it a wall ? Rabha explained, in accordance with Abayi's opinion, that the case is that the edge projected not over the wall, but was even with it.

R. Ashi found R. Kahna, who had roofed a balcony that had no small pillars, and he asked him : Does not the Master hold what Rabha said, that when there are no pillars the Succah is invalid ? And he took him outside and showed him that there were pillars not visible inside, but only outside ; and it was taught in Erubin (p. 17), if it was seen from outside, and not from inside, it is regarded as a side-beam, and a side-beam is the same as a small pillar.

A Boraitha taught : A vestibule, outside of the booth, is considered as the booth itself. What is meant by this ? Said Ullah : A vestibule formed by sticks projecting beyond the Succah. Are not three walls needed ? When there are. But is it not needed that there be more shadow than sunshine ? If there was. But is not a prescribed size needed ? If it was. If so, what comes he to teach us ? Lest one say, that because the Succah was made for sitting inside, shall the outside not be considered a Succah at all, he comes to teach us it is not.

MISHNA : If one makes a Succah in the form of a cone, or leans the roof against a wall, R. Eliezer says it is not valid, because it has no roof ; but the sages declare it is valid.

GEMARA : A Boraitha taught : R. Eliezer admits, if one placed it one span over the ground, or separated it one span from the wall, the Succah is valid. What is the reason of the sages ?

for the theory of Lavud applies to them, and they are regarded as upright. They hold that the slanting parts of a tent are considered as the tent itself. Abayi found R. Joseph sleeping in a nuptial bed in a Succah. Said Abayi to him: According to whom do you do so? According to R. Eliezer? Then you left the majority of rabbis, and followed an individual. Answered he: The Boraitha teaches the contrary: That R. Eliezer makes it valid, but the sages say it is invalid. Rejoined Abayi: Then you leave a Mishna, and act according to a Boraitha. And he answered: The Mishna is written according to an individual's opinion, as we have learned in a Boraitha: if one makes a booth in the form of a cave, or leans the roof on a wall, R. Nathan said that R. Eliezer makes it invalid, because it has no roof, but the sages permit this.

MISHNA: A large reed mat made for sleeping on is subject to defilement, and a Succah must not be covered with it; but if it was made to cover a booth, it may be used, and is not subject to defilement. R. Eleazar said: There is no difference whether it is large or small, but only the use for which it was made is considered; if for sleeping, then it is subject to defilement, and must not be used; but in the other case, if for covering, it is not subject to defilement, and may be used.

GEMARA: Did not the Mishna contradict itself? In the first part it says, if it was made for sleeping, then it is subject to defilement, etc., but if the purpose for which it was made was not expressed, it must be considered as for a covering. And the second part says, "If it was *made* for a cover"; from this we may infer, if the purpose was not expressed we consider it for sleeping? Said R. Papa: In case of a small one, if the purpose was not expressed, all agree it may be considered as for sleeping; but in case of a large one, the first Tana holds that where no purpose was expressed it is considered to have been made for covering. But R. Eliezer holds, that even a large one is also usually made for sleeping, and the expression in the Mishna, "if it was made for sleeping," is to be explained so: if it was made, say it is for the purpose of sleeping, unless he expressed another purpose.

The rabbis taught: A mat made of bark or papyrus, if large, may be used for a cover; but if small, it may not. If it is of reeds, or *hilath*, a large one may be used for covering; but if they are woven together, it may not. R. Ishmael bar Jose said in the name of his father: Both may be used to cover, and the same said R. Dosa.

We have learned (Edioth, III. 4): "All *hutzlahs** are liable to become unclean from a corpse, so is the decree of R. Dosa; but the sages said: They are liable to become unclean only by pressing." What are *hutzlahs*? Said R. Simeon bar Lakish: It means ordinary mats, and the same is according to his theory elsewhere, where he said: I would sacrifice myself to bring back to life R. Hiya and his children, because in the ancient time, when the Torah was forgotten by Israel, Ezra came from Babylon, and reestablished it again; when afterwards it was again forgotten, Hillel the Babylonian came up from Babylon and restored it again; and when it was again forgotten, came R. Hiya and his children and restored it again. And they said to this: That R. Dosa and the sages did not differ about the mats of the city of Usha, that they are subject to defilement, and that the mats of Tiberia are not; what they do differ about is the mats of other places: one holds that because nobody sits on them, they are equal to those of Tiberia; and the others hold that because it can happen that somebody should sit upon them, they are equal to the mats of Usha.

We learned in a Boraitha: R. Hananiah said: When I came into the exile, I found an old man who said to me that to cover a Succah with a mat is lawful; afterwards, when I came to R. Joshua my father's brother, he admitted this theory. Said R. Hisda: This is only when it is not seamed. Said Ullah: The mats from the city of Mehuzah, but for their seams, would be lawful to be used for covering. So also we have learned in a Boraitha: Mats may be used for covering, provided they have no seams.

* See Levi's Dictionary.

CHAPTER II.

REGULATIONS CONCERNING THE SITUATIONS IN WHICH A BOOTH MAY BE PLACED, WHAT MUST BE DONE IN IT, ETC.

MISHNA: He who sleeps under a bed in the booth has not fulfilled his duty (of sleeping there). Said R. Jehudah: We were in the habit of sleeping under a bed in the presence of the elders, and they never said anything to us. Said R. Simeon: It happened that Tabbi, the slave of R. Gamaliel, used to sleep under a bed. But R. Gamaliel said to the elders: Do you see my slave Tabbi? He is a scholar (Talmud Hakham), and knows that slaves are exempt from the duty of Succah. Therefore he sleeps under a bedstead. From this we infer that he who sleeps under a bed has not fulfilled his duty.

GEMARA: Why? The bed is usually not ten spans high? Samuel explained this, that the case is when the bed is high ten spans. (But if so,) what is the reason of R. Jehudah's decree? This is according to his theory elsewhere, that the Succah must be a permanent dwelling, and the bed is only a temporary dwelling, and a temporary dwelling cannot make ignored a permanent one. But did not R. Simeon hold the same theory, that a Succah must be a permanent dwelling (because his decree is that it must have four walls), and nevertheless he does not allow to sleep under the bed? This is the point of their difference: according to R. Simeon a temporary dwelling makes ignored, and according to R. Jehudah it does not.

"It happened once that Tabbi the slave," etc. We have learned in a Boraitha: R. Simeon said: From R. Gamaliel's remarks we have learned two things: That slaves are free from the duty of a Succah, and that one who sleeps under a bed has not fulfilled the duty of Succah. Let him say, "from R. Gamaliel's decree," he comes to teach us by the way that R. A'ha bar Adda, according to others the same in the name of R. Hamnuna, quoting Rabh, said: Whence do we know that even a remark of a scholar must be studied? Because it is written [Ps. i.] "And the leaf does not wither," even a slight thing as a leaf is not valueless.

MISHNA: If one supports his Succah with a bedstead, it is valid. R. Jehudah said: A Succah that cannot stand by itself is invalid.

GEMARA: What is the reason of R. Jehudah's decree? R. Zera and R. Abba bar Mamel differed: One says: Because so it is not made a permanent dwelling; and one says: Because he supports it with a thing subject to defilement. What is the difference? If one put iron spits and covered it, according to them who say because it is not permanent, the iron spits are permanent; but according to those who say because he supports with a thing subject to defilement, the iron spits are subject to defilement, and are invalid. Said Abayi: They differ only if he supports the booth with the bedstead; but if he has roofed the bed itself, all agree it is valid. Why so? Because to them who say, because it is not permanent, it can be said the bed is permanent; and to them who say because he supports with a thing subject to defilement, it can be said the roof is not subject to defilement.

MISHNA: A Succah covered thinly, if there is more shadow than sun, is valid; if the covering is close, like the roof of a house, though the stars are not visible through it, it is nevertheless valid.

GEMARA: What is meant by thin covering? Said Rabh: Scanty covering (too much empty space between one stick and the other). And Samuel said: Irregular covering—one twig down, one twig up, that is. Rabh interpreted that the Mishna teaches only one case, a poor Succah, in which there is more shadow than sun, is valid; and according to Samuel, the Mishna teaches two things: first, that a Succah with an irregular covering is valid; and secondly, that all Succahs where the shadow is more than the sunshine are valid. Said Abayi: The Mishna refers to a case where there is not three spans distance from one twig to the other; but if there is, it is invalid. Rabha, however, said: Even if there were three spans between, provided the twig was not wide at the top a span, it is invalid; but if it was, it is valid, because we say: *Havit rami*,* and it is valid.

"*If there is more shadow than sun.*" From this we may infer, that if they were equal, it is not valid; but in the first chapter

* This expression has the same meaning as *gud achith*, explained in Erubln, p. 6, and means, if the twig was a span at the top, it is considered whether the top lies over the empty place. And Rashi explains this, that the twigs were not lying but standing upright, and therefore the top when wide a span is considered to be lying.

the Mishna teaches, if the sunshine was more than the shadow it is invalid, from which we may infer that if they were equal it is valid? It presents no difficulty. If on the top the empty place was equal to the covering, because on the ground the sunshine would appear larger; but if on the ground the sunshine and the shadow are equal, it is valid, because then on the top there must be more covering than empty space. Said R. Papa: This is according to what people say: If on the top it is of the size of a Zuz, it appears on the ground the size of a Sela.*

"If close like the roof of a house." The rabbis taught: If it was close as a roof of a house, although the stars cannot be seen through it, it is valid; but if the rays of the sun do not penetrate, Beth Shammai hold it is not valid, and Beth Hillel hold it is.

MISHNA: If one constructs a Succah on the top of a wagon, or on board a vessel, it is valid, and he may ascend thereto on the festival. If he has constructed the Succah on the top of a tree, or on the back of a camel, it is valid; but he must not ascend thereto on the festival days. If two walls are formed by a tree, and one by human hands, or two by human hands and one by a tree, the Succah is valid, but one must not ascend thereto on the festival. This is the rule: Whenever the Succah can stand by itself, even should the tree be removed, the Succah is valid, and it is lawful to ascend thereto on the festival.

GEMARA: This Mishna is in accordance with R. Aqiba only, as we have learned in a Boraitha: If a Succah was made on a ship, Rabban Gamaliel makes it invalid, and R. Aqiba makes it valid. It happened once that Rabban Gamaliel and R. Aqiba were on a ship, and R. Aqiba constructed a Succah on the ship. On the morrow a wind blew it off, and Rabban Gamaliel said to him: Aqiba, where is thy Succah? Said Abayi: If the Succah cannot withstand an ordinary wind from land, all agree that it is not a Succah at all; if it can hold out a storm on land, all agree it must be regarded as a Succah; but if it can hold out an ordinary wind from land, but not an ordinary wind from the sea, there is the point of their difference: R. Gamaliel holds it must be a permanent dwelling, and as it cannot withstand an ordinary wind from the sea, it is not considered as anything; but R. Aqiba holds that only a temporary dwelling is needed, and so soon as it is proof against an ordinary wind from land, it is called a temporary dwelling.

* Two coins, the first a small one, the second very large.

"*Or on the back of a camel.*" The Mishna is in accordance with R. Meir, as we learn in the following Boraitha: If one has made his Succah on the back of an animal, it is valid, according to R. Meir; but not according to R. Jehudah. What is the reason of R. Jehudah? Because it is written [Deut. xvi. 13]: "The feast of tabernacles shalt thou hold seven days." From this we infer that a booth fit for all seven days may be called a Succah, but not otherwise (and as the sages prohibited to mount an animal on the festival, it is not fit for the first day of the festival). But what would R. Meir answer to this? Biblically it is fit, but only the rabbis prohibited as a precautionary measure to mount an animal (and if biblically fit, it is called a Succah).

If the animal was used as a wall to the Succah? R. Meir makes it invalid, and R. Jehudah makes it valid. Because R. Meir used to say: All things which have life must not be made a wall to the Succah, nor a side-beam to an entry, nor an enclosure to a well, nor a covering of a grave; and in the name of R. Jose the Galilean it was said: Also, a letter of divorce must not be written on it. What is the reason of R. Meir? Abayi said: Because it may die. R. Zera said: Because it can run away. If an elephant were tied to a wall and used as a wall, all agree it is valid, because, even if it should die, its carcass measures more than ten spans. In what they differ is, when the elephant is not tied: according to them who fear its death, it is valid; but according to those who fear its flight, it is not valid. But did Abayi say that R. Meir feared its death, and R. Jehudah did not? Have we not heard the contrary from him in Gittin, that R. Meir feared it, and R. Jehudah did not? Read these conversely: Abayi said R. Meir feared its death, and R. Jehudah did not. But did we not learn in Tract Yomah, R. Jehudah declares: To the high-priest another wife must be prepared for the Day of Atonement, lest his wife die? (So he apprehends death.) Is it not taught, in addition to the same Mishna: R. Huna the son of R. Joshua said, that for forgiving the sins an exceptional rule was made?

Let us see: According to both sages—who apprehend death or flight—biblically it is valid as a wall; and only as a rabbinical precautionary measure is it forbidden. Why is it not subject to defilement when it covers a grave, according to R. Meir? Said R. A'ha bar Jacob: R. Meir holds that all partitions not made by human hands are not called partitions at all.

MISHNA: If one makes a booth between trees which form side-walls, it is valid.

GEMARA: A'ha bar Jacob said: All partitions that are not proof against an ordinary wind are not partitions at all. An objection was raised from our Mishna, which teaches that if the trees were used as walls, it is valid; but did not the trees shake by an ordinary wind? The case is, when they are old trees. But even if old trees, are there not branches? If one *weaves* the branches into the walls. If it is so, what does he come to teach us? Is it not self-evident? One might say that perhaps it shall be prohibited as a precautionary measure, lest on the festival he climb the tree, he comes to teach us that such a measure is not taken.

MISHNA: Delegates for a religious purpose are free from the duty of Succah; also sick persons, and those who nurse them. One may occasionally eat or drink something outside of the booth.

GEMARA: Whence do we deduce this? From what the rabbis taught: It is written [Deut. vi. 7]: "When thou sittest in *thy* house": that means, except when thou art occupied by a religious observance; [ibid.] "When thou walkest by the way" means, except when thou goest to marry. From this is said, that he who marries a virgin is exempt, but he who marries a widow is not. But how can this be inferred? Said R. Huna: From the expression "on the way," as one goes on the way, means as a voluntary act, and this is to exclude one occupied by a religious duty. R. Abba bar Zabda said in the name of Rabh: A mourner is not exempt from the duty of the Succah. Is not this self-evident? One might say, because the same authority says elsewhere that one who is afflicted by something is exempt from the duty of Succah, and a mourner is certainly afflicted, one might say that he is exempt, he comes to teach us that it is when the affliction is caused by the Succah; but here, when he afflicts himself, he must divert his attention, and fulfil the duty of Succah. The same says again in the name of Rabh: A bridegroom and his *attendants* and all who belong to the wedding-party are exempt from the Succah all the seven days. Why so? Because they must enjoy themselves. But let them enjoy themselves in the Succah? No enjoyment can be had outside of the house where the wedding is. But let them eat in the Succah and enjoy themselves in the house. There is no enjoyment except where the banquet is. But let the house where the wedding takes place

be made in the Succah? Abayi said, it cannot be made, because the bride must not be left with strangers; and Rabha said, because the bridegroom will find it inconvenient. What is the difference? when even in the house, where men come in and go out, they are not in privacy, but it is inconvenient. According to Abayi, it may be made in the Succah, and according to Rabha it may not. R. Zera said: When I was a bridegroom, I ate in the Succah, and enjoyed myself in the bride's house, and I enjoyed myself the more because I fulfilled two religious duties.

The rabbis taught: A bridegroom and his attendants and all the wedding-party are exempt from prayers, from phylacteries, but they must read Shema. In the name of R. Shila it was said: Only the bridegroom is exempt, but all the others are not. A Boraitha states, R. Hanania b. Akabia said: Writers of the holy scrolls, or tefilin, or mezuzoth, they and the wholesale sellers and the retail sellers, and all men engaged in work for Heaven, including also the sellers of blue threads for tzitzith, are exempt from the reading of Shema, from praying, from tefilin, and all the religious duties commanded in the Torah. He said so to confirm the words of R. Jose the Galilean, who said: Who is engaged in one religious work, is free from another one.

The rabbis taught: Those who are on the road in the day are exempt from the duty of Succah during the day, but not during the night; and if they travel by night, it is conversely. If they travel during both, they are exempt wholly. But who goes on a religious mission, is exempt from the duty of Succah both by day and by night. As it happened, R. Hisda and Rabha bar R. Huna coming on a Sabbath falling on one of the intermediate days, to the exilarch to hear his lecture, they slept on the bank of a river of Sura. They said, we are delegates for a religious purpose, and exempt from the duty of Succah.

The rabbis taught: The watchmen of a tower who watch by day are exempt from the Succah by day, but not by night; and those who watch by night are exempt for the night, and those who watch during both are entirely exempt. Those who watch gardens and vineyards are exempt from the Succah by day and by night. But let them make the booths there, and sit in them? Said Abayi: It is written: "Ye shall dwell in booths." It must be where the dwellings are. And Rabha said: The hole brings the thief (*i.e.*, he will not be able to watch carefully). What is the difference? When the whole of the fruit would be visible from his position in the Succah (he should sit in one).

"Sick persons and their nurses." The rabbis taught: Not only those who are dangerously sick, but if there is no danger, if one has sore eyes or a headache, he is also exempt. R. Simeon b. Gamaliel told: It once happened I had sore eyes when I was in Cæsarea (Kisrin), and R. Jose the Great allowed me and my servants to sleep outside of the Succah. Rabh, however, allowed R. A'ha of Bardla to sleep under a canopy in a booth (though ten spans high), to prevent mosquitoes. Rabha allowed R. A'ha bar Ada to sleep outside of the Succah, because it was freshly whitewashed. And Rabha acted according to his theory elsewhere, that whoever suffers is exempt. But have we not learned in our Mishna that only sick persons are exempt, and we may infer, not those who are in sorrow? Nay, in case of a sick person, he and his nurses are exempt, but he who is in sorrow may only himself stay out, not his servants.

"Men may occasionally eat," etc. What is meant by something? Said R. Joseph: Two or three eggs. Said Abayi to him: But many times a man finds three eggs sufficient for a meal? Therefore said Abayi: As much as a young scholar partakes before he goes to hear the lecture.

The rabbis taught: One may eat a hasty meal outside of the Succah, but one must not take a nap outside. Why so? Said R. Ashi: As a precautionary measure, lest he fall profoundly asleep for the whole night. Said Abayi to him: If it is so, why does a Boraitha allow a man to take a nap with his tefilin on, but not to sleep long? Let it be apprehended lest he fall asleep? Said R. Joseph bar Ilai: This is the case when he has engaged a man to wake him up. Rabha, however, said: There is no appointed time for sleeping; concerning the tefilin, it is for a different reason (as will be explained in Tract Benedictions). Rabh said: One must not sleep by day longer than a horse sleeps. How long is it? So as to be able to make sixty respirations. Said Abayi: My Master used to sleep by day as long as Rabh, and Rabh as Rabbi, and Rabbi as King David, and David slept as long as a horse. And how long is the sleep of a horse? Sixty respirations. Abayi himself sleeps as long as it would take to walk from Pompedita to Be Kubi. Exclaimed R. Joseph about him the verse in Proverbs [vi. 9]: "How long, O sluggard, wilt thou lie down? When wilt thou arise out of thy sleep?"

MISHNA: It happened that a dish was brought to R. Johanan b. Zakai to taste, and two dates and a jar of water to Rabban Gamaliel. Each of them said: Bring it to the booth.

But when food less than an egg was brought to R. Zadok, he took it in the napkin, and ate it outside of the booth, but did not pronounce the benediction after meals for it.

GEMARA: Is it customary to adduce an act as a contradiction to the former teaching of the Mishna above (which says a hasty meal may be eaten outside of the Succah)? The above Mishna is not completed, and must read so: If one wants to make it more rigorous for himself, he may do so, without it being said he is vain; and it also happened with R. Johanan b. Zakai and Rabban Gamaliel that a dish and dates were brought to them, and they said they should be carried to the Succah.

"And when food less than the size of an egg," etc. But if the size of a whole egg? Then the Succah is needed? Shall we assume that this will be an objection to the teaching of R. Joseph and Abayi (which states above, three eggs, or as much as a young scholar, which is at any rate not less than an egg)? Nay, it may be explained that if it would be of the size of an egg, the legal washing of hands before and benediction after the meal would be needed (but Succah would not be needed).

MISHNA: Fourteen meals must be eaten in the Succah, one in the morning and one at night (of each day of the festival), according to R. Eleazar; but the sages say it is not fixed by law, except that one must eat in the Succah on the first night. R. Eleazar said again: He who has not eaten on the first night can make amends for it by eating in the booth on the last night of the festival; but according to the sages no amends can be made, and they apply it to the verse [Eccl. i. 15]: "What is crooked cannot be made straight, and that which is defective cannot be numbered."

GEMARA: What is the reason of R. Eleazar? Because it is written: "Ye shall dwell." And as in a dwelling it is usually eaten in the morning and in the evening, so must it be done also in the Succah; but according to the sages, it is as a dwelling, where one eats or not, at his pleasure. If it is so, why is he bound to eat the first evening of the festival? Said R. Johanan in the name of R. Simeon b. Jehozodok: It is written here in the fifteenth, and about the Passover the word fifteen is written: there is an analogy of expression, as on Passover the first night must Matzah be eaten, and later it is optional, so on the first night of the Feast of Tabernacles it must be eaten in the Succah, and henceforth it is optional. But whence is it known that on Passover it is obligatory? Because it is written [Ex. xii. 18]: "At evening shall ye eat unleavened bread." This verse makes it obligatory.

"*R. Eliezer said again,*" etc. But did not R. Eliezer say that it is obligatory to eat fourteen meals in the Succah: every day one meal in the morning and in the evening? Said Bira in the name of R. Ami: R. Eliezer retracted what he had said. But with what shall he make amends? Shall he eat another meal? A man cannot eat more than he needs. With extra dishes for dessert. We have also learned in a Boraitha, if one makes amends with extra dishes, he has done his duty. The manager of the house of Agrippa the king (*ἐπιτροπος*) asked R. Eliezer: I, for instance, who eat only one meal in twenty-four hours, may I do so in the Succah—eat one meal and fulfil my duty? And he answered him: Did you not make every day many dishes of delicacies for the sake of yourself, and can you not add one dish for the sake of your Creator? He asked him again: I, for example, who have two wives, one in Tiberia and one in Ziporeth, and have also two booths, one in Tiberia and one in Ziporeth, may I go from one Succah to the other, and my duty shall be fulfilled? And he answered: Nay, because I say who goes from one booth to another abolishes the religious duty he has done in the first.

We have learned in a Boraitha: R. Eliezer said: One must not go out from one Succah to another (to eat in one and sleep in another), and a Succah must not be made in the intermediate days. The sages, however, say: Both may be done. All agree that if the Succah has fallen, he may rebuild it on the intermediate days. What is the reason of R. Eliezer? Because it is written [Deut. xvi. 13]: "Seven days shall ye hold the feast of tabernacles." From this we infer the Succah shall be made to be fit for seven days. The rabbis, however, explained this passage so: On the Feast of the Tabernacles ye shall make a booth (during the whole feast). They all agree that if the Succah falls, it may be rebuilt. Is not this self-evident? We might assume that the second Succah cannot be made for seven days, and therefore shall not be made at all. He comes to teach us that it is not so.

We have learned in a Boraitha: R. Eliezer said: As a man cannot fulfil his duty with a Lulab belonging to his neighbor on the first day, as it is written [Lev. xxiii. 40]: "And ye shall take unto yourselves on the first day the fruit of the tree hadar, branches of palm trees," etc.—"unto yourselves," that means, your own, but not those belonging to your neighbor; so also a man cannot fulfil his duty in a Succah belonging to his neighbor,

because it is written : "Seven days shalt thou make unto thee the feast of the tabernacles," and we infer from "for thee" it shall be thy own. The sages, however, said : Although it was said that a man cannot fulfil his duty with the Lulab of his neighbor, he may nevertheless do his duty of Succah in the neighbor's Succah, because it is written [ibid.] : "All that are Israelites born shall dwell in booths." From this we learn that all Israelites may sit in one Succah. But how will the sages account for the expression "unto thee"? They say it is to exclude a robbed Succah, but a borrowed Succah may be used.

The rabbis taught : It happened once to R. Ilai that he came to see R. Eliezer his Master in the city of Lud on the festival ; and the latter said to him : Ilai, thou art not of those who rest on the festival, because R. Eliezer used to say : I praise the sluggards, who do not go out on the festival from the house, because it is written [Deut. xiv. 26] : "Thou shalt rejoice, thou and thy household." This is not so : did not R. Itz'hak say : Whence do we know that a man must visit his teacher on the festival? Because it is written [II Kings, iv. 23] : "Wherefore art thou going to him to-day? It is neither new moon nor Sabbath?" From this we may infer that on a new moon and a Sabbath it is obligatory to visit one's Master? It presents no difficulty : If one's Master is in the same city, where one can go and return the same day, he must ; but not otherwise.

The rabbis taught : It happened once that R. Eliezer took his rest in the booth of Johanan bar Ilai in the city of Kisri, of Upper Galilea, according to others in Kisrion, and the sun reached the Succah. And the host asked R. Eliezer : Shall I spread a sheet on it? And he answered : There was not one tribe of Israel from which a judge did not descend.* The sun reached the middle of the Succah, and he asked again : How if I should spread a sheet on it? And he answered : There was not one tribe of Israel from which prophets have not descended, and

* Rashi explains this as follows : The Judges of the Book of Judges, *i.e.*, the Rulers of Israel since Joshua's death to the prophet Samuel : From the tribe Ephraim was Joshua ; from Benjamin, Ehud ; Manasseh, Gideon—that is, from the children of Rachel. Samson was of Dan, Barak of Kaddesh was of Naphtali—Bilha's children. Ibzan, or Boaz, from Judah ; Eli of Levi, Tola from Issachar, Elun from Zebulun ; Othniel, Jephthah, Shamgar, Abdon—it is not known of what tribes they were descended. From the tribes of Reuben, Simeon, Gad, and Asher, I have not found, says Rashi, explicitly that Judges were descended from them. But it may be the Judges whose tribes were not named were traditionally said to be of those.

the tribes of Judah and Benjamin chose kings at the command of the prophets. Finally the sun reached R. Eliezer's feet, and Johanan took a sheet and spread it over the Succah; and R. Eliezer took his garments and shouldered them, and left the booth. This was not because he did not want to teach him the law, but because R. Eliezer never decided a thing which he had not heard from his Master. But how could R. Eliezer do this? Did he not himself declare that a man must not go out from one Succah to another? They answered: That was not on the Feast of Tabernacles at all; it was another festival, and they sat in the Succah only for fresh air. But did not R. Eliezer declare: I praise the sluggards who do not leave on a festival their houses? It was not on a festival; it was an ordinary Sabbath.

The rabbis taught: It happened with R. Eliezer that he took rest in Upper Galilea, and he was asked thirty Halakhoth about the law of Succah. To twelve he answered: So I have heard; and to eighteen he answered: I did not hear them. R. Jose b. R. Jehudah says: On the contrary, to eighteen he answered: I have heard; and to twelve: I have not heard. And they asked him: Are all your decisions only from what you have heard? He answered: You compelled me to tell you one thing which I had not heard from my Masters. That is, never in my life came a man to the house of learning before me and I never slept in the house of learning a long or a short time; I never left a man in the house of learning when I went away, and I never talk about worldly affairs, and I never decided a thing which I had not heard from my Masters.

It was said of R. Johanan b. Zakai: Never in his life did he talk of worldly affairs; he never walked four ells without studying the Law and without tefilin; he was never anticipated by another in turning to the house of learning, and did not sleep in the house of learning even a short time; he did not teach about the Law in dirty alleys; he did not leave a man in the house of learning when he went away; he was never to be found silent, but always studying aloud, and never anybody opened the door for his disciples but himself; he never decided a thing he had not heard from his Master, and he never said it was time to go out of the house of learning except on the eves of Passover and on the eves of the Days of Atonement. And R. Eliezer his disciple conducted himself similarly.

The rabbis taught: Hillel the Elder had eighty disciples: thirty of them were worthy that the Shekhina should rest on

them as on Moses our Master; thirty of them were worthy the sun should be stopped for their sake, as it did before Joshua the son of Nun, and twenty were mediocre. The greatest of all the disciples was Jonathan b. Uziel, the least of all was R. Johanan b. Zakai. It was said of the latter, that he did not leave out the Bible, the Mishna, the Gemara, Halakhoth, and Agadoth (legends), the observations of the Bible, observations of the Scribes, lenient ones and vigorous ones, the analogies of expression, equinoxes, *geometries*, the language of the angels and the language of the evil spirits and the language of the trees, the fables, the great things, the heavenly chariots and small things, the discussions of Abayi and Rabha, to confirm what is written [Prov. viii. 21]: "That I may cause those that love me to inherit a lasting possession and their treasures will I fill." And when the least of all was so, how much the more was the greatest of all. It was said of Jonathan b. Uziel, that when he studied the Law every bird that flew over him was burned.

MISHNA: If the head and greater part of a man's body is in the booth, and his table in the house, Beth Shammai say he has not fulfilled the duty of Succah, but Beth Hillel say he has. Said Beth Hillel to Beth Shammai: Did it not happen that the elders of Beth Shammai and those of Beth Hillel visited R. Johanan b. Hahoronith, and found him sitting with his head and greater part of his body in the booth, and his table was in the house? and they said to him nothing. Beth Shammai replied: Do you adduce this as a proof? They said to him: If such has always been your custom, you have never in your life properly fulfilled the duty of Succah.

Women, slaves, and minors are exempt from the Succah. A boy that needs no longer the nursing of his mother must obey the command of Succah. It happened that the daughter-in-law of Shammai the Elder gave birth to a son on the festival, so he caused the roof to be taken off, and covered it as a Succah for the sake of the infant.

GEMARA: Whence is all this deduced? From what the rabbis taught: The verse could say *Esrah* ("an Israelite born"). That would include the women. But it is written *Ha'esrah*, "*the Israelites born*," which means the certain Israelites, and to exclude women. And by the word "all" it is meant to include minors. Shall we assume that the expression "Israelites born" includes women also? Did not we learn in a Boraitha (concerning the Day of Atonement), where it is written, "the Israelite

born," which means to include women, for whom it is as obligatory to fast as for males? From this we see that when it is written, "Israelites born," only males are meant? Said Rabha: That is not deduced from the passages, but it is all Sinaic, and the passages were taken as a support. But which passage, and which Sinaic law? And, again, to what purpose was a verse or a Sinaic law needed at all? Is not the Succah a commandment dependent on a certain season, and from all commands depending on certain seasons women are free? This is concerning Succah; and concerning the Day of Atonement this is deduced from what R. Jehudah says in the name of Rabh; and so also taught the disciples of R. Ishmael. It is written [Num. v. 6]: "If any man or woman commit a sin." From this we see that the verse made the man and the woman equal in all penalties of the Torah. Said Abayi: That a woman is exempt from the Succah is a Sinaic law, and nevertheless this support of a verse was needed, because one might say it is written, "Ye shall dwell"; and as in a dwelling are usually a man and wife, we might think that in the Succah there should also be a man and wife, it comes to teach us that it is not so. Rabha said: It is needed lest one say, by an analogy of expression, it is written about Passover on the fifteenth, and here, as on Passover, it is obligatory for women, so it is also on the Feast of Tabernacles, it comes to teach us that it is not so. Now, when you say there is a Sinaic law, why is the passage needed? It comes to include the proselytes; one might say the Israelites born, but not a proselyte, we are taught that they also are included. But the Day of Atonement, that is inferred from the above saying of R. Jehudah in the name of Rabh. Why is the Sinaic law here needed? This is needed for the addition to the Day of Atonement from the preceding day, which is biblical, but has no capital punishment. One might say that because the addition has no punishment, the women are exempt; the Sinaic law comes to say it is not so.

The Master says: *All*, to include the minors. But have we not learned in our Mishna, that women, slaves, *minors*, are free from Succah? This presents no difficulty: The Mishna means a case in which the minor is not yet old enough to be trained in a religious duty, and the Boraitha means a case of a minor old enough for that. But in case of a minor who has reached such an age, the duty is only rabbinical? Yea, the passage is taken only as a support.

"A minor that needs not the nursing of his mother." What is

meant by this? A minor who can obey the call of nature without the aid of his mother. So said the disciples of R. Yanai. But Resh Lakish said: A child that on awakening does not cry: Mother! mother!

"It happened that the daughter-in-law of Shammai," etc. Is not this act a contradiction to the former teaching? The Mishna is not completed. It must be read so: "And Shammai the Elder is more rigorous, and it happened also that his daughter-in-law gave birth to a son, so he caused the roof to be removed, and covered it as a Succah for the sake of the infant."

MISHNA: During the seven days of the festival one must use the booth as the regular domicile, and the house only as an occasional abode. If it rains, when is he permitted to remove from the Succah? When a mess of porridge has been spoiled. The elders illustrate this by a comparison: What does such a circumstance resemble? As if a servant presented a goblet to his master, who throws a bowl full in his face.

GEMARA: The rabbis taught: All the seven days one must use the booth as one's regular domicile. How so? If he has fine utensils, he shall place them in the Succah; if he has fine bedding, he should transfer it to the Succah; and he should eat, and drink, and walk only in the Succah. Whence is this deduced? From what the rabbis taught: It is written: "Ye shall dwell"; it means, it shall be as a regular dwelling, and from this was deduced that all the seven days one shall make the Succah his regular dwelling, and his house a temporary one. He shall eat, drink, and study in the Succah. Is it so? Did not Rabha say that only to read the Bible and to learn a Mishna one may in the Succah, but study one may not? This presents no difficulty. The Boraitha means to repeat what he had studied already, and Rabha—to study something new, as Rabha and Rami, while studying under R. Hisda, used to repeat his lecture among themselves first, and afterwards tried to find out the reasons of it. Rabha said: The vessels for drinking shall be kept in the Succah; but the vessels for eating, outside. A pitcher of clay, outside of the Succah, a candlestick of clay in the Succah, and according to others, outside, and they do not differ; it means, in a large Succah it may; in a small one, it may not, because it is dangerous.

"If it rains." We have learned in a Boraitha: When a mess of *gris* is spoiled (which is spoiled easily).

Abayi was sitting in the presence of R. Joseph in the Succah,

Succah, and a wind blew the chips from the covering into the dish, and R. Joseph said: Take off the dishes, and we will go out. Said Abayi to him: Have we not learned in the Mishna: Till the porridge is spoiled? And he answered: As I am delicate, the chips do me as great harm.

The rabbis taught: If one ate in the Succah and rain fell, and he went away and took his meal in the house, when it clears again we do not trouble him to interrupt his meal, and to go back to the Succah. If he was sleeping in the Succah and it rained, and he went away to sleep in the house, he is not aroused when it clears again, till the next morning.

"What does such a circumstance resemble?" The schoolmen asked: What is meant by this? Come and hear. We have learned in a Boraitha: As if the master threw the pitcher into the servant's face, and said to him: I do not want your service more.

The rabbis taught: An eclipse of the sun is an ill omen to the whole world. What does this resemble? A human king making a banquet for his servants, and placing a great lantern before them, when he gets angry he says to his servant: Take away the light, let them sit in the dark.

We have learned in a Boraitha: R. Meir said: When the sun and the moon are eclipsed, it is a bad sign to the enemies of the Israelites (meaning, the Israelites themselves), because they are used to troubles: it is equal to the teacher's coming to the school with his whip in his hand. Who is more afraid? The child used to being beaten. This is the case when Israel do not do the will of the Creator; but when they do, they need not fear anything, as it is written [Jeremiah, x. 82]: "Thus hath said the Lord: Do not habituate yourselves in the way of the nations, and at the signs of the heavens be ye not dismayed; although the nations should be dismayed at them."

The rabbis taught: On account of the following four things the sun becomes eclipsed: When a chief judge dies, and is not lamented becomingly; when a betrothed virgin calls for help in the town, and is not aided; unnatural vice; when two brothers are killed on the same day; and on account of the following four things both the sun and the moon are eclipsed: Forgery, false witness, when fruit-bearing trees are cut out, and when sheep and goats are kept in Palestine. On account of four things the property of householders is transferred (confiscated) to the government: When paid notes are kept; usury; and when men had the

power to prevent, but would not ; and when charity was promised to the people, and was not given. Rabh said : For four things the property of householders becomes annihilated : When they keep workers, and do not pay them in time ; for robbing them ; when the strangers free themselves from the yokes on their necks and put them on their neighbors' necks ; and for arrogance. And arrogance is the worst of all. But of those who are modest is written [Ps. xxxvii. 11] : " But the meek shall inherit the land, and shall delight themselves because of the abundance of peace."

CHAPTER III.

REGULATIONS CONCERNING PALM BRANCHES, MYRTLES, WILLOWS, AND CITRONS USED ON THE FIRST DAY OF THE FEAST OF TABERNACLES.

MISHNA: A palm branch * which has been acquired by theft, or which is dried, is not valid. One which comes from a grove (devoted to idolatry) or from a rejected town † is not valid; if the point has been broken off, or the leaves torn off, it is not valid; if they are only dissevered, it is valid. R. Jehudah says: It must be tied together at the top. A palm branch from the Iron Mount ‡ is valid. A palm branch that is three spans long, sufficient to shake it by, is valid.

GEMARA: The Mishna does not mention on which day it is valid, and on which not; and from this we can infer that it is invalid even for the second day. This would be right only in case of a dried one, because it is written *hadar*, which means "beauty," which a dried one has not; but a robbed one—that is prohibited only because it must be his own, as stated above (p. 34)—but on the second day, which is wholly rabbinical, why should it be invalid? Said R. Johanan in the name of R. Simeon b. Jochi: Because it is a religious duty that is performed by a sin. R. Johanan said again in the name of the same authority: It is written [Is. lxi. 8]: "For I, the Lord, love justice: I hate robbery with burnt-offering." It resembles a human king who passed the custom-house and said to his servants: "Pay the duty to the officers"; and the servants said to him: "Why shall we give duties? All the duties are thine"; and he said: "All passengers shall learn it from me, and shall not shirk to pay their duty." So the Holy One, blessed be He, said: "I, the Lord, hate robbery with a burnt-offering": of me shall my children learn, and avoid robbery.

It was taught also in the name of R. Ami: A withered one

* Lev. xxiii. 40.

† Deut. xiii. 12.

‡ A mountain near Jerusalem, southward, the palm branches of which were very short.

is invalid, because it has no beauty ; and a robbed one is invalid, because it is a religious duty done by a sin.

R. Huna said to the sellers of the myrtles: If you buy myrtles from the heathen, do not cut them off yourselves, but let themselves cut off, and give them to you. Why so? Because most heathen have robbed the ground from the Israelites, and the robber is not considered the owner of the ground, even when the original owner has despaired of it (but the law is different about movable property). And therefore, if you will cut off yourselves, that will be as taking a robbed thing; but when they cut off, and as the original owners have despaired, the cut-off myrtle boughs become theirs, and you may buy them.

The rabbis taught: A robbed Succah or a roof made in a public street, R. Eliezer makes invalid, but the sages make it valid. Said R. Na'hman: They differ only when the ground on which the Succah is built belongs to his neighbor, and he put out the neighbor and took the Succah to himself. This is according to R. Eliezer's theory, who said that one cannot fulfil his duty in his neighbor's Succah. It is invalid in any case. According to those who say that the robber of ground is considered the owner of it, after the original owner has despaired, it is a robbed Succah; and even according to those who say that he can never become the owner of the ground, it is nevertheless a borrowed Succah (because it is not a robbed one). But the sages hold to their theory that one can fulfil his duty in a borrowed Succah, and also that ground cannot be robbed; therefore it is valid, because it is considered as a borrowed Succah. But if one has robbed wood, and made a roof, according to all, the owner of the wood has only to claim his money, but the wood becomes the property of the robber, and the Succah is valid. And he infers this from the expression of the Mishna, "a robbed Succah or a roof made in public ground," as in the latter case the ground was certainly not his, so also the robbed Succah means, that the ground was also not his and he has robbed it.

It happened once that an old woman came to R. Na'hman and said: The exilarch, and all the sages of the house of the exilarch, are sitting in a robbed Succah. She complained, but he did not answer her. Said she again: A woman whose father had three hundred and eighteen slaves complains before you, and you do not pay attention. R. Na'hman said to the sages: The woman is only a prattler: she has to claim only the money for the wood that has been taken for the use of the Succah.

Rabhina said: If a beam of the roof of a Succah has been robbed, the sages have arranged that only money for it should be returned to the owner, and not the beam itself. Is this not self-evident? What is the difference between a beam and wood, as just mentioned above? One might say wood can be found in any place, and one can buy it for the money; but a beam, which is not so common, should be returned. They come to teach us that during the seven days of the festival, one can lay claim only to money, but after the festival it must be returned, provided one has not attached it with clay; but if one has, even after the seven days only the money shall be given.

We have learned in a Boraitha: A withered palm branch is invalid, but R. Jehudah makes it valid. Said Rabha: They differ only about a Lulab that is rabbinical. The sages hold that we compare a Lulab to a citron: as the citron must be beautiful, because it is written *hadar* (beauty), so the Lulab must be beautiful; and R. Jehudah does not hold this theory, and says that a Lulab need not be beautiful, but a withered citron, according to all, is invalid. Does R. Jehudah require that a citron shall be beautiful? Did we not learn in a Boraitha: The four kinds that are with the Lulab, as there must not be less, so nothing shall be added to them? If one did not find a citron, he cannot replace it with a lemon or a pomegranate, or anything else; and if they are withered they are valid, but if dried, then invalid. R. Jehudah, however, said: Even when dry, they are valid. And he says again: The inhabitants of great cities used to transmit their Lulabs to their grandchildren. And they answered him: This cannot prove, because the places where such things are rarities do not prove. Hence we see that R. Jehudah said that even dry ones are valid, and this includes also citrons? Nay, R. Jehudah meant only the Lulab when he said dry ones are valid.

The text says: "If he cannot find a citron, he shall not replace it with a lemon," etc. Is not this self-evident? One might say, he shall replace it with something, lest the command of a citron should be forgotten: it comes to teach us that if it would be done so, the later generations might use such things forever. Come and hear: An old citron is invalid, but R. Jehudah says it is valid. Is this not a contradiction to the saying of Rabha * above, that R. Jehudah meant only the Lulab, and not a citron? Yea, it is

* The name of Rabha is not mentioned above, but it must have been known to him that Rabha said so.

a contradiction. But how can R. Jehudah say that an old one is valid? Is it not written *hadar* (beautiful)? R. Jehudah explains the word *hadar** not to mean "beauty," but "dwelling"; that means, a fruit which dwells on its tree the whole year.

"*If the point was broken off.*" Said R. Huna: If it is broken off; but if it is only split, it is valid. But have we not learned in a Boraitha: A bristly Lulab or one crooked like a scythe, a split one, a hardened one, is invalid. But if it seems hardened, and in reality is not, it is valid. Hence we see that a split one is also invalid? Said R. Papa: By "split" is here meant one growing as a fork, into two different directions. "Crooked like a scythe," said Rabha; "that is only if it is bent forward, but if backward it is natural, and it is valid." Said R. Na'hman: If bent sideways, it is as if forward. According to others, R. Na'hman says it is as if bent backward. Rabha said again: A Lulab that has all the leaves on one side, and on the other side none at all, is blemished and is invalid.

"*If the leaves were torn off.*" Said R. Papa: By torn off is meant that it is made like a broom. What is meant by dissevered? When the leaves grow as branches of a tree, in different directions:

R. Papa put a question: If the "twins" of the Lulab are divided, how is the law (the double leaves on a palm branch are called "twins")? Come and hear: R. Mathun in the name of R. Joshua b. Levi said: If the "twins" are divided, it is as if the leaves were torn off, and it is invalid.

"*R. Jehudah says,*" etc. We have learned in a Boraitha: R. Jehudah said in the name of R. Tarphon: The expression "branches of palm trees" is *Kapoth Tmarim*. As the word *kapoth* signifies in Aramaic "bound," "tied," if the Lulab was separated, it must be tied together. Said Rabhina to R. Ashi: How is it known that by *Kapoth Tmarim* is meant a young Lulab that has been the first year on the tree? Perhaps the branches are meant when they are two or three years old, when the leaves spread on all sides? We require that they shall be tied together, and in that case they cannot be tied at all.

"*A Lulab from the Iron Mount.*" Said Abayi: The case is only when the top of one reaches the lower part of the one that grows over it; but if not, they are invalid.

* The word *hadar* in Hebrew has two meanings: "Beauty"; and *dar* means "dwelling" (see Ps. lxxxiv. 11). Hence R. Jehudah explains this in the latter sense.

"*A Lulab three spans long.*" Said R. Jehudah in the name of Samuel: The prescribed size for a myrtle bough and willow is three spans, and of the Lulab four, so that the Lulab shall be one span higher than the myrtle bough and willow when they are tied. R. Parnach in the name of R. Johanan said: (Not the leaves, but) the back of the Lulab, should be one span higher. Come and hear: The prescribed size of a myrtle bough and willow is three spans, of a Lulab four spans: is it not meant with the leaves? Nay, it is meant, besides the leaves. The Boraitha says farther on: R. Tarphon says: It shall be measured with an ell of five spans. Said Rabha: May the Lord forgive R. Tarphon for such teaching: A myrtle bough of three spans is not to be found, and he calls for a myrtle bough of the length of five spans. When Rabbin came from Palestine, he said that R. Tarphon meant to say so: An ell which was five spans, consider it as if it was six spans, and three spans of this take off for the myrtle bough, and the remainder, which is about two and a half, for the Lulab. If it is so, then it is a contradiction to Samuel, for according to R. Tarphon the myrtle bough would be only two and a half spans, and Samuel said it must be three spans? Samuel was not particular in his decision, and said more rigorously, three. But, nevertheless, R. Huna says in his name that the Halakha prevails according to R. Tarphon.

MISHNA: A myrtle bough which has been acquired by theft, or which is dry, is not valid. One which comes from a grove or from a rejected town is invalid. If the tip has been broken off, or the leaves torn off, or if one has on it more berries than leaves, it is invalid; if the berries are diminished in number it becomes valid, but this must not be done on the festival. A willow of the brook, which has been acquired by theft, or which is dry, is invalid. One which comes from a grove, or a rejected town, is not valid. If the point has been broken off, or the leaves torn off, or if it be a *Tsaphtsapha*,* it is invalid. One which is faded, or from which some leaves have dropped off, or which has grown on dry ground (not near a bank), is valid.

GEMARA: The rabbis taught: It is written: "Boughs of the myrtle tree"; that is, a tree whose branches cover the whole tree, and this is only a myrtle tree. Rabha said: We take a myrtle bough because it is written [Zechariah, viii. 19]: "Only

* The Gemara will explain the term.

love ye the truth and peace" (as a myrtle is an emblem of peace and love, therefore we take it on the festival).*

The rabbis taught: A branch that is twined like a chain, that is the myrtle. R. Eliezer b. Jacob says: It is written: "The branch of a twined tree." That means, a tree whose trunk and fruit have the same taste, and that is a myrtle. In a Boraitha we have learned: A branch that is twined, is valid; if not, it is invalid. What is meant by twined? Said R. Jehudah: On each stem are three leaves. R. Kahna however, says: Even if on one stem are two, and on the other one, it is also reckoned three. R. A'ha the son of Rabha was looking for a myrtle bough which had two and one and two and one because this has been announced by R. Kahna. Said Mar bar Amemar to R. Ashi: My father calls such a myrtle a wild myrtle.

The rabbis taught: If the greater number of leaves have dropped, and on three stems they remained, it is valid. The rabbis taught: If the greater part of the leaves on the bough have dried up and only three twigs, each containing three leaves, remained, it is valid. Said R. Hisda, provided that the remainder are on the top of each.

"If the tip has been broken off." Ulla bar Hinna taught: If the tip has been broken off, and in its place is a green fruit like a date (Rashi explains this, that on the top of a myrtle there happen to be green fruits, with which women paint their vails), it is valid. R. Jeremiah put a question: If the tip had been broken off on the eve of the festival, and this green fruit grew up on the festival, how is the law? Shall it be said that, because it was not fit on the eve, it has been rejected, and cannot be used any more; or, the law of rejecting does not apply to religious duties? This question is not decided. Shall we assume that this is a point of difference between the following Tanaim: We have learned: If one has transgressed, and cut off the berries on the festival, it is invalid, according to R. Elazer b. R. Zedok; but according to the sages it is valid? Must we not assume that he who says it is invalid does it because he holds the law of rejecting applies to religious duties, and as this branch with the berries was rejected on the eve of the festival, it was rejected for the whole festival, and he who says it is valid does so because he holds that the law of rejecting does not apply to religious duties? Nay, all agree that

* Rashi explains it in another manner, which is complicated. We, however, think that our explanation is right.

the law of rejecting applies to the positive commandments of religious duties, but in this case they differ whether a Lulab must be tied or not, as on this point differ the Tanaim of the following Boraitha: A Lulab, whether tied or not, is valid. R. Jehudah, however, said: A tied one is valid; if not, it is invalid. What is the reason of R. Jehudah? He infers it from an analogy of expression. It is written here [Lev. xxiii. 40]: "Ye shall take unto yourselves on the first day," and [in Ex. xii. 22] "and ye shall take a bunch of hyssop"; as there it is plainly written a bunch, so also here it must be tied as a bunch, and the sages do not take into consideration this analogy of expression.*

"If one has more berries on it than leaves." R. Hisda said: The following thing said our great rabbi (*i.e.*, Rabh), and the Lord come to his help: The case is only if it was in one place, but if the berries were in two or three places, then it is valid. Said Rabha to him: If it was in two or three places, it seems spotted, and it is invalid? Therefore if such a thing was taught, it was taught thus, said R. Hisda: The following thing our great rabbi said, and may God come to his help: The case is only when the berries were black; but if they were green, they are the same as the myrtle bough, and it is valid.

"If they have been diminished in number," etc. They have been diminished in number when? If before it was tied, it is self-evident, and if after it was tied, then it was rejected for the festival, and how made good? Infer from this that the law of rejecting does not apply to religious duties! Nay, we can say that the case is even after it had been tied, but the Tana of the Mishna holds that the tying is not considered a construction, but only a preparation, and does not therefore count it.

The rabbis taught: They must not be diminished in number on the festival. In the name of R. Eliezer bar Simeon, however, it was said: It may be done. But is not this like repairing a utensil on the festival? Said R. Ashi: R. Eliezer means to say, that if he took off the berries for the purpose of eating, and he holds as his father, that a thing which was done unintentionally is allowed.

The rabbis taught: If the *binding* of the Lulab was loosened on the festival, one shall tie it as he usually ties a bundle of herbs. Why? Let him tie it into a loop (not a knot). That is according to R. Jehudah, who said in Sabbath (p. 233), that tying into a loop

* See page 14, lines 32-37, beginning "But according," etc., which also belong here.

is like a knot, for either is culpable. But according to R. Jehudah the Lulab must be tied not as a bundle of herbs, but in a good knot? This Tana holds as R. Jehudah in one thing, and differs from him in the other.

"*A willow of the brook*," etc. The rabbis taught: It is written: "A willow of the brook." That means, they usually grow near every brook. According to others, the willow of the brook means that it has leaves smooth as a brook. In another Boraitha we have learned: The willows of the brook! Whence do we deduce that willows from dry ground and mountains are valid? It is written "willows," in the plural: all are included. Abba Shaul, however, said: The plural signifies that two are needed: one for the Lulab and one for the Temple. And whence do the rabbis deduce that one for the Temple? They hold it is Sinaic (as will be explained farther on).

The rabbis taught: Willows of the brook, that grow only at brooks; but the *Tsaphtzapha*, which grows only between mountains, is excepted.

The rabbis taught: How can we recognize what is a willow and what is a *Tsaphtzapha*? The willow's stem is red, with the leaves elongated and their edges smooth. But a *Tsaphtzapha* has the stem white, and the leaves round, and their edges like a scythe. But have we not learned, if it is like a scythe, it is valid, and when like a saw it is invalid? Said Abayi: This we learned of the willows of Hilpha Gila: they are valid. Abayi said again: We may infer from this that the same willows may be used for the seventh day when *Hosha'noth* are used. Is not this self-evident? One would say that because the willows of Hilpha Gila have an additional name, they are not valid, he comes to teach that it is not so. But perhaps it is so? Because it is written in the plural, all are included.

MISHNA: R. Ishmael says: Three myrtle boughs, two willows, one palm branch, and one citron are needed. If two out of the three myrtle boughs had the tips broken off, they may be used. R. Tarphon says: Even if all three should have the tips broken off. R. Aqiba says: As one Lulab and one citron are needed, so are only one myrtle bough and one willow needed.

GEMARA: We have learned in a Boraitha: It is written: "The fruit of the tree *hadar*," in the singular, one fruit; "a branch of a palm tree," in the singular,* one branch; "boughs

* The word *Kapath* is written in the singular, but is read *Kapoth*, in the plural.

of the myrtle tree," in the plural, three; and "willows of the brook," also in the plural, two. And even if two had the tips broken off, it is valid. R. Tarphon, however, said: Three are needed; and if all the tips are broken off, it does not matter. R. Aqiba said: As the Lulab and the citron are only one, so of the myrtle boughs and the willows is needed only one. Said R. Eliezer to him: According to thee, the citron must be tied together with the Lulab? And he answered: Did the verse say: "The fruit of the tree *hadar* and a branch of a palm tree"? It mentions them separately. If so, whence do we know that one depends upon the other? Because it is written: "Ye shall take." That means, you shall take all things that are enumerated, and not one without the other. How shall we imagine the case, according to R. Ishmael? If all kinds have to be entire, why are the myrtle boughs allowed if they are broken? And if it is not required that they should be entire, let even the other kinds, if broken, be used? Said Birah in the name of R. Ammi: R. Ishmael retracted this decision. Said R. Jehudah in the name of Samuel: The Halakha prevails according to R. Tarphon, and Samuel said this according to his theory, because he said to the sellers of the myrtles: Make the price lower, and if you will not do so, I will lecture that the Halakha prevails according to R. Tarphon. Let him then lecture according to R. Aqiba, who is more lenient, and says only one is needed? Three with the tips broken are more easily procurable than one uninjured.

MISHNA: A citron which has been robbed, or is withered, is invalid. One coming from a grove or a rejected town is invalid. One taken off a tree less than three years old* is not valid. Nor one taken from heave-offering that is unclean. From clean heave-offering a man is not to take a citron; but if he has taken, he has fulfilled his duty. One taken from *Demai* (fruit from which it is doubtful whether the legal dues have been paid) Beth Shammai hold invalid, but Beth Hillel hold it valid. A man is not to take a citron from second tithe in Jerusalem; but if he has taken one, he has done his duty. If a stain spread over the greater portion of the citron, if it has lost its crown, or the fine rind has been peeled off, or if it is split, or perforated, if ever so little thereof is wanting, it is not valid. If, however, the stain is spread over the smaller portion of the citron, if it has lost its stalk, or if that be perforated (but the citron itself is entire) so

* Lev. xix. 23.

that no part, however small, be wanting, it is valid. A dark-colored one is invalid, a leek-green one R. Meir pronounces valid, but R. Jehudah invalid.

The minimum size of a small citron, R. Meir says, is like a nut; R. Jehudah says, like an egg; and of a large citron, that one can hold two in one hand. So is the decree of R. Jehudah; but R. Jose says, even one must be taken with both hands.

GEMARA: The rabbis taught: The fruit of the tree *hadar*; that is, a tree whose wood and fruit have the same taste, and that is a citron. Perhaps it is pepper, as we learn in the following Boraitha: R. Meir used to say: Because it is written [Lev. xix. 23]: "Plant any kind of tree, bearing edible fruit." Why was it needed to say, a tree bearing edible fruit? Is it not self-evident that if it is bearing fruit it is edible? From this we infer that to pepper, whose wood and fruit have the same taste, the law of *Arlah* applies. And in the land of Israel nothing is lacking (even pepper), as it is written [Deut. viii. 9]: "A land . . . wherein thou shalt not lack anything"? Because it is impossible: how shall we do? Shall we take one pepper-grain, that will not be noticed at all, many of them; the law says one, not two or three; and therefore it cannot be. R. Abahu says: Do not read *hadar*, but *ha-dar*; that is, a thing that *dwells* on its tree the whole year. Ben Azzai said: Do not read *hadar*, but *adur*, because in Greek they call water *ῥῥωρ*, and that means a tree which can grow in all waters, and that is only a citron.

"*One that comes from a grove*," etc. Because it must be burned, and therefore it is considered to have no size.

"*From a tree less than three years*," etc. Why so? R. Hiya bar Abbin and R. Assi differed: one says, because it is not allowed to eat it, it must not be used either; and one says, because at that time it is worth nothing (because it must not be used for any purpose).

R. Assi said: With a citron of second tithe, according to R. Meir, a man cannot fulfil his duty; but according to the sages, he can. The same is the case with Matzah of second tithe. And dough of second tithe, according to R. Meir, is exempt from *Halak*, and according to the sages, is not.

"*From unclean heave-offering*." Because it is not allowed to eat it. And from clean heave-offering? "*One shall not take*," etc. R. Ami and R. Assi differ: one says, because he makes it subject to defilement, and one says, because he spoils it (because, when he holds it in the hand, it gets black, and is spoiled).

"*But if he has taken, it is valid.*" According to those who say that it must not be taken, because it is not allowed to be eaten, this law is according to all; and according to those who say because it has no value, this Mishna is only in accordance with the rabbis.

"*From Demai.*" What is the reason of Beth Hillel? Because if one wishes, he can relinquish his estates, and then he would be poor, and he would be allowed to eat it; therefore now also we consider it proper.

"*If a stain,*" etc. Said R. Hisda: The following thing our great rabbi said, may the Lord come to his help: The case is only when it is in one place (of the citron), but if it is in two or more places, it is like a spotted one, and is invalid. Said Rabha: On its top, even if it is but trifling, it is invalid.

"*Its crown,*" etc. R. Itz'hak b. Elazar taught: The crown, but not the stalk at the bottom.

"*Peeled off,*" etc. Said Rabha: If a citron has been peeled, and gets the color of a red date, it is valid. But did we not learn in our Mishna that if peeled, it is invalid? It presents no difficulty. If it was in part peeled off, it is like a spotted one, and invalid; but if entirely peeled, it is valid.

"*Split or perforated,*" etc. Ulla bar Hanina taught: When it is perforated through and through, even if it is trifling, it is invalid; but otherwise, then if the hole is of the size of an *Isar* (a coin), it is also invalid, but if less it is valid.

A citron that is swollen, ill-smelling, soaked, boiled, black or white, or spotted, is invalid. A citron round as a sphere (not elliptical) is invalid. According to some, twins (two growing together) are also invalid. An unripe citron R. Aqiba makes invalid, and the sages do not. If it was made to grow in a mould, and it came out of an irregular shape, it is invalid.

It was taught: "A citron that mice have perforated," said Rabh, "cannot be called beautiful."

"*And of a large citron,*" etc. We have learned in a Boraitha: R. Jose said it once happened to R. Aqiba that he came to a prayer-house with his citron, and it was so large that he brought it on his shoulder. Said R. Jehudah to him: It proves nothing, because the sages told him then: This cannot be considered beautiful.

MISHNA: The Lulab must only be tied with its own kind (threads of palm branches). So says R. Jehudah. But R. Meir says: It may be tied even with twine. R. Meir also said: It

happened that the inhabitants of Jerusalem tied a Lulab with gold lace. But the sages answered: Yes, they did so, but beneath the gold lace they tied it with its own kind.

GEMARA: Said Rabba: With the bark or the root of the same tree it may be tied. And he says again: What is the reason of R. Jehudah's decree? Because according to him the Lulab must not be used unless it is tied, and if it be tied with another kind, it should be five kinds, and not four. He says again: Whence do I deduce that the bark and the root of the palm tree are considered of the same kind as the Lulab itself? From the following Boraitha: It is written: "Ye shall dwell in booths." That signifies, a booth of any materials: so is the decree of R. Meir. R. Jehudah, however, said: A booth must be made only of the four kinds used for the Lulab. And it seems to me that such is right, because if a Lulab which is used only in the day, and not in the night, must have the four kinds only, for a Succah which is used both by day and by night, so much the more are the four kinds needed. Replied the sages to him: Every law which is at the beginning more rigorous, and is finally more lenient, is no law at all. And our case, according to your opinion, if one did not find the four kinds, he should sit in his house, doing nothing; and the Torah says: "Seven days ye shall dwell in booths." Therefore we say a Succah should be made of any materials. And so it is written in Nehemiah, viii. 15: "Go forth unto the mountain and fetch olive leaves, and oleaster leaves, and myrtle leaves, and palm leaves, and leaves of the three-leaved myrtle to make booths." R. Jehudah, however, explains this verse thus: That olive leaves and oleaster leaves are for the walls of the Succah, and myrtle leaves, etc., are for the covering. And we have learned in a previous Mishna: It may be roofed with boards, so is the decree of R. Jehudah. Hence we see that, although R. Jehudah requires only the four kinds for the covering, nevertheless, if one has covered it with boards, it is valid, because the boards of the bark and of the roots of the same tree are considered by him of the same kind. But have we not learned in a Boraitha that if one has covered it with boards of cedar, it is valid according to R. Jehudah? By cedar is also meant myrtle, as Rabba bar R. Huna says elsewhere: There are ten kinds of cedar, and the myrtle is among them, as it is written [Is. xli. 19]: "I will place in the wilderness the cedar, the acacia, the myrtle."

Said Rabba to the men who tied the Hosha'noth for the

exilarch : When you tie them, leave the breadth of a hand at the bottom ; there shall be no intervention between the hand and the Hosha'na.* Said Rabba : All that was made to beautify it, does not intervene. Rabba says again : A man shall not hold the Hosha'na through a cloth, because it is written : "Ye shall take," with your own hands. Rabba, however, said : Even if one takes it through another thing, it is still called *taking*. Rabba says again : After the Hosha'na and the myrtle bough have been tied, one shall not insert the Lulab, lest some leaves be torn off from them, and they will be an intervention between the Lulab and them. Rabba, however, said : A thing of the same kind makes no intervention.

Rabba says again : A myrtle bough used for the religious purpose may not be smelled, but a citron may. Why so ? Because the myrtle is only used because of its odor, and as it has been designated for a religious purpose, it must not be smelled ; but a citron, which is made for eating, has been designated only for eating, and may be smelled. The same authority says again : A myrtle attached to the ground may be smelled on the festival, but a citron must not. Why so ? Because a myrtle, which is used only for smelling, if one will be allowed to smell it, when yet attached to the ground, he will not cut off ; but a citron, which is for eating, if he will be allowed to smell, he will cut off, and eat. He says again : The Lulab must be held in the right hand, and the citron in the left hand. Why so ? Because by the Lulab three duties are performed, and by the citron only one.

Said R. Jeremiah to R. Zrika : Why do we pronounce the benediction over the Lulab only ? Because it is higher than the other kinds. But let one raise the citron, and pronounce the benediction over it ? And he answered : Because by *nature* it grows higher than the other kinds.

MISHNA : When must the Lulab be shaken ? At the verse : "Praise ye the Lord" (in the prayer), at the beginning and ending (of that part of the prayer), and at the verse : "O Lord, we beseech thee, save us" : so is the decree of Beth Hillel. But Beth Shammai hold, also at the verse : "O Lord, we beseech thee, prosper us." R. Aqiba said : I watched Rabban Gamaliel and R. Joshua (in the time of prayer), and I saw while all men shook the Lulabs at both the above-mentioned verses, they shook theirs only at : "O Lord," etc., "save us."

* The Gemara calls Hosha'na the Lulab, and the myrtle bough and willow tied together.

GEMARA : Where is it mentioned that it should be shaken? In the first Mishna of this chapter: it teaches, a Lulab which is three spans long "sufficient to shake it by"; and now it is asked, When shall it be shaken? Said R. Johanan: The shaking shall be towards all four sides—to the Creator, that all the sides are His; and it shall be raised and lowered to Him to whom the heaven and the earth belong. In the West they taught so: R. Hama bar Uqba in the name of R. Jose bar Hanina said: He shall shake towards all sides, to prevent bad winds; and up and down, to prevent bad dews.

MISHNA : If one is on the road, and has no Lulab, he must, when he gets home, shake it before his meal. If he has not done it in the morning, he must do it toward evening, as the duty may be done during the whole day.

If a slave, woman, or minor reads *hallel* (see Pesachim, Chap. X., pp. 242-46) to a man, he should repeat after them word for word, but it is a disgrace to him (not to have learned to read). If a grown man reads to him, he only responds "Hallelujah." At the places where certain verses are said twice, he is to do so. Where they are recited once, he must do so. Where a benediction is said after the Lulab, he must say it. In every case he must do as is the custom of the country.

GEMARA : Rabha said: Great Halakhoth can be inferred from the custom of saying Hallel: From the custom of our time, when almost all men can read the Hallel themselves, nevertheless they repeat the beginnings of the chapters after the reader, we may infer what are the essential portions of Hallel, and how it was done in the ancient times, when the people could not read themselves, and a man was wanted to read it, for them to repeat after him. The Mishna says: He responds "Hallelujah." From this we see that Hallelujah is of the essential portions which must be responded. We see also in our time, when the reader begins: "Praise, O ye servants of the Lord," and the people respond, "Hallelujah," we may infer that if a grown man is the reader of the Hallel, it is sufficient for the hearer to respond "Hallelujah," and not to repeat the whole chapter (part of the prayer). From what we see, that when the reader says, "Praise ye the Lord," they also repeat, "Praise ye the Lord," we infer that it is a merit to repeat the first verses of the chapter.

[It was also taught: R. Hanan bar Rabha said: It is a merit to repeat the first verses of the chapter.] When the reader says: "O Lord, save us," they should repeat it. If the reader is a

minor, however, one must repeat after him word for word. When he says: "O Lord, prosper us," they repeat it, and from this we see that if one wishes to say it twice, he may do so. When he says, "Blessed be he that cometh," they respond, "in the name of the Lord." From this we see that he who listens to the prayer is equal to him who himself repeats it.

R. Hiya bar Abba was asked: If one has listened to the prayer, and not responded, how is the law? And he answered: The sages, the scribes, the heads of the people, the preachers, all have decided that he who has listened, and not answered, has fulfilled his duty.

"*At the places where verses are said twice,*" etc. We have learned in a Boraitha: Rabbi used to say twice in the Hallel same parts. R. Elazar b. Parta has added parts to the same prayer. What is meant by "added"? Said Abayi: He added the manner of saying twice every verse from the 21st verse of Psalm cxviii. to the end of that psalm.

"*When it is the custom to say a benediction,*" etc. Said Abayi, that is only at the end of the Hallel; but before, it is not a custom, but obligatory. As R. Jehudah said in the name of Samuel: All the religious duties must have a benediction pronounced before they are performed.

MISHNA: If one buys a Lulab from a man of the common people in a Sabbatical year, he shall ask of him that the citron shall be given to him as a gift, because it is not allowed to buy a citron in the Sabbatical year.

GEMARA: But how is the law if the seller does not want to give him this as a gift? Said R. Huna: He shall include the price of the citron in the price for the Lulab. Why? Let him give it to him publicly? Because one must not give money for fruits forbidden to be sold on the Sabbatical year to a man of the common people. As we have learned in a Boraitha: One must not give money for fruit on the Sabbatical year to a man of the common people more than is sufficient for three meals; and if one has done it, he shall say: This money that I give to this man shall be exchanged for the fruit which I have in my house, and after that he uses the fruit which he has had in the house only for purposes for which fruit of the Sabbatical year may be used. When is that the case? When he saw that the man sold to him fruit from a field left to the public, which had no owner; but if he sold it from his own field, one must not buy even for half an *isar*. If it is so, why only the citron? What is the

case with the palm branch? The Lulab cannot be of the Sabbatical year, because it had been ripe on the sixth year. But the same is the case with the citron? In case of a citron, it is not counted from the time of its ripeness, but its removal from the tree (as is explained in Tract Rosh Hashana, p. 19). But we know that according to both R. Gamaliel and R. Eliezer, in reference to the Sabbatical year, in case of the citron it is counted from the time of its budding. As we have learned in the following Mishna: The citron is equal to a tree in three respects, and to herbs in one respect—to a tree in three respects, to wit: Of *arla* (the first three years), *rebai* (the fourth year) [Lev. xix. 22-24], and of the Sabbatical year, in reference to which it is counted from the time of its budding; and to a herb in one respect, that it must be tithed when it is gathered (*i.e.*, the tithe must be used for the purpose of that year). So is the decree of Rabban Gamaliel. R. Eliezer, however, said: A citron is equal to a tree in all respects (hence we see that all agree that in reference to the Sabbatical year it is counted in case of the citron from the time of its ripeness, not of its budding). The Tana of our Mishna holds as the Tana of the following Boraitha: R. Jose said: Abtulumus testified in the name of five elders, thus: The citron must be counted from the time when it is gathered for tithe. Our Masters, however, have voted and decided in the city of Usha that in reference both to tithe and Sabbatical year it is to be counted from the time of its gathering. But where is here mentioned the Sabbatical year? The Boraitha is not completed, and must read thus: The citron is counted when gathered in reference to tithe, and from budding in reference to the Sabbatical year. Our Masters in Usha, however, have decided that in both cases it is counted from the time of the gathering.

R. Elazar said: The fruit of the Sabbatical year does not become exchanged, unless it is done in the manner of buying and selling. R. Johanan, however, said: It becomes exchanged even through exchanging. What is the reason of R. Elazar? Because it is written [Lev. xxv. 13]: "In this year of the jubilee," and the next verse says, "shall he sell," from this we infer, only through buying and selling. What is the reason of R. Johanan? Because it is written [ibid., ibid. 12]: "For it is the jubilee, holy shall it be unto you"; and as in case of all holiness there is no difference between selling and exchanging, the same is the case with the fruit of the Sabbatical year. We have learned in one

Boraitha in accordance with R. Elazar, and in another Boraitha we have learned in accordance with R. Johanan.

A Boraitha according to R. Elazar: The Sabbatical year holds the money exchanged for its fruit, because it is written: "It is a jubilee year and shall be holy." As the holy things hold the money exchanged for it, and makes it holy, so also do the fruit of the Sabbatical year. But should we assume, as the holy things become ordinary, when exchanged, the same shall be with the Sabbatical year, therefore it is written: "*It shall be*"—which means, so shall it stay. How so? *I.e.*, if one bought for its fruit meat, both must be destroyed; if, however, he bought fish for the meat, the fish becomes its substitute, and the meat is free; the fish, again, exchanged for wine, the latter becomes the substitute. The same is the case when the latter is exchanged for wine: the very last always becomes the substitute of the preceding one, except the original fruit, which remains as it was. Now, then, when the Boraitha mentions at every exchange the word "*lokah*," which means bought, we may infer from it that it was done only by purchase, but not by exchange (hence R. Elazar's opinion).

A Boraitha according to R. Johanan: Both the fruit of the Sabbatical year and of the second tithe may be exchanged for wild game, cattle, and fowl when they are either alive or slaughtered. So is the decree of R. Meir. But the sages say that only for slaughtered ones, but when alive they must not be taken in exchange, lest he shall raise a herd from them. Said Rabha: They differ only as to males, but females, all agree that only slaughtered ones may be exchanged, but not living ones, for the precautionary measure stated above.

Said R. Ashi: They differ only about the fruit exchanged already for the Sabbatical fruit, but about the Sabbatical fruit itself all agree, only through selling and not through exchanging. But have we not learned in a Boraitha: The fruit of the Sabbatical year and second tithe may be exchanged for animals, wild beasts, and fowls? By this is meant, not the fruit but the money obtained for it. And this must be so, because it is mentioned together with second tithe, and by second tithe could not be meant the fruit itself, because it is written [Deut. xiv. 25]: "Bind up the money in thy hand."

MISHNA: Formerly the Lulab was used in the Temple all the seven days of the festival; in the country, however, only one day. When the Temple was destroyed, R. Johanan b. Zakkai

ordained: In the country it shall also be used all the seven days, in memory of the Temple. He ordained also at the same time that on the sixteenth day of Nissan, called the day of Noph (the day of waving the omer: Lev. xxiii. 11), it should not be allowed to eat new grain.

GEMARA: Whence do we infer that it must be done in memory of the Temple? Said R. Johanan: Because it is written [Jeremiah, xxx. 17]: "This is Zion, whom no one seeketh after." From this we infer that it must be sought after.

"*The day of Noph*," etc. What is the reason? Said R. Na'hman bar Itz'hak: R. Johanan b. Zakkai said this in accordance with the system of R. Jehudah, who said that it is biblically prohibited to eat the whole day, because it is written [Lev. xxiii. 14], "until the self-same day"; and the self-same day means this day shall be included. Does R. Johanan b. Zakkai indeed hold with R. Jehudah, did he not differ from him? As we learn in the following Mishna: When the Temple was destroyed, R. Johanan b. Zakkai ordained that the whole day of Noph it shall be prohibited. And R. Jehudah said to him: Why such an ordinance? Is it not biblically prohibited, as it is written, "on the self-same day," which means to include the whole day? R. Jehudah erred, because he thought R. Johanan b. Zakkai intended to make his ordinance rabbinical, and it was not so; R. Johanan b. Zakkai ordained this biblically. If biblically, what is meant by the expression "ordained"? Read: He lectured that this is biblical and so ordained.

MISHNA: If the first day of the festival falls on a Sabbath, the people bring their Lulabs to the synagogue on the eve of Sabbath and leave them there, and on the next morning they come early to synagogue, and each seeks out his own Lulab, and performs with it his duty, because the sages hold that the duty cannot be fulfilled on the first day by means of a Lulab belonging to his neighbor; but it can be fulfilled on the subsequent days of the festival.

R. Jose says: If the first day of the festival falls on the Sabbath, and one carries out the Lulab into public ground through forgetfulness, he is not culpable, because he carried it out with the intention to do a religious duty.

GEMARA: Whence is this deduced? From what the rabbis taught: It is written [Lev. xxiii. 40]: "Ye shall take," that means, it shall be taken with the hand; "unto yourselves," it shall be your own, but not a borrowed one or robbed one; and

from this the sages said that one cannot fulfil his duty with the Lulab of his neighbor on the first day, unless he has made of it a present to him. And it happened to Rabban Gamaliel, R. Joshua, R. Elazar b. Azariah, and R. Aqiba, when they were on board a ship, that they had but one Lulab, which was the property of Rabban Gamaliel, who had bought it for a thousand Zuz; and R. Gamaliel performed with it his duty, and then made of it a present to R. Joshua; R. Joshua did the same, and gave it away to R. Elazar, who did the same, and gave it as a present to R. Aqiba; and R. Aqiba, after having fulfilled his duty, returned it to Rabban Gamaliel. To what purpose do they tell us that R. Aqiba returned it to Rabban Gamaliel? It is to teach us by the way, that a present with the condition that it shall be returned after, is called a present. As Rabha said elsewhere: "If one say: I present to you this citron to fulfil your duty with it, and afterwards you shall return it to me," if the man returned it afterwards, he had fulfilled his duty, but if he failed to return it, it is not counted as anything. And to what purpose do they tell us that he bought it for a thousand Zuz? To let us know how dear to them were religious duties. Said Mar bar Amemar to R. Ashi: My father used to pray, holding the Lulab in his hand. We have learned in a Boraitha: R. Elazar * bar Zadok says: So was the custom of the men of Jerusalem: when one was going out of his house, the Lulab was in his hand; when he went to the house of prayer, the Lulab was in his hand; when he read the Shema and prayed, the Lulab was in his hand; when he read in the Torah and raised his hands (when a priest) to bless Israel, he laid it away on the floor, and afterwards took it up. If he went to visit the sick, or console mourners, the Lulab was in his hand. When he went, however, to the house of learning, he sent it away through his son, or servant, or messenger. To what purpose is all this told? To let us know how mindful they were of religious duties.

"*R. Jose said*," etc. Said Abayi: He is not culpable so long as he has not fulfilled his duty with it; but if he has, he is. But has not the duty been performed as soon as he has taken it into his hand and raised it? Said Abayi: It means, if he carried it out inverted (because the duty is not fulfilled so long as he does not hold it as it grows). Rabha said: Even if he has not inverted it, but carried it out in a vessel. But did not Rabha him-

* See foot-note in Tract Pesachim, p. 78.

self say that taking through any other thing is called taking? That is, if he took it thus to honor it; but if in a vessel not appropriate to a Lulab, it is not called taking.

MISHNA: A woman may receive a Lulab out of the hand of her son or of her husband, and put it back into water on the Sabbath. R. Jehudah says: On the Sabbath it may be put back, on the festival they may add fresh water, and on the intermediate days they may change the water. A minor who understands how to shake the Lulab is bound to perform that duty.

GEMARA: Is this not self-evident? Lest one say, that because the Lulab is not obligatory for a woman, she must not handle it, it comes to teach us that she may.

"*A minor*," etc. The rabbis taught: A minor who knows how to shake the Lulab is bound to perform this duty. If he knows how to wrap himself in a cloth, he is bound to perform the duty of Tzitzith; if he is able to take care of Tefilin, his father may buy for him Tefilin. As soon as he can talk, his father shall teach him the Torah, and to read Shema. [What is meant by Torah? Said R. Hamnuna: The verse of Deuteronomy, xxxiii. 4: "The law which Moses commanded us is the inheritance of the congregation of Jacob." What is meant by Shema? The first verse.] (The Boraitha says farther on): If he knows how to slaughter animals, it may be eaten of his slaughtering. Said R. Huna: Only if an adult was standing by. If he is capable to eat bread the size of an olive, one must remove from him to the distance of four ells (if one has to pray or to study), on certain occasions. Says R. Hisda: This is only if he can eat the piece of bread in the same length of time that a grown person can eat bread of the size of three eggs, or more. Said R. Hiya the son of R. Yeba: In the case of a grown man who is sick and unable to eat as much, in the above-mentioned length of time, one must nevertheless remove four ells. Because it is written [Eccl. i. 18]: "Where there is much wisdom, there is much vexation." If the minor is able to eat roasted meat of the size of an olive, the Paschal offering may be slaughtered for him, as it is written [Ex. xii. 4]: "Every man according to what he eateth." R. Jehudah, however, said: It must not be given to him until he is able to distinguish. How? If he is given a chip, he drops it; but a nut, he accepts it.

CHAPTER IV.

REGULATIONS CONCERNING THE FOUR KINDS TIED WITH THE LULAB, CONCERNING HALLEL, POURING THE WATER ON THE ALTAR.

MISHNA : The Lulab and willow to surround the altar were sometimes used on six days, and sometimes on seven days of the festival. The Hallel and the eating of peace-offerings took place on eight days. The dwelling in the Succah and the pouring out of water lasted seven days, and the pipes were played on sometimes five, sometimes six days. In which case was the Lulab used seven days? When the first holy day of the festival fell on a Sabbath, the Lulab was used on seven days; but when the first day of the festival fell on any other day of the week, the Lulab was only used six days. In which case was the willow used on seven days? When the seventh day of the willow happened to fall on a Sabbath, the willow was used seven days; but when the seventh day fell on any other day of the week, the willow was only used six days. How was the command to take the Lulab fulfilled when the first holy day of the festival fell on a Sabbath? It was the custom that every man brought his Lulab to the Temple mount, where it was received by inspectors, who deposited it in a gallery. The elders placed theirs in a separate chamber, and the people were taught to say: Whoever gets hold of my Lulab, be it his as a gift. On the next morning the people came early; the inspectors threw all the Lulabs down before them; every man seized on one, and it often happened that they hurt each other. When the Beth Din saw that the people were thus exposed to danger, they ordained that every man was to use his Lulab in his own house.

GEMARA : Why? It is only handling it, and as the commandment of this is biblical, that it shall be taken in the Temple all the seven days, why shall it not be preferred to Sabbath? Said Rabba: As a precautionary measure, lest one take it into his hand to go with it to an expert to learn the performance, and at the same time one will carry it four ells in public ground. And the same reason is with the cornet, and the same reason is

with the Book of Esther, when Purim falls on Sabbath. If it is so, let it be forbidden even on the first day of the festival? On the first day of the festival, was it not ordained that it shall be used in the house, as mentioned above? Yea, that was after it was ordained; but what was the case before it was ordained? Therefore we must say, that the reason is because for the first day, which is biblical even in the country, the rabbis did not take the precautionary measure; but the other days, which for the country is only rabbinical, the rabbis took it. If it is so, why shall we not take it now on the first day, when it falls on Sabbath? If one may say, because we do not know exactly the calendar, why do the Palestinians, who know exactly the calendar, not carry it on Sabbath? Yea, they did so, even after the Temple was destroyed, as we have learned in the Mishna above that the people brought their Lulabs to the Temple mount; and another Mishna said, they brought it to the prayer-house, from which we may infer that in the time of the Temple they took it to the Temple mount, and after its destruction they took it into the house of prayer. But whence do we deduce that in the country it is biblically obligatory on the first day? From the following Boraitha: It is written: "Ye shall take." That signifies, it shall be taken with the hand. "Unto yourselves," it shall be your own, excluding a borrowed or a robbed one; "on the day," even on Sabbath; "the first," even in the country. "The first," from this we infer that only when the first day falls on Sabbath it must be taken, but not on the other days. The text says, "the day," to include Sabbath. Let us see. This is only handling. Do we need a biblical verse to allow handling? Said Rabba: It is meant to allow the preparing of the Lulab, and this is in accordance with the Tana of the following Boraitha: The Lulab and all its preparations violate the Sabbath. So is the decree of R. Eliezer. And the reason of R. Eliezer is, because it is written, "the day," it is meant the Sabbath.

The rabbis taught: It is written: "In booths shall ye dwell seven days." "Days" signifies the nights also; but perhaps only the days are meant, and not the nights? And it would be an analogy of expression: it is written here "the days," and about the Lulab "the days"; as of the Lulab only days are meant, and not the nights, so also it may be with the Succah? Or take another way, the analogy of expression of "the seven days of Aaron's consecration" [Lev. ix.]; as there the nights are included, so shall here also the nights be included. Now let us

see what it resembles more : We may draw a lesson about a thing the duty of which is the whole day, from another thing of which the duty is also the whole day, and not draw the same from a thing the duty of which is only one hour. Or in another way : We shall draw a lesson about a thing of which the duty is forever from a thing of which the duty is also forever, and not about a thing of which the duty is forever from Aaron's consecration of which the duty was only for that time. Therefore another analogy of expression is found : It is written here : "Ye shall dwell," and about the seven days of Aaron's consecration it is also written [Lev. viii. 35] : "Ye shall dwell"; as there it is plainly written days and nights, so is here also meant days and nights.

"In which case is the willow used seven days?" Why shall the willow violate the Sabbath? Said R. Johanan : To let the public know that the willow is biblical. If it is so, let the Lulab also violate the Sabbath, to make it public that the Lulab is biblical? The precautionary measure, which Rabbi mentioned above, is taken in reference to the Lulab. But why not in reference to the willow? Because usually the messengers of the Beth Din were sent to take the willow for the performance, but the Lulab was taken by private persons. Said Rabha to R. Itz'hak the son of Rabba bar bar Hana : Son of a scholar, come and I will tell you a good thing that your father said : What we learn in a Mishna farther on, that every day they went round the altar once, and on that day seven times, said your father in the name of R. Elazar : That is meant with the Lulab (not with the willow). R. Itz'hak objected : We have learned in a Tosephta : The Lulab violates the Sabbath in the beginning of its duty, and the willow in the end of its duty. It happened once that the seventh day of the willow fell on Sabbath and the branches of the willow were brought on the eve, and were laid in the court of the Temple ; and when the Baithusees got wind of it, they took the branches of the willows, and hid them under the stones of the court. On the morrow the common people pulled them out from beneath the stones, and the priests erected them around the altar, because the Baithusees do not agree that the performance of the duty of willows violates the Sabbath. Hence we see that they performed the religious ceremony with the willows, and not with the Lulab? The question remains : But why did they bring them on the eve of Sabbath, why not on Sabbath (let the bringing of the willows violate the Sabbath as the handling while the duty is per-

formed)? Because as we, who are in exile and are not certain of the calendar, do not violate the Sabbath for the willow, they in Palestine also do not violate the Sabbath for the bringing. But we see that on the first day we do not violate the Sabbath for the Lulab, and they do? It was told, that now they also do not violate even with the Lulab.

Abayi said to Rabha: Why do we use the Lulab all the seven days in memory of the Temple, and not the willow? Rabha answered: We use the willow tied with the Lulab together all the seven days. Rejoined Abayi: But we use it not for the sake of the willow, but for the sake of the Lulab; and if you would say that we raise it again for the sake of the willow, we see proofs every day that we do not do so. Said R. Zbhid in the name of Rabha: The Lulab, which is biblical, we use in memory of the Temple all the seven days, but the willow, which is rabbinical, we do not use so.

It was taught: R. Johanan and R. Joshua b. Levi differ: One says that the basis of the willow is a tradition from the prophets, and one says that the willow is only a custom of the prophets. From the following saying of R. Abahu we may assume that R. Johanan is the one who said that the basis is a tradition of the prophets, because he said in his name that so said R. Johanan. Said R. Zera to R. Abahu: Did R. Johanan say so? Did he not say in the name of R. Nehumia, the man of the valley of Beth Hursa, that the ten plants concerning Kilaim, the willow, and the pouring of water are Sinaic laws? He was astounded for a little while, and said: They were forgotten once, and then reestablished. But how could R. Johanan say so? Did he not say to the sages of Palestine: Do not say that the ordinances derived from the Torah are yours: they are the Babylonians', because we have received all our learning from them. (R. Johanan said this when he saw R. Kahna, one of the disciples of Rabh, come to Palestine and explain many questions which R. Johanan could not decide.) Hence we see that R. Johanan did not think that in Babylon the Torah was forgotten, and how can it be said it was forgotten? It presents no difficulty: In the Temple it was Sinaic, but in the country it had for a basis the tradition of the prophets.

R. Ami said: The willow has to be of the prescribed size, and must be taken separately, and a man does not fulfil his duty with the willow which is tied with the Lulab. R. Hisda in the name of R. Itz'hak, however, said that a man can fulfil his duty with

the willow which is tied with the Lulab. What is the prescribed size? Said R. Na'hman: Three moist twigs with leaves. R. Shesheth, however, said: Even if there was one leaf on one twig. Said Aibu: I was standing in the presence of R. Elazar bar Zadok, and a man brought a willow before him; and he took the willow into his hand, and knocked off the leaves, but without any benediction, because he held that the willow was only a custom of the prophets. Aibu and Hezekiah, the grandsons of Rabh by his daughter, brought a willow to Rabh, and he also took it and knocked it, without benediction, because he also held it was only a custom of the prophets.

Aibu said again: I was standing before R. Elazar bar R. Zadok, and a man came to him and said: I possess some villages, and the inhabitants of the villages weeded the orchards in the Sabbatical year, and for their labor they ate the olives: did they right, or not? R. Elazar answered: It is not right. And the man went away. Said R. Elazar: I am living in this country forty years, and I have not seen a man walk in the right path as this man. Afterwards the man came again, and asked R. Elazar what he should do in this matter, and R. Elazar told him he should abandon the olives to the poor, and the laborers he should pay from his purse.

Aibu says again in the name of R. Elazar: A man must not walk on the eve of Sabbath more than three *Parsaoth*. Said R. Kahna: The case is when he goes home, and his family does not know that he will come, and do not prepare anything for him for Sabbath; but if he is going to an inn, he may walk more, because he has prepared everything that is necessary for Sabbath. According to others, R. Kahna said that even to his house he shall not go, so much the less to an inn. And he added to this: It once happened to me that I was coming home late on the eve of Sabbath, and my family did not expect me: I did not find even small fish prepared for Sabbath.

"How was the commandment to take the Lulab fulfilled?" One Tana taught in the presence of R. Na'hman: He deposited it on the roof of the gallery. And R. Na'hman said to him: Why on the roof, did he intend to dry it? Read, "on the galleries."

MISHNA: How was the command to take the willow fulfilled? There was a place below Jerusalem called Motza. Thither the people descended, and gathered drooping willow branches. These they brought and erected at the side of the

altar, the tips inclining over it. While this was doing, a blast, a long note, and again a blast were blown. Every day they made one circuit round the altar, and recited the verse: "O Lord, help us; O Lord, prosper us." R. Jehudah said the words: "I and he, help us," were also said. On the particular day for using the willows (the seventh of the festival) they made seven circuits round the altar. When they withdrew, what did they say? "Beauty is thine, O altar! Beauty is thine, O altar!" R. Elazar said, they also said: "To God and to thee, O altar! To God and to thee, O altar!" As they did on week-days, so did they likewise on the Sabbath; excepting only that they gathered the willow branches on the Sabbath-eve and put them into golden casks (filled with water), that they might not fade. R. Johanan b. Beroka said: They fetched branches of palms and threshed them to pieces on the sides of the altar. Thence the day was called "the branch-threshing day." Directly afterwards the children threw down their Lulabs and ate the citrons.

GEMARA: In a Boraitha it was taught: that the place where they were taken was free from taxes, and one Tana of the Mishna calls it Motza, because this word signifies *exempt* from taxes.

"They brought and erected at the side of the altar." In a Boraitha was taught: They were soft and eleven ells high, so that they could cover the altar one ell. Said R. Abahu: From what biblical passage is this inferred? From Psalm cxviii. 27: "Bind the festive sacrifice with cords," etc. He said again in the name of R. Elazar: One who takes the Lulab with its binding, and the myrtle bough with its braiding, the verse makes him equal to one who would build an altar and offer a sacrifice on it, and he infers it from the end of the passage just quoted. Hezekiah said in the name of R. Jeremiah, quoting R. Simeon b. Jochai, and R. Johanan in the name of R. Simeon the Mehuzi, quoting R. Johanan the Mekuthi: One who added a day to the festival for eating and drinking, the verse makes him equal to one who built an altar and offered a sacrifice on it, as it is written: "Bind the festive sacrifice with cords (leading it) up to the horns of the altar."

Hezekiah said again in the name of R. Jeremiah, quoting R. Simeon b. Jochai: All the prescribed plants for religious duties must be taken as they grow, as it is written [Ex. xxvi. 15]: "Shittim wood, standing up." Hezekiah said again in the name of the same authority: I could exempt the whole world from the

Day of Judgment since I was born till now ; and if Eliezer my son would be with me, I could do it for all men since the world was created till now. And if King Jotham ben Uziah would be with us, we could do it for all men from the creation of the world till its end. The same says again in the name of the same : I see the greatest men in the world are very few. If they are a thousand, I and my son are included ; if they are a hundred, I and my son are included, and if they are only two, they are I and my son. Said Abayi : There are no less than thirty-six upright men in the world who receive appearance of the Shekhina every day, as it is written [Is. xxx. 18] : " Happy are all those that wait for him," and *him* is expressed by ל', which counts thirty-six.

" *To God and to thee.*" How did they do so? Did they not combine the name of the Lord with another thing, and we have learned in a Boraitha : Who combines the name of the Lord with another thing, will be destroyed from the world? As it is written [Ex. xxii. 19] : " Save unto the Lord only." The Mishna meant it was said so : " To God we bow, and Thee we praise."

R. Jehudah in the name of Samuel said : The benediction over the Lulab must be pronounced all the seven days, but in the Succah the benediction must be made only the first day. Why so? Because the nights intervene between the days, and every day it is a separate commandment ; but in case of the Succah, which is a duty during the nights also, all the seven days are considered as one long day, and one benediction is enough. Rabba bar bar Hana in the name of R. Johanan, however, said : The benediction over the Succah must be pronounced all the seven days, but over the Lulab only the first day. Why so? Because the Succah is biblical, the benediction is to be made every time ; but the Lulab being rabbinical, it is sufficient on the first day. When Rabbin came from Palestine, he said in the name of R. Johanan, that over both it is to be pronounced every day all the seven days. Said R. Joseph : Keep what Rabba bar bar Hana said in your mind, because all the Amoraim hold with him concerning Succah. Other Tanaim, however, differ also on the same point. As we have learned in the following Boraitha : Over the Tefilin, every time one lays them, one must pronounce a benediction. So is the decree of Rabbi. The sages, however, said : In the morning only. And it was taught Abayi said the Halakha prevails according to Rabbi, and Rabba said the Halakha prevails according to the sages. Said R. Mari the son of the daughter of Samuel : I have seen Rabba did not follow his

own decision, and we also all are doing according to Rabbi, and pronounce the benediction on every one of the seven days.

R. Jehudah in the name of Samuel said: The commandment of the Lulab is all the seven days; but R. Joshua b. Levi said: The biblical commandment is only for the first day, and from this day further on it is the commandment of the Elders; and so said also R. Itz'hak. Rabh, however, holds that the commandment is for all seven days, and R. Na'hman bar Itz'hak taught plainly that Rabh said so.

The rabbis taught: If one made a Succah for himself, he must pronounce the benediction of the time. When he comes to dwell in it, he must pronounce the benediction: "Blessed be He, etc., who has commanded us to dwell in a Succah"; but if the Succah had been prepared, if he is able to fix there something new, he may pronounce the benediction of the time; if not, when he comes to dwell in it, he should pronounce both benedictions. Said R. Ashi: I have seen R. Kahna, who used to pronounce all the benedictions over the goblet, together with the benediction of the day.

The rabbis taught: If one have before himself many religious duties, he can say: "Blessed be He who has sanctified us with His commandments, and commanded to us many duties." R. Jehudah, however, said: He must pronounce the benediction before each one separately. Said R. Zera, according to others R. Hanina bar Papa: The Halakha prevails according to R. Jehudah. And he (either of the two mentioned) says again: What is the reason of R. Jehudah? Because it is written [Ps. lxxviii. 20]: "Blessed be the Lord, day by day." Do we only bless Him by day, and not by night? We may learn from this that every day we should bless Him for the duties of that day (if Sabbath, we must bless Him for the Sabbath; if a festival, for the duties belonging to each festival). The same authority says again: Come and see. The usages of the Holy One, blessed be He, are not as the usages of human beings: A human being can put only something into an empty vessel, but if the vessel is full, he can put in nothing; but the Holy One, blessed be He, can add to a full vessel, but can put nothing into an empty one, as it is written [Deut. xxxviii. 1]: "If thou wilt hearken diligently"; * *i.e.*, if you have heard diligently, you can receive

* The Hebrew term for this is **שָׁמַעְתָּ מְעוֹד**, which is literally, "by hearing you will hear more."

more knowledge, but if not diligently, you can hear nothing. Another interpretation for this verse is this: If you have given your attention to what you have learned before, you can learn from it new things; but if you have turned away your heart from the old teaching, you cannot learn anything new.

"*The children threw down*," etc. Said R. Johanan: The citron on the seventh day is prohibited to be eaten, but on the eighth day it is allowed; but the wood of the Succah, even on the eighth day, is not allowed to be used. Resh Lakish, however, said: Even on the seventh day the citron is allowed. R. Johanan made an objection to Resh Lakish from our Mishna: The children throw down their Lulabs and eat their citrons. From this we may infer that only the children may do so, but not adults. Answered Resh Lakish: Nay, adults may also do so, but the Mishna mentions children because it was usually done so. R. Papa asked Abayi: What is the reason that R. Johanan makes a difference between the Succah and the citron? And he answered: The Succah is fit for twilight, so that if one had to eat at twilight, he must sit in the Succah and eat there; and because it was designated for twilight, it is designated for the whole eighth day; but the citron, which is not to be used at twilight, and was not designated for the twilight, is not designated for the whole eighth day. Levi, however, said: The citron is prohibited even on the eighth day. And the father of Samuel said: On the seventh day it is not allowed, but on the eighth day it is allowed. The father of Samuel afterwards retracted his teaching, and remained in accordance with the system of Levi. R. Zera, however, remains in accordance with the old teaching of the father of Samuel, and taught in the house of learning that a citron which becomes invalid must not be eaten all the seven days. R. Zera said again: One must not give as a present to a child a Lulab on the first day of the festival. Why so? Because a child may receive a present, but cannot make a present to another; and afterwards if the man uses the Lulab for the religious purpose, he has used a thing which is not his (by which he cannot fulfil his duty). He says again: A man shall not promise a child something, and afterwards not keep his word, for the child can learn from it to tell a lie.

We in exile, who keep two days of the festival, how shall we do? Said Abayi: On the eighth day, which it is doubtful perhaps it is the seventh, it is prohibited; but the ninth day, which it is doubtful perhaps it is the eighth, it is allowed. Meremar,

however, said: Even on the eighth day, which it is doubtful perhaps it is the seventh, it is also allowed. In Sura they acted according to Meremar; but R. Shesheth the son of R. Iddi acted according to Abayi, and the Halakha prevails according to Abayi.

R. Jehudah the son of Samuel bar Shilath said in the name of Rabh: The eighth day, which it is doubtful whether it is not the seventh, may be considered as the seventh day in reference to the Succah, but is considered the eighth day in reference to the benediction. R. Johanan, however, said: It may be considered the eighth day for both purposes. (The Gemara explains it so): In reference to the benediction, all agree that the benediction may not be said. What they differ about is only the citron. According to Rabh, on the eighth day one must sit in the Succah, and according to R. Johanan, even sitting is not necessary either. Said R. Joseph: Keep in your mind what R. Johanan said, because the Master of this Halakha, R. Jehudah bar Samuel, who declared it in the name of Rabh, did not act according to his teaching, and we have seen him on the eighth day sitting outside of the Succah. The Halakha prevails: That we do sit in the Succah, but do not pronounce the benediction over it.

R. Johanan said: The benediction of the time must be pronounced on the eighth day of the Feast of Tabernacles, but not on the seventh day of Passover. Said R. Levi bar Hama, according to others R. Hama bar Hanina: This may be approved, because the eighth day of the Feast of Tabernacles is different in three things from the preceding days: It needs not Succah, it needs not Lulab, nor the pouring of water. If it is so, the seventh day of Passover is also different, because it is not a duty to eat Matzah thereon, as the Master said (p. 33) that only the first night it is a duty to eat Matzah? What comparison is this? There it is different only from the first night, but not from the first day; but here it is different from the day also. Rabhina said: The eighth day of the Feast of Tabernacles is different from the preceding day; but the seventh day of Passover differs only from the first day, but not from the one preceding it. How shall we act? Said R. Na'hman: The benediction of the time may be said on the eighth day, and R. Shesheth said it must not, and the Halakha prevails that it may be said. We have learned in a Boraitha in support to R. Na'hman: The eighth day is a holy day by itself, has lots cast for itself (which priest should perform

the service of the sacrifice, as is explained in Shekalim), the benediction of time for itself, offerings for itself, a separate song for itself (all seven days one song was sung by the Levites at the sacrifice), and also a blessing for itself ("the eighth day of assembly" was pronounced in the benediction).

MISHNA: The Hallel and the enjoying of peace-offerings were eight days. How so? We infer from this, that a man is bound to recite the Hallel and enjoy the peace-offerings the last day of the festival the same as the preceding days.

GEMARA: Where is this deduced from? The rabbis taught: It is written [Deut. xvi. 15]: "Thou shalt only rejoice"; it comes to add the night of the last day of the festival, and to exclude the night of the first day. But perhaps it is meant only for the first day? The word (*ach*) "only" separates it. But why do you include the last day, and exclude the first day? I include the last night, before which there was enjoyment; but I exclude the first night, before which was no enjoyment.

MISHNA: The Succah is dwelt in seven days. How so? When a man has taken his last meal therein, he is not directly to pull down his Succah; but, after noon, he may move the furniture back into the house, in honor of the last day of the festival.

How was the pouring out of the water? A golden pitcher that held three lugs was filled with water from the brook Siloah. When they came with it to the water-gate, they blew a blast, a long note, and again a blast. The priest then ascended the stair of the altar, and turned to the left. Two silver basins stood there. R. Jehudah says: They were of gypsum, but had a dark appearance from the wine. Each was perforated with a small hole, like a nostril (at the bottom), the one for the wine somewhat wider, the other for the water narrower, that both might get empty at once. The one, to the west, was used for water; the other, to the east, for the wine. But if the water was poured into the wine basin, or the wine into the water basin, one's duty was reckoned to be fulfilled. R. Jehudah says: They poured out one lug on each of the eight days. To him who poured out the water the people called: "Raise thy hand"; for once it happened that one priest charged with this duty poured the water over his feet, and all the people pelted him with their citrons. As they did on the week-days, so they did likewise on the Sabbath, except that they fetched the water from the Siloah on the Sabbath eve in a golden cask that had not been consecrated, and placed it in a chamber; if it was upset or uncovered, they filled again from the

laver. For it was not lawful to bring on the altar water or wine which had been uncovered.

GEMARA: Whence is it deduced? Said R. Eina: It is written [Is. xii. 3]: "Ye shall draw water with gladness."

"*Ascended the stair*," etc. The rabbis taught: All who ascended the altar ascended on the right, went round, and descended on the left; except that those who ascended for the following three purposes (duties) ascended on the left, and went back on the same side: to pour water, to pour wine, and to offer a burnt-offering of a fowl when it was too much on the east side of the altar.*

"*Each was perforated*," etc. Shall we assume that the Mishna is according to R. Jehudah and not according to the sages, as it teaches farther on: "R. Jehudah said with a lug," etc.; because if the Mishna would be according to the sages, the quantity of the wine and water was equal? (And why was one wider, and the other narrower?) Nay, we may say the Mishna is according to the sages; but wine is thick, and water is thinner, and this is the reason for the unequal sizes of the holes. It seems to us it is so, for according to R. Jehudah one must be wide and the other narrow, as we learn in the following Boraitha: R. Jehudah said: Two urns were there, one for water and one for wine: that for wine had its mouth wide, and that for water narrow, that they should be emptied at the same time.

Rabha lectured: It is written [Song of Songs, vii. 2]: "How beautiful are thy steps in sandals, O prince's daughter!" How beautiful were the steps of Israel, when they pilgrimaged for the festival! "Prince's daughter" means, daughter of Abraham our father, who was called prince; as it is written [Ps. xlvii. 10]: "The nobles of the people are gathered together, the people of the God of Abraham." The God of Abraham, and not the God of Isaac and Jacob? It means, the God of Abraham, who was the first of the proselytes.

The disciples of R. Anan taught: It is written [Song of Songs, *ibid.*]: "The roundings of thy thighs." As the thighs are in a hidden place, so the words of the Law must all be hidden, and this is similar to what R. Elazar said, as follows: It is written [Micah, vi. 8]: "He hath told thee, O man, what is good, and what the Lord doth require of thee: nothing but to do justice, and

*The burnt-offerings and east side of the altar will be explained in Tract Tamid, Chap. I.

to love kindness, and to walk humbly with thy God." To do justice, *i.e.*, judgment; to love kindness, *i.e.*, the bestowing of favors; and to walk humbly with thy God, that means, to bear a dead body, and to conduct a bride under the canopy. Is this not an *a fortiori* conclusion? If things usually done publicly are to be done surreptitiously, so much the more things usually done privately?

R. Elazar said: The doing of charity is greater than all the sacrifices; as it is written [Prov. xxi. 3]: "To exercise righteousness and justice is more acceptable to the Lord than sacrifice." The same says again: The bestowing of favors is greater than charity; as it is written [Hosea, x. 12]: "Sow then for yourselves righteousness, that you may reap the fruit of kindness." If a man sows, it is doubtful whether he will eat from his sowing, or not; but if a man reaps, he is sure to eat of it (and so it is with charity, sometimes it is useful, sometimes not, but kindness is always so).

R. Elazar says again: Charity is rewarded only according to the kindness with which it is done; as it is written: "Sow for yourselves righteousness, that you may reap kindness."

The rabbis taught: In three things is the bestowing of favors greater than charity: Charity is only with money, but the bestowing of favors is either with one's money or with one's person; charity is only to poor men, but the bestowing of favors is to poor and rich; charity is only for the living, but the bestowing of favors is both for the living and the dead. The same says again: One who does charity and judgment is as if he filled the whole world with kindness; as it is written [Ps. xxxiii. 5]: "He loveth righteousness and justice; the earth is full of the kindness of the Lord." But if you mean that every one who wants to do charity is given the opportunity to do real charity, it is therefore written [ibid. xxxvi. 8]: "How precious is thy kindness!" It is different, however, with a man fearing Heaven; as it is written [ibid. ciii. 17]: "But the kindness of the Lord is from everlasting to everlasting over those that *fear him*." R. Hama bar Papa said: A man who finds favor everywhere, it is certain that he fears God; as it is written: "The kindness of the Lord is from everlasting to everlasting over those that fear him."

He says again: It is written [Prov. xxxi. 26]: "She openeth her mouth with wisdom, and the law of kindness is on her tongue." Are there two laws, one of kindness, and one not of kindness? That means, if one studies the law in honor of the

Lord, it is a law of kindness; but if one studies the law for his own interest, it is a law not of kindness. According to others, if he studies the law to teach it, it is a law of kindness; but if he studies it for himself, it is not.

"If it was upset or uncovered," etc. Why so? He can strain the water? Shall we assume that our Mishna is not according to R. Nehemiah from the following Boraitha: Even if the water was strained, the law of uncovered water does still apply to it. R. Nehemiah, however, said: This is only when the lower vessel was uncovered, but when the lower vessel was covered, though the upper one was uncovered, the law of uncovered water does not apply to it, because the venom of a snake, like a sponge, rises to the top. The Mishna can apply also to R. Nehemiah, but he spoke of preparing for an ordinary man, but in honor of the Lord could he say so? Did not R. Nehemiah consider the verse in Malachi [i. 8]: "Do but present it unto thy governor, will he be pleased with thee, or receive thee with favor? says the Lord of hosts."

CHAPTER V.

REGULATIONS CONCERNING THE ENJOYMENTS AND THE SONGS IN THE TEMPLE DURING THE TIME OF THE SACRIFICES, AND THEIR ORDER.

MISHNA: The pipes were played sometimes on five days, and sometimes six. This means, the pipes played on during the time of water-drawing, which does not supersede either the Sabbath or the festival.

GEMARA: The rabbis taught: The playing of pipes supersedes the Sabbath, so is the decree of R. Jose bar Jehudah; but the sages said, even the festival it does not supersede. Said R. Joseph: They differ only about the music of the sacrifices. R. Jose holds that the music of the sacrifices is instrumental, consequently it is a service, and supersedes the Sabbath; but the sages hold it is vocal, and therefore not a service, and does not supersede the Sabbath; but the music of the drawing of the water all agree is only an enjoyment, and does not supersede the Sabbath. But R. Jeremiah bar Abba said: They differ only about the music of the drawing of water. R. Jose bar R. Jehudah holds that this enjoyment also supersedes the Sabbath, and the sages hold it does not; but about the music of the sacrifice all agree it is a service, and does supersede the Sabbath.

What is the reason of those who say that the main music must be instrumental? Because it is written [II Chron. xxix. 27]: "And Hezekiah ordered to offer the burnt-offering on the altar. And when the burnt-offering began, the song of the Lord began with the trumpets, and with the instruments of David the King of Israel." And what is the reason of those who said the main music is vocal? Because it is written [ibid. v. 13]: "And it came thus to pass, as the trumpeters and singers were as one, to make one sound." But what will they do with the former passage? Hezekiah meant, the voices accompanied the instruments. And those who hold it was only instrumental, what will they say to the last-quoted passage? They explain it thus: The singers were as the trumpeters, *i.e.*, used instruments also.

MISHNA: He who has not witnessed the rejoicings at the water-drawing has, throughout the whole of his life, witnessed no real rejoicing. At the expiration of the first holiday of the festival they descended into the women's court, where a great transformation was made. Golden candelabra were placed there, with four golden basins at the top of each; and four ladders were put to each candelabrum, on which stood four lads from the rising youth of the priesthood, holding jars of oil containing 120 lugs, with which they replenished each basin.

The cast-off breeches and belts of the priests were torn into shreds for wicks, which they lighted. There was not a court in Jerusalem that was not illuminated by the lights of the water-drawing. Pious and distinguished men danced before the people with lighted flambeaux in their hands, and sang hymns and lauds before them; and the Levites accompanied them with harps, psalteries, cymbals, and numberless musical instruments. On the fifteen steps which led into the women's court, corresponding with the fifteen songs of degrees, stood the Levites, with their musical instruments, and sang. At the upper gate which leads down from the court of the Israelites to the court of the women stood two priests, with trumpets in their hands. When the cock first crowed they blew a blast, a long note, and a blast. This they repeated when they reached the tenth step, and again (the third time) when they got into the court. They went on, blowing their trumpets as they went, until they reached the gate that leads out to the east. When they reached that gate they turned westward, with their faces towards the Temple, and said: Our ancestors, who were in this place, turned their backs on the Temple of the Lord, and their faces towards the east; for they worshipped the sun towards the east; but we lift our eyes to God. R. Jehudah says: They repeated again and again: "We belong to God, and raise our eyes to God."

GEMARA: The rabbis taught: Who has not seen the rejoicing at the drawing of water, has not seen a real rejoicing in his life. He who has not seen Jerusalem in its beauty, has not seen a beautiful great city in his whole life; and who has not seen the building of the Second Temple, has not seen a handsome building in his life. What is meant by this? Said Abayi, according to others R. Hisda: It means the building of Herod. Of what materials was it built? Said Rabba: Of black and white marble; and according to others, of other colors also. He made one tier of stones projecting outward, and one tier of stones

remaining inside. He wished to overlay it with gold, but the sages said to him: Leave it so, because it is more beautiful, having the appearance of waves of the sea.

We have learned in a Boraitha: R. Jehudah said: Who has not seen the διπλοστοα (diplustin, double portico) of Alexandria in Egypt, has not seen the glory of Israel. It was said it was a great βασιλικη (a palace with colonnades), and the palace could contain twice the number of men who went out from Egypt (the Israelites), and there were seventy-one golden *cathedras* (arm-chairs with footstools) for the seventy-one sages of the Great Sanhedrin, and each *cathedra* was no less than twenty-one myriads of talents of gold; and a wooden βημα (pulpit) was in the middle of the palace, where the sexton of the congregation stood, with a flag in his hand, and when the time came in the prayer to respond "Amen," he raised the flag, and the whole people said "Amen." And they did not sit promiscuously, but separately; the golden chairs were separate, the silver chairs were separate, smiths sat separately, carpenters separately, and all of the different trades sat separately, and when a poor man went in, he recognized who his fellow-tradesmen were, and went to them, and thus got there work for the support of himself and his family. Said Abayi: And all these were killed by Alexander of Macedon. Why were they so punished? Because they had transgressed the passage [Deut. xvii. 16]: "The Lord had said unto you, Ye shall henceforth not return on that way any more." And they returned, and resided in Egypt. When Alexander came, he found them reading the passage [ibid. xxviii. 49]: "The Lord will bring up against thee a nation from afar," etc., and he said: "I had to go ten days on board the ship, and the winds blew and brought me here in five days (certainly I was meant by the quoted passage)"; and he killed them.

"*At the expiration of the first holy day,*" etc. What was the transformation? Said R. Eleazar: Similar to what we have learned in the following Boraitha: The court of the women was formerly without a balcony, but they surrounded it with a balcony, and ordained that the women should sit above and the men below.

The rabbis taught: Formerly the women sat in inward chambers and the men in outer ones; but thereby was produced some levity, and therefore it was ordained the men should sit inwardly and the women outwardly; but still levity arose, and therefore it was ordained that the women sit above and the men

below. How could they do so? Does not the passage say [in I Chron. xxviii. 19]: "All was put in writing from the hand of the Lord, who gave me instruction respecting all the works of the pattern"? Said Rabh: They found another passage and lectured about it, namely [Zech., xii. 12]: "And the land will mourn, every family apart by itself, the family of the house of David apart, and their wives apart." And they said: Is this not an *a fortiori* conclusion? At the time of mourning, when the passions are powerless, it is said the women and the men should be separate; so much the more in the Temple, where they were occupied in rejoicing, and the passions can have power over them.

What was the mourning for? R. Dosa and the rabbis differ: One holds that it was for the Messiah the son of Joseph, who was killed;* and one holds that it was for the evil angel, who was killed.† It would be right according to one who holds that it was for the Messiah the son of Joseph, because he explains as supporting him the passage [Zech. xii. 10]: "And they will look up toward me (for every one) whom they have thrust through, and they will lament for him, as one lamenteth for an only son, and weep bitterly for him, as one weepeth bitterly for the first-born"; but according to one who says that it was for the death of the evil angel, why mourning? must it not be, on the contrary, an enjoyment? Why then weeping? This can be explained as R. Jehudah lectured: In the future the Holy One, blessed be He, will bring the evil angel and slaughter him in the presence of both the upright and the wicked. To the former he will look like a high mountain, and to the latter he will look like a thin hair. Both, however, will cry. The upright will cry, saying: How could we overpower such a high mountain? and the wicked will cry, saying: How could we *not* subdue such a thin hair? And also the Holy One, blessed be He, will join them in wondering, as it is written [Zech. viii. 6]: "Thus hath said the Lord of hosts: If it

* There was a tradition among the ancient Hebrews that two Messiahs would appear before the redemption of Israel: one of the tribe of Joseph and one of the tribe of Jehudah, a descendant of David; and the expression "who was killed" means who will have been killed. The Jewish Christians at that time, who did not believe in the divinity of Christ, but in his Messiahship (*i.e.*, that the traditional Messiah ben Joseph meant the son of a man by the name of Joseph, but not of the tribe of Joseph, as Christ was, and that his fate was to be killed before the appearance of Messiah b. David), explain this passage to have reference to Christ.

† See Tract Yomah, p. 100.

should be marvellous in the eyes of the remnant of this people in those days, should it also be marvellous in my eyes.*

R. Assi said: In the beginning the evil angel appears as insignificant and thin as a cobweb, † and finally he becomes as thick as a wagon-rope, as it is written [Is. v. 18]: "Wo unto those that draw iniquity with the cords of falsehood, and as with a wagon-rope, sinfulness."

The rabbis taught: The Messiah b. David, who (as we hope) will appear in the near future, the Holy One, blessed be He, will say to him: Ask something of me and I will give it to thee, as it is written [Ps. ii. 7-8]: "I will announce the decree . . . Ask it of me, and I will give," etc. But as the Messiah b. David will have seen that the Messiah b. Joseph who preceded him was killed, he will say before the Lord: Lord of the Universe, I will ask nothing of Thee but life. And the Lord will answer: This was prophesied already for thee by thy father David [Ps. xxi. 5]: "Life hath he asked of thee, thou gavest it to him."

R. Awira, according to others R. Joshua b. Levi, lectured: There are seven names for the evil angel (tempting man). The Holy One, blessed be He, names him "evil," as it is written [Gen. viii. 21]: "The imagination of man's heart is evil from his youth"; Moses calls him "obduracy," as it is written [Deut. x. 16]: "Remove the obduracy of your heart"; David calls him "unclean," as it is written [Ps. li. 12]: "Create unto me a clean heart"; and when he says "a clean heart," it must be an unclean one. Solomon calls him "enemy," as it is written [Prov. xxv. 21]: "If thy enemy be hungry, give him bread to eat, and if he be thirsty, give him water to drink; for though thou gatherest coals of fire upon his head, yet will the Lord repay it unto thee." Do not read שָׁלַם (repay it), but שָׁלֵם (he will make him peaceful toward thee). Isaiah calls him "stumbling-block," as it is written [Is. lvii. 14]: "And he will say, Cast ye up, cast ye up, clear out of the way, lift up every stumbling-block out of the way of my people." Ezekiel names him "stone," as it is written [Ezek. xxxvi. 26]: "I will remove the heart of stone out of your body." Joel calls him "host of the north," as it is written [Joel, ii. 20]: "And the host of the north will I remove." (The expression in Hebrew is Tzephoni, which also signifies the "hidden

* Leeser in his translation has it in the form of an interrogation, but the Talmud takes it in simple form.

† According to Rashi; according to Scheinhack, however, it means the thread of the *χροχνη*; and so it seems also from the Aruch.

one," and they interpret it as the evil spirit which is hidden in the heart of man.)

The rabbis taught: And I will drive it into a land barren and desolate: the evil angel hidden in a man's heart I will drive into the desert, *i.e.*, where men do not live, that he might tempt them; "with its advance towards the eastern sea," *i.e.*, he set his eyes on the First Temple, and destroyed it, and killed the scholars that were there; "and its rearward toward the western sea," *i.e.*, he set his eyes on the Second Temple, and destroyed it, and killed the scholars that were there; "and its stench shall ascend, and its ill savour shall come up, because he hath done great things," *i.e.*, he leaves out the other nation, and comes to tempt only the Israelites.

"He hath done great things." Said Abayi: Scholars he tempts more than any one else. As it once happened, Abayi heard a man say to a woman: "Let us rise early, and we will go on the road"; and Abayi thought: "I will follow them, and prevent them from a sin." He went after them about three miles through reeds, and he heard them saying: "Our conversation has been very agreeable, and now we must take separate roads." Said Abayi: "My enemy (meaning himself) would not have contained himself thus." He leaned against the bolt of the door, and was very sorry that he would have been worse than a common man. And an old man came to him and taught him: "The greater a man is, the more is he tempted by the evil angel." R. Itz'hak said: The evil passions of man try to get the better of him all the day long, as it is written [Gen. vi. 5]: "Was only evil all day long." R. Simeon b. Lakish said: They try to get the better of him, and to slay him, as it is written [Ps. xxxvii. 32]: "The wicked looketh out for the righteous, and seeketh to slay him"; and were not the Holy One, blessed be He, to aid him, man could not resist, as it is written further: "The Lord will not leave him in his hand, and will not condemn him when he is judged."

The disciples of R. Ishmael taught: If this hideousness has attacked thee, take it to the house of learning; if it is a stone it will be ground to powder, and if it is iron it will be split to pieces. "If a stone, it will be ground," as it is written [Is. lv. 1]: "Ho, every one of ye that thirsteth, come ye to the water" (*i.e.*, the Law); and it is written [Job, xiv. 19]: "The water weareth out stones." "And of iron, it will be split into pieces," as it is written [Jeremiah, xxiii. 29]: "Is not thus my word like the fire?"

saith the Lord, and like a hammer that shivereth the rock?" Said R. Samuel bar Na'hmani in the name of Jehonathan: The evil angel tempts man in this world, and bears testimony in the world to come, as it is written [Prov. xxix. 21]: "If one rear his slave delicately from his youth, then will he at length become *Manon*"; and in the *Alpha Betha* of R. Hiya, which was called Atbach, a witness was called *Manon*.*

Rabh Huna pointed out a contradiction: It is written [Hosea, iv. 12]: "For the spirit of lewdness *has caused them to err*," and [ibid. v. 4]: "The spirit of lewdness is in *their bosom*." At first it causes to err, and afterwards it remains in the bosom. Rabha said: In the beginning he is called "traveller," and then "guest," and then "man," as it is written [II Sam. xii. 4]: "And there came a traveller unto the rich man; and he felt compunction to take from his own flocks and from his own herds to dress for the guest that was come to him; but he took the ewe of the poor man, and dressed it for the man that was come to him" (Rabha assumes the whole verse to refer to the evil angel).

R. Johanan said: If it were not for the following three passages, the enemies of Israel (meaning Israel) could not withstand: First [Micah, iv. 6]: "And her to whom *I* have done evil"; and the second [Jeremiah, xviii. 6]: "As the clay is in the potter's hand, so are ye in my hand, O house of Israel"; and the third is [Ezek. xxxvi. 26]: "*I* will remove the heart of stone out of your body, and I will give you a heart of flesh." R. Papa says: Also from the following verse [ibid., ibid. 27]: "And *my* spirit I will put within you."

It is written [Zech. ii. 3]: "And the Lord showed me four carpenters." Who are the four carpenters? Said R. Hanah bar Bizna in the name of R. Simeon the Pious: Messiah b. David, and Messiah b. Joseph, Elijah, and Cohen Zedek.

It is written [Micah, v. 4]: "And in this (manner) shall there be peace: If Asshur should come into our land; and if he should tread in our palaces, then will we raise up against him seven shepherds, and eight anointed men. Who are the seven shepherds? David in the centre; Adam, Sheth, Methushelach, at his right; Abraham, Jacob, and Moses at his left. And who are the eight

* In Leeser's version of the Bible he translates *Manon* "son," for which we do not know the authority; but the Mashbir translates *Manon* *μεροτραν*, i.e., "violent," and quotes a Midrash where the evil angel is meant.

anointed men? Jesse, Saul, Samuel, Amos, Zephaniah, Zedekiah, Messiah, and Elijah.*

"And four ladders," etc. It was taught in a Boraitha, that the height of every candelabrum was fifty ells.

"And four lads," etc. The schoolmen propounded a question: Is it meant that each of them held a pitcher that contained 120 lugs, or the 120 lugs was the joint capacity of all the four? Come and hear: And in their hands were pitchers of oil containing each 30 lugs, which altogether amounted to 120. And a Boraitha states that they were praised more than the son of Martha the daughter of Baithus. It was said of the latter that he used to take two legs from the large ox which was bought for a thousand Zuz, in his hands, and went with them slowly, step by step. And his fellow-priests did not let him do so, because it is written [Prov. xiv. 28]: "In the multitude of the people is the king's glory" (*i.e.*, if more men carried, God's glory were greater). What is meant by, "They were praised more than the son of," etc.? Shall we assume the 30 lugs were heavy—the legs were heavier? Yea, but there was only one step, and it was square; but here was a ladder, and standing upright (and it was more difficult for children to carry the burden).

"There was not a court in Jerusalem that was not illuminated." A Boraitha taught: A woman could pick wheat by this light.

"Pious and distinguished men," etc. The rabbis taught: Among were such as said thus: "Well be to our youth which does not disgrace our age." They were pious and distinguished men, and there were among them people who said: "Well be to our age that has atoned for our youth." And these are the penitents. Both used to say: "Well be to those who have not sinned at all; but who has sinned shall repent, and he will be forgiven." We have learned in a Boraitha: It was said of Hillel the Elder (the Prince): When he rejoiced at the drawing of the water, he used to say thus: If I am here, all are here; but if I am not here, who is here? He used also to say: To the places which I am fond of, my feet bring me; if thou wilt visit my house, I will visit thy house; but if thou wilt not visit my house, I shall never visit thine. As it is written [Ex. xx. 21]: "In every place where I

* It is strange to Rashi why Isaac is not mentioned here among the patriarchs. He says it seems to him that it is stated elsewhere that it is because Isaac went to redeem his children from Gebenna. It is so. This can be found in Midrash II Chronicles and in Jalkut Shimon Micah, v. The strangeness of this saying, however, remains.

shall permit my name to be mentioned, I will come unto thee, and I will bless thee."* R. Johanan said: The feet of the man are securities for him: where he is needed, they bring him thither. Two Ethiopians were in the service of King Solomon, named Elihoreph and Achiyah the son of Shisha, and were his scribes. One day Solomon saw the Angel of Death was sad, and he asked him for the reason, and he said: Because the two men are required from me. And Solomon took the two men and gave them away to devils, who should carry them away to the city of Luz, which the Angel of Death cannot enter. On the morrow he saw the Angel of Death was very cheerful, and when he asked him the reason, he told him: To the place where I was commanded to take the lives of these two men, thou hast sent them, for they died at the gate of Luz. Then said Solomon: The feet of a man are his securities; where he is needed, to that place they bring him.

We have learned in a Boraitha: It was said that Rabban Simeon b. Gamaliel, when he rejoiced at the drawing of water, would take eight flambeaux in his hands, and throw them into the air, and catch, and one would not touch another. When he used to prostrate himself, he fixed his thumbs on the ground, and bowed, and kissed the floor, and then raised himself, and no creature can do so. And this is what is called Qidah. Levi tried to make such a Qidah in the presence of Rabhi, and became lame on one leg. Levi also tried in the presence of Rabhi to throw and catch eight knives. Samuel tried to do so in the presence of Sha'bur the king with eight goblets full of wine; and Abayi in the presence of Rabha with eight eggs, according to others with four eggs. We have learned in a Boraitha: R. Joshua b. R. Hananiah said: When we were engaged in rejoicing at the drawing of water, our eyes saw no sleep. How so? The first hour for the morning daily sacrifice; afterwards for praying, and from that to the additional sacrifice; after that the additional prayer; afterwards we went to the house of learning; from there we went to eat and drink at home, and afterwards the Min'ha prayer; and from the Min'ha prayer to the daily evening sacrifices, and from that time we rejoiced at the drawing of the water till the morn-

* Rashi explains this that Hillel said so in the name of the Shekhina—that the Shekhina says: "As long as I am in the Temple, all are here; but if I am not here, who shall be here?" In the Palestinian Talmud, however, it is explained that he says it of himself; Tosphoto, however, said that the second part based on the verse shows that Rashi's explanation is correct.

ing. But this is not so? Did not R. Johanan say: If one says: I swear I will not sleep three days, he shall get stripes for a false oath, and shall go to sleep immediately? He meant to say: We have not tasted any sleep, for we slept each on the other's shoulders.

"*Fifteen songs of degrees*," etc. Said R. Hisda to one of the rabbis who read the Agada (legends) before him: Have you heard of the fifteen songs of the degrees, for what purpose David composed them? He answered: So said R. Johanan: When David was mining under the altar to get water, water burst out ready to overflow the world; there he composed the fifteen songs of degrees, and therewith checked it.

"*We belong to God and we raise our eyes to God.*" This is not so? Did not R. Zera say: One who said twice, "Shema, Shema," is the same as if he had said, "*Modim, Modim*,"* of which a Mishna says, that he must be silenced? The Mishna meant thus: Our ancestors bowed toward the east to the sun, but only to God we bow, and our eyes we raise in hope to God.

MISHNA: In the Temple they never blew the trumpet less than twenty-one times a day, nor oftener than forty-eight times. They daily blew the trumpet twenty-one times: thrice at opening the gates, nine times at the daily morning offering, and nine times at the daily evening offering. When additional offerings were brought, they blew nine times more. On the eve of the Sabbath, they blew six times more: thrice to interdict the people from doing work, and thrice to separate the holy day from the work day. But on the eve of the Sabbath, during the festival (of Tabernacles) they blew forty-eight times: thrice at the opening of the gates, thrice at the upper gate, thrice at the lower gate, thrice at the drawing of water, thrice over the altar, nine times at the daily morning offering, nine times at the daily evening offering, nine times at the additional offerings, thrice to interdict the people from doing work, and thrice to separate the holy day from the work day.

GEMARA: Our Mishna is not in accordance with R. Jehudah of the following Boraitha: According to those who say they were few, they were not less than seven; and according to those who say that they were many, they were not more than sixteen.

What is the point on which they differ? R. Jehudah holds that blowing and alarming are one and the same thing, while

* This is explained in Tract Berachoth, Chap. V., Mishna 3.

the sages hold that they are two separate things. But what is the reason of R. Jehudah? Because it is written [Num. x. 5]: "And when ye blow an alarm." The rabbis, however, maintain that the passage means to say, that before and after the alarming a common blowing must be used. What is the reason of the rabbis' decree? Because it is written [ibid. 7]: "But at the assembling of the assembly, ye shall blow, but he shall not sound an alarm"; hence blowing and alarming are two separate things, for if they were not, how could the Merciful One command to do only half of the merit.

According to whom would be the saying of R. Kahana that there is no difference between a *Tekiah* (a blowing) and a *Teruah* (an alarming) whatever? This is certainly in accordance with R. Jehudah.

"*But on the eve of Sabbath, during the festival.*" The Mishna does not count the times that they blew when they ascended the tenth step, and therefore we must assume the Mishna is in accordance with R. Eliezer b. Jacob from the following Boraitha: Three times they blew, when they ascended the tenth step. R. Eliezer b. Jacob, however, said: These three times they blew over the altar. From this we see that those who said it was blown over the altar, do not hold it was blown on the tenth step; and he who says it was blown on the tenth step, does not mean to say it was blown over the altar. What is the reason of Eliezer b. Jacob? He meant, when it was blown at the opening of the gates, it was not necessary to blow again on the tenth step. And what is the reason of the rabbis? They hold that when it was blown at the drawing of the water, it was unnecessary to blow over the altar. And therefore they gave preference to the ascending of the tenth step. When R. A'ha bar Hanina came from the South, he brought a Boraitha with him, thus: It is written [Num. x. 8]: "And the sons of Aaron the priest shall blow with the trumpets." This verse is superfluous, because there it is already written [ibid. 10]: "Shall ye blow with the trumpets over your burnt-offerings, and over the sacrifices of your peace-offerings." And why is the first-cited verse needed? To signify that they have to blow when there are additional sacrifices. He taught the Boraitha, and he explained it that it meant to say, that it was a duty to blow at every additional sacrifice.

An objection was raised based upon our Mishna: But on the eve of Sabbath during the festival they blew forty-eight times. Now, if it was so (to blow at each additional sacrifice)

let the Mishna state that if the Sabbath falls during the festival there were fifty-one (because there was one additional sacrifice)? Said R. Zera: Because they did not blow at the opening of the gates on Sabbath. Said Rabha: Who is that who is not careful in his statements? The saying of R. Zera cannot hold good at all events. First, the Mishna states that there was blowing *every day*, which certainly includes Sabbath, and, secondly, even if the Sabbath, falling during the festival, were equal to the eve of Sabbath (in regard to blowing), the Mishna would not mention the eve of Sabbath, instead of the Sabbath itself, of which we could learn two things: that of R. Eliezer b. Jacob, that the blowing was not on the tenth step, but over the altar, and, secondly, what R. A'ha b. Hanina stated above, that they blew at each additional sacrifice.

Therefore said Rabha that the reason (for not mentioning Sabbath in our Mishna) is because they did not draw water on Sabbath, but on the eve of Sabbath, as stated *supra*; and then there were many blowings less (namely, the blowing when they reached the upper and the lower gate, the water-gate, and over the altar).

But let the Mishna state, when New Year falls on a Sabbath, when there are three additional sacrifices, namely, the New Year, the new moon, and the Sabbath sacrifice. The Mishna, in reality, left this out, as well as it left out the case when the eve of Passover falls on a Sabbath, when there were many additional blowings at the slaughtering of the Paschal lamb.

"*Nor oftener than forty-eight times.*" Is that so? Did they not blow, when the eve of Passover fell on Sabbath, according to R. Jehudah fifty-one, and according to the rabbis fifty-seven, times? When the Passover offering was brought, it is explained in Tract Pesachim (Chap. V., Mishna 5, p. 119) that it was blown many times during the time when the three divisions brought their offerings. This, which was done every year, is counted in the Mishna; but the eve of a Passover that fell on Sabbath, which is not every year, but only seldom, is not reckoned. But does the eve of Sabbath fall every year on the festival; it may happen that the first day of the festival falls on Friday, and then there is no eve of Sabbath during the whole festival? If this happens, then we prolong the festival for another day, because if the first day of the Feast of Tabernacles would be on Friday, the Day of Atonement would fall on Sunday, and no Day of Atonement must fall on Friday or on Sunday. An objection was raised:

We have learned that if the first day of the month falls on Sabbath, the song of the first of the month supersedes the song of the Sabbath. Now, if it would be as R. A'ha interpreted the Boraitha before, that they blew at every additional sacrifice, why does it supersede? Let the song of the first of the month be sung, and that of Sabbath also? Said R. Saphra: The Boraitha which says "supersedes the Sabbath" means, it is said before the song of the Sabbath. Why so? Is there not a rule as to that which is frequent and that which is rare, that the frequent has the preference? Said R. Johanan: This was an exception to the rule, that the people should know that this month is consecrated by Beth Din in its time.

Another objection was raised: Rabha bar Samuel taught: One may say, as we must blow every Sabbath separately, and every first month separately, so shall we blow at every additional sacrifice? Therefore it is written [Num. x. 10]: "On the beginnings of your months" (on the beginnings of the months only, but not at additional sacrifices). This objection to R. A'ha's teaching remains. How is it inferred from this passage? Said Abayi: Because it is written, "on the beginnings of the months," in the plural, all the months shall be equal (and if a first day of the month falls on Sabbath, and it would be blown for every additional sacrifice, the months would not be equal). R. Ashi says: We may infer it from the following: It is written "your months," and the "beginnings," in the plural. Which month can happen to have two beginnings? That is New Year, which is the beginning of the year and of the month, and it is nevertheless written, "your months." From this we infer, all the first days of the months must be equal. We have learned in another Boraitha: On the intermediate days the songs were as follows: On the first day they used to say from Psalm xxix.: "Ascribe unto the Lord, O ye sons of the mighty"; on the second, from Ps. l. 16; on the third, Ps. xciv. 16; on the fourth, *ibid.* 8; on the fifth day, Ps. lxxx. 7. On the sixth day they used to say lxxxii. 5: "All the foundations of the earth are moved"; and if Sabbath fall on one of these days, "All the foundations of the earth are moved" should be superseded. (Now, from what is said, that when Sabbath falls it is superseded, we see that it was not blown for additional offerings.) The objection of R. A'ha remains. But did not R. A'ha bar Hanina cite both a verse and a Boraitha? Said Rabbina: The Boraitha which says it was blown at additional offerings, meant to say it was blown a little longer, but not a

greater number of times. The rabbis of Cæsarea in the name of R. A'ha said: It was added to the number of trumpets.

And we in exile, who keep two days of festival, how shall we say in the additional prayer the passages [Num. xxix. 17-32] about the sacrifices? Amemar ordained in Nehardai: The second day we should leave out verse 17, but on the third day we should say (17-20) "both on the second and third"; on the fourth day (20-23) "the third and the fourth," etc., because in exile it was doubtful when the first of the month was consecrated.

MISHNA: On the first holy day of the festival there were thirteen bullocks, two rams, and one goat to be offered. There then remained fourteen lambs for eight orders of priests. On the first day of the festival six of these orders offered two lambs each, and the other two orders one lamb each. On the second day five of the orders offered two lambs each, and the remaining four orders one lamb each. On the third day four orders offered two lambs each, and the remaining six orders one lamb each. On the fourth day three orders offered two lambs each, and the remaining eight orders one lamb each. On the fifth day two orders offered two lambs each, and the remaining ten orders one lamb each. On the sixth day one order offered two lambs, and the remaining twelve orders one lamb each. On the seventh day they were all equal. On the eighth day they cast lots, as on other festivals. It was so regulated that the order which offered bullocks one day were not permitted to offer bullocks the next day, but it went in rotation.

GEMARA: These seventy bullocks, for what purpose were they offered? Said R. Elazar: For the sake of the seventy nations which existed then. And to what purpose was offered the one bullock [Num. xxix. 36]? For the sake of the single nation (Israel). It can be compared to a human king who says to his slaves: Make for me a great meal for several days. On the last day he says to his friend: You make for me a little meal, that I should have a benefit from yourself only. Said R. Johanan: Woe be to the nations, they have lost, and they do not know even what they have lost! When the Temple was in existence, the altar atoned for their sins, but now who shall atone for their sins?

MISHNA: Three times in the year all the twenty-four orders of priests were alike entitled to share the pieces of offerings of the festival, and in the shewbread; and on the Feast of Pentecost the distributors say to each priest: "Here is leavened bread

for thee, and here is unleavened bread for thee." The order of priests whose regular time of service occurs in the festivals offer the continual daily offerings, vows, and voluntary offerings, and all congregational offerings, and every sacrifice.

GEMARA: The pieces of the offerings? They were brought to the altar? Said R. Hisda: Do not read "*pieces*"* of the offering," but, "the offerings that were said to be sacrificed on the festivals." The rabbis taught: Whence do we deduce that all the orders of the priests had equal shares of the offerings of the festival? Because it is written [Deut. xviii. 6]: "And come with all the longing of his soul . . . he shall minister." Lest one say, on any day of the year it should be also so, therefore it is written, "from any one of thy gates," to signify, this is only when all Israel comes through one gate.

"*And in the shewbread.*" The rabbis taught: Whence do we deduce that all the orders of the priests have equal shares of the shewbread? From what is written [Deut. xviii. 8]: "They shall have like portions to eat." That means, according to his share in the service shall be his share in eating. But what is meant by eating? Shall we assume, that means to eat his share of the sacrifice? This is already deduced from Leviticus, vii. 9: "Shall belong to the priest that offereth it alone." Hence it means only the eating of the shewbread. But lest one say, they shall have a share also in the duty-offerings which are not dependent on the festival, therefore it is written [Deut. xviii. 8]: "Beside that which cometh of the sale of his patrimony." What is meant by selling the patrimony? That they have divided the weeks: I and my children shall take this week, and you shall have the other week.

"*And on Pentecost,*" etc. It was taught: (If one has to pronounce two benedictions, of the Succah and the time,) Rabh said, he shall pronounce first the benediction of the Succah, and after this that of the time; and Rabha bar bar Hana said, that of the time first. The reason of Rabh is because the duty of the day must be given preference; and Rabha bar bar Hana's, the frequent thing has the preference over the rarer thing (and the benediction of the time is said many times in the year, and that of the Succah only once a year). An objection was raised from our Mishna:

* The expression in the Mishna for pieces is פִּיּוּטִין, and in Hebrew signifies also "saying"; and R. Hisda interprets it not *pieces*, but the *saying* what ought to be sacrificed.

On Pentecost it is said: "Here is leavened bread, and here is unleavened bread." Now, on the Pentecost, the duty of the day is with leavened bread, and nevertheless it mentions unleavened bread first, and this would be an objection to Rabh, who says that the duty of the day must be given preference? Rabh might say: On this differ the Tanaim, as we learn in the following Boraitha: Here is unleavened bread, here is leavened bread. R. Saul, however, said: Here is leavened bread, here is unleavened bread. R. Na'hman b. R. Hisda lectured: It shall be done not according to Rabh to pronounce the benediction of Succah before that of time, but that of time should be said before that of Succah. R. Shesheth the son of R. Idi says: The Succah before the time. And so the Halakha prevails.

"*The order of priests, whose regular time,*" etc. What is meant by "all congregational sacrifices"? It means to add the bullock, which the congregation has to offer for ignorance [Lev. iv. 13, 14], and the goat for idolatry.

"*And every sacrifice.*" What is meant by every sacrifice? It means, to supply the deficit on the altar. (See Tract Shekalim, Chap. IV., Mishna D.)

MISHNA: If a festival falls before or after a Sabbath, all the twenty-four orders share alike in the shewbread. But if a day intervenes between the Sabbath and the festival, the order whose regular turn it was, received ten of the shewbread, and the loiterers received two shewbread. At other times of the year the order which entered on their duty received six, and that which went off duty received also six. R. Jehudah says: That order which enters on duty received seven, and that which goes off receives five. Those who entered shared them on the north side, and those who went out, on the south side (of the Temple court). The order Bilgah always divided their share on the south side; their slaughter ring was fastened down, and the window of their chamber blocked up.

GEMARA: What is meant by "before or after"? Shall we assume that "before" means the first day of the festival, and after a Sabbath? The last day of the festival, is it not the same as a Sabbath during the festival? Therefore we must say that "before" means, the last day was before a Sabbath, and "after" means, the first day was after Sabbath. Why, then, shall the shares be equal? The Sabbath does not belong to the festival at all? Because those who have to work on the succeeding week must come before the Sabbath, and those whose duty was out

could not go away on the festival, and they all stayed in the Temple. Therefore the sages ordained they should have an equal share.

"If a day intervene," etc. And according to R. Jehudah, what is the reason that those who enter received two more? Said R. Itz'hak: That was the reward for opening the gates. But why did they not say, let it be equal for ever, for in the other week those who take seven this week will have five the next? Said Abayi: It is better to take a ripe small orange than to wait for an unripe large melon.

"Those who entered shared them on the north," etc. The rabbis taught: Those that entered took their shares on the north side, that it should be seen they were entering; and those who took them on the south side did it that everybody should see they were going out.

"The order Bilgah," etc. The rabbis taught: It happened to Miriam the daughter of Bilgah that she became an apostate, and was married to an officer of the Greek kingdom. When the Greeks entered the Temple, she took her sandal and knocked on the altar, and said: Lucus, Lucus, how long will you destroy the money of Israel, if you cannot help them in their trouble? When the sages heard this, they fastened down their ring and blocked up the window. But according to others, the order of Bilgah was always late to come, and the order of Jeshebab his brother substituted them; and although always the neighbors of the wicked are not benefited, the neighbors of Bilgah have benefited, because they took their share always in the south, and those of Jeshebab his brother always in the north. It is right according to those who say that the whole order was late, therefore it was punished; but according to those who say that only Miriam, Bilgah's daughter, became apostate, can it be that the Bilgah should be punished for his daughter? Said Abayi: Yea, because people say, what a child speaks in the street, it has heard either from its father or from its mother. But must the whole order be punished for the sin of her father and mother? Said Abayi: Woe be to the wicked, and woe be to his neighbor; well be to the righteous, and well be to his neighbor, as it is written [Is. iii. 10]: "Say ye to the righteous, that he hath done well; for the fruit of their doings shall they eat."

END OF TRACT SUCCAH.

TRACT MOED KATAN (MINOR FESTIVALS)

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* See footnote in Tract Succah.

that the court has power to summon, to appoint a time, and to postpone trials and to excommunicate? For what cases one may be put under the ban, and what is the fixed time for rebuke, ban, and excommunication. What happened to a young scholar whom R. Jehudah put under the ban. How the maid-servant of Rabbi put one under the ban for beating his grown-up son, and what the rabbis said to that. What Mar Zutra the Pious did when a young scholar was delinquent, 25-34

MISHNAS II. to VII. What documents are allowed to be written. About bonds and debts. About Phylacteries, etc. Do the days of the festival postpone the mourning or abolish? The difference in this subject between Sabbath and a festival, and as to a difference also between the festivals themselves, and which of them enter into computation. If the garments are to be rent for certain relatives, and how to do it on the minor feasts. What happened to an Ishmaelitish merchant when the coffins of Rabba and Hamnuna passed by. The Elegy of a disciple on them. The funeral oration on Rabina. The answer of Bar Kipuk to the question of R. Ashi: What oration he would make on the day of his death; the oration on a child which died at birth; the oration on R. Zera when he has departed in Palestine—*all in verse*. To whom it must be said: "Go in peace," and to whom, "Go with peace," 35-45

TRACT MOED KATAN (MINOR FESTIVALS).

CHAPTER I.

REGULATIONS CONCERNING LABOR AND MARRIAGE IN THE INTERMEDIATE DAYS.

MISHNA: Beth Hashal'hin (Dry Land) may be irrigated during the middle days, and also during the Sabbatical year, as well from a fountain that is newly sprung forth as from one that is not newly sprung forth; but one must not irrigate it with rain-water, nor with water (drawn) from a deep well; nor may one make trenches (to hold water) round vines.

R. Elazar ben Azariah said: "One must not make (dig) a fresh trench (conduit, or water course) during the middle days, or during the Sabbatical year." The sages, however, hold, that a fresh trench (water course) may be dug during the Sabbatical year, and that those (conduits) which are choked up may be repaired during the middle days. One may likewise repair water reservoirs (which are) on the public ground, and cleanse them. One may also repair the roads (streets), the market (public) places, and the spring-baths. In short, it is allowed to do whatever the exigencies of the public (service) require. Tombs may be marked, and messengers are to be sent out on account of possible Kilaim.*

GEMARA: As the Mishna permits irrigation from a newly sprung fountain, although its sides are likely to cave in, it is self-understood then that it is the more so allowed from a fountain not newly sprung, the sides of which are not likely to cave in? For what purpose then did the Mishna state expressly that irrigation is also allowed from a fountain not newly sprung? If not for this statement we might assume that from a newly sprung fountain whose sides are likely to cave in, dry land may and lowland

* *Vide* Shekalim, Chap. I., M. a.

may not be irrigated, but from a spring not newly sprung even Beth Habal (lowland not requiring frequent irrigation) may also be irrigated, it therefore comes to teach us that there is no difference.

But whence do we deduce that "Beth Hashal'hin" means dry land. From the passage [Deut. xxv. 18]: "When thou wast 'faint' and weary"; the translation of Onkeles of which is: "When thou wast 'Mshalhi' and weary." (The letter "h" is changeable for "h"; and "mshalhi" is equivalent to "mshal'hi.") And whence do we deduce that "Beth Habal" means "husband fields"? From the passage [Isaiah, lxii. 5]: "For as a young man 'espouseth' a virgin," etc., the translation of Jonathan whereof being "as a young man 'husbands' a virgin," etc.

Who is the Tana who holds that irrigation is permitted only for the purpose of preventing loss but not for the purpose of deriving gain; and even in case of loss no troublesome work is permitted? Said R. Huna: "It is R. Eliezer ben Jacob, as we have learned in the following Mishna: R. Eliezer ben Jacob said: Water may be conveyed from one tree to another, provided the whole orchard be not irrigated." (This is in the case of lowland and because it is only for gain; R. Eliezer said it must not.) From this statement it may only be deduced that R. Eliezer holds so in case of gain, but no deduction can be made therefrom as to where loss is involved? Therefore said R. Papa: It is in accordance with R. Jehudah of the following Boraitha: From a newly sprung fountain even lowland may be irrigated, this is the dictum of R. Meir. R. Jehudah holds that only dry land which became ruined may be irrigated. R. Elazar b. Azariah, however, agrees with neither of them. R. Jehudah went further than that and said: "One may not direct a water channel to irrigate his garden and ruined land, during the middle days."

What is meant by "ruined"? Does it mean actual ruin? why then irrigating it? Said Abayi: "It means, land one spring of which was ruined but another one sprung forth." R. Elazar b. Azariah, however, does not allow even in this case. But why all this argument? Perhaps R. Jehudah did not allow the irrigation of lowland only from a new spring, for the reason stated above; but from an old spring, the sides of which are not likely to cave in, it is permitted? If this be so, then according to whom would be the statement in our Mishna? We, therefore, must say, that according to R. Jehudah from both newly sprung and not newly sprung fountains dry land may and lowland may not be irrigated;

and the statement in the Boraitha: "From a newly sprung fountain," etc., is for the purpose of indicating the extent of R. Meir's permission, viz., that dry land may be irrigated, and even from a newly sprung fountain. It was taught: "One who weeds or waters plants on Sabbath, against what principal labor must he be warned?" * Said Rabba: "Ploughing, as these are derivative from it." R. Joseph, however, said: "Sowing, as these are derivative from it."

This would be correct as for the intermitting days, during which work is permitted in case of loss; but as for the Sabbatical year, during which both ploughing and sowing are prohibited, how can it be allowed? Said Abayi: "The Mishna treats of the Sabbatical year subsequent to the destruction of the Temple, and Rabbi said elsewhere that this is only rabbinical." Rabha, however, said: "The Mishna may be explained even according to the rabbis, who hold that it is biblical, but the Scripture prohibits only principal labors but not derivative; as it is written [Lev. xxv. 4]: "But in the seventh year there shall be a sabbath of rest unto the land, a sabbath of the Lord; thy field shalt thou not sow, and thy vineyard shalt thou not prune," etc. Let us see: Is not sowing the principal of pruning, and is not reaping the principal of gathering? For what purpose then did the Scripture expressly state pruning and gathering? We must say that it is to point out the derivatives for which one is liable.

But is one not liable even for other derivatives? Did we not learn in a Boraitha: It is written [Lev. xxv. 4]: "Thy field shalt thou not sow, and thy vineyard shalt thou not prune"? Whence do we deduce that weeding, grubbing up vines, cutting, plucking, sawing (off branches, when they are too numerous), and supporting (trees), manuring, removing rubbish from the roots, or covering the roots with earth, or smoking (for the purpose of killing the insects on the tree) are also not permitted to be done during the Sabbatical year? From the arrangements of the words in the passage: It is not written: "Thou shalt not sow thy field, and thou shalt not prune thy vineyard," but, "Thy field shalt thou not sow," etc., which indicates that all work pertaining to the field and all work pertaining to the vineyard shall not be done. But this generalization does not include grubbing up olive-trees, or vines, or filling water conduits, or digging trenches

* No capital punishment, nor even that of stripes, is inflicted without a previous warning. *Vide* Introduction to Sabbath, p. xxvi.

round vines. Whence do we deduce these exceptions? From the statement, "Thy field thou shalt not sow." Was not sowing included in the general commandment, "A year of rest shall it be unto the land"? Why the repetition of sowing? For the purpose of comparison: As "sowing" includes both the field and the vineyard, so other labor similar to it is prohibited. (Hence we see that for other derivatives one is also liable?) Nay, all those enumerated in the Boraitha are only rabbinical prohibitions, and the biblical passage is only a slight reference.

Is grubbing up olive-trees permitted during the Sabbatical year? Is it not written [Exod. xxii. 11]: "But the seventh year shalt thou let it rest and lie still," etc., and it was construed to mean, "let it rest from being grubbed, and lie still from being cleaned from stones"? Said R. Uqba bar Hama: "Grubbing is done for two different purposes, viz., to promote the growth of, and to fill the cracks in the tree; the latter is permitted, the former is not.

We have learned in a Mishna (Shekalim I., 1): "Up to what time is it permitted to dig in an orchard during the year immediately preceding the Sabbatical year? The school of Shammai hold, during all the time the fruit may benefit thereby. The school of Hillel, however, decree, up to the feast of Pentecost." Both these limits are almost identical. And up to what time is it permitted to plough corn-fields during the year preceding the Sabbatical year? Until the ground ceases to be damp, and during all the time people till the soil to plant melons and cucumbers. Said R. Simeon: "If this be so, then the Law permitted every individual to fix his own time?" Therefore, the time is fixed as follows: Corn-fields may be tilled up to the Passover and orchards up to Pentecost. (The school of Hillel fix the time at the Passover.) And R. Simeon ben Pazzi in the name of R. Joshua ben Levi, quoting Bar Qappara, said: "Rabban Gamaliel and his tribunal have abolished those two limits." Said R. Zera to R. Abbahu (and according to others, Resh Lakish to R. Johanan): "How could Rabban Gamaliel and his court abolish a regulation established by the schools of Shammai and Hillel? Did we not learn in a Mishna: No one court is permitted to overrule the decision of another court, unless they exceed the other in number and wisdom? He was astound for one hour [Daniel, iv. 16], and then answered: Say, so was the condition of the first court, that those who differ with them may overrule them. R. Ashi, however, said: Rabban Gamaliel and his court are in

accordance with R. Ishmael, who holds that this was oral law, and as such it was binding only during the existence of the Temple, similar to that of "pouring water on the altar," but not after.

The rabbis taught: "It is not permitted to irrigate from the water basins, or trenches, which were filled with rain-water on the eve of the feast, unless there is a water-channel passing between them." Said R. Papa: "Even this is permitted only where the greater part of the land is irrigated therefrom." R. Ashi, however, said: "It is permitted even if this is not the case, for when water is likely to flow in (into the channel) one is not likely to do any troublesome work, and is rather likely to think to himself, 'if it cannot be irrigated in one day it will be so in two or three days.'"

The rabbis taught: "It is permitted to irrigate dry land from a water basin which receives its water supply from the dry land situated above it" (the upper land being irrigated from a well and some water is dripping down into the basin). But is it not likely to cease (and some troublesome work may be done in bringing water from another place)? Said R. Jeremiah: "The case is when it is still dripping." Abayi adds: "This case holds good only when the original spring has not ceased."

"*One must not make a fresh trench,*" etc. This would be correct in reference to the middle days, because it is considered work, but what is the reason for the Sabbatical year? R. Zera and R. Abba bar Mamel: One holds, the reason is because it resembles delving; and the other says, because it is considered a preparation of the adjacent ground for sowing.

"*And those conduits that are choked up may be cleansed.*" What is meant by "choked up"? Said R. Abba: "If it was only one span deep, it may be restored to its original depth of six spans."

Abayi allowed the inhabitants of Hamdoch to cut off the branches of the trees growing in the river (during the middle days). R. Jeremiah allowed the inhabitants of Sekutha to cleanse a choked well of the river. R. Ashi permitted the inhabitants of Matha M'hasiah to deepen the river Burniz; and the reason assigned by him for this permission was, that because many persons used its water it was to be considered as a public necessity, and our Mishna states that all work for public service is permitted.

"*One may repair water reservoirs located on public ground.*"

Is cleansing only, and no digging, permitted? Said R. Jacob in the name of R. Johanan: The Mishna refers to a case in which the public do not need it, but otherwise even digging is permitted. Is that so? Have we not learned in a Boraitha: "Basins, pits, and cavities may be cleansed, if they belong to private persons, and so much the more if they are public. But it is not allowed to dig even when they are public, and so much the more when they are private." Should we not assume, that it is not permitted even when needed by the public? Nay, the case is when the public do not need it. Then how would it be in case of the private ones? Shall we assume that it is even when one does not need it? Then why should cleansing be permitted? Explain thus: Private basins may be cleansed when needed by him, and so much the more public basins if required by the public; but it is not permitted to do so even when they are public in case they are not needed by the public, and so much the more private ones if not needed by the owners, for if not needed by the owners even cleansing is not permitted. Said R. Ashi: "The explanation of our Mishna seems to mean the same, as it states *all* that is necessary," etc., and this word "all" adds also digging. But the expression "all" may include the works enumerated in the following Boraitha: Messengers may be sent out (on the middle days) to remove prickles from the roads and to repair the markets and thoroughfares, and to ascertain the contents of the legal baths; and if they do not contain the prescribed measure they must be regulated. And whence do we deduce that if the messengers were not sent out and in consequence thereof an accident happened, that those guilty of such neglect are personally charged with having caused that accident? Therefore it is written [Deut. xix. 10]: "And bloodguiltiness be brought upon thee"? Are all these not expressly stated in our Mishna? "The roads," etc., "may be repaired?" why then repeat, "all" what is required by the public, etc.? We must then assume that it adds digging. Infer herefrom.

"And tombs may be marked," etc. R. Simeon b. Pazzi said: Where is it hinted at in the Scripture that tombs must be marked? It is written [Ezek. xxxix. 15]: "When any one seeth a man's bone, there shall be set up a sign by it." Said Rabina to R. Ashi: Were not tombs marked prior to Ezekiel? Therefore we must say, that it was traditional and the passage in Ezekiel only refers to it. Rabina, however, said: We may find a reference to this in the following passage [Psalms, l. 23]: "And

to him that ordered his course aright will I show the salvation of God." (From this passage it may be inferred that the tombs were marked in order not to pass over them.) As R. Joshua b. Levi said: One who weighs his ways will be rewarded in seeing the salvation of the Holy One, blessed be He. As the Hebrew term of the above passage is "Vessom derech," do not read "vessom," but "veshom."* A pupil of R. Janai who was wont to ask questions of the latter whenever he was lecturing, refrained from doing so on the Sabbath preceding a holiday, when a multitude of people used to gather (for fear that R. Janai might not be able to answer him and get confused), and R. Janai referred to him the passage just quoted (as explained by R. Joshua b. Levi).

The rabbis taught: Those things which cannot communicate uncleanness when in a tent need not be marked; but the following parts of a dead person must be marked: the spinal cord; the head; the major part of the structure of the skeleton, and the major number of parts of the skeleton. Those places which are known to be unclean need not be marked, but those which are doubtful need be. The following are considered doubtful places: Those having trees with spread out branches, places near fences the stones of which are projecting forward, and Beth Haperes (Perch): and no signs should be put up on the *very spot* of the uncleanness (but a short distance away), in order not to injure those who are clean (because if one inadvertently approaches the sign he becomes unclean); neither shall a sign be put too far away from the unclean spot, in order not to injure the land of Israel (*i.e.*, not to mark too much clean space as unclean). R. Jehudah said: "No marking should be done unless there is the Elder (of the congregation) or a scholar, for not every one is experienced in such things." Said Abayi: "From this we may infer, that if there is a young scholar in the city, all the business of the congregation must be attended to by him" (if there is no one else do it).

"And messengers are to be sent out on account of Kilaim." Were messengers sent out on the middle days? Have we not learned in a Mishna (Shekalim, I., a) that they were sent out on the first day of Adar? R. Elazar and R. Jose bar 'Hanina: One explains the contradiction thus: "Our Mishna relates to those

* The letter "Shin" in Hebrew when pointed rightward reads "sh"; when pointed left reads "ss." The word "shom" in question is pointed left and the rabbi reads it as if pointed right, and explains it to have the meaning of the Aramaic "Shomin"—to weigh, to estimate.

plants which are late in season and the other to those early in season." The other explains that our Mishna refers to vegetables and the other to herbs. Said R. Assi in the name of R. Johanan: This is the case only when the plants have not sprung up, but when they have (and Kilaim were noticed) messengers are sent out even before. Why are messengers sent out on the *middle days*? Said R. Jacob in the name of R. Johanan: Because on those days labor is cheap. How much of the mixed seeds must there be in order to constitute Kilaim? Said R. Samuel bar Itz'hak: As we have learned (in Kilaim, II., 1): "Every Sah that contains one-fourth of seed of another species must be lessened." But did we not learn in a Boraitha: "It was determined that the whole field be confiscated (made ownerless)"? This presents no difficulty. The former was said before and the latter after the determination was made, as we have learned in a Boraitha: Formerly the messengers used to pull out the Kilaim and throw them to the cattle, and the owners used to be doubly pleased, first because their fields were weeded, and secondly because their cattle were fed; so it was determined that it be pulled out and thrown on the roads, but the owners were still very pleased because of the weeding of their fields, and it was finally determined that the whole field should be given to the free use of the people.

MISHNA: R. Elazar ben Jacob said: "One may lead water from one tree to another, provided always the whole orchard be not irrigated; plants which have not imbibed (water) before the middle days, must not be irrigated during the middle days. The sages, however, permit both."

GEMARA: R. Jehudah said: "If it was damp land it may be done." So also we have learned in the following Boraitha: The prohibition to irrigate during the middle days applies only to plants that have not imbibed prior to the feast, but those that have may be irrigated during the middle days. And if it was damp land it may. Withered land, however, must not. But the sages permit both. Rabina said: From this it is to be inferred that a yard-garden may be besprinkled during the middle days, for what is the reason for withered land? because by irrigation it is changed from one late in season unto one early in season? The same is the case with a yard-garden.

MISHNA: One may catch Ishuth (moles) and field mice in orchards and fields in the usual manner, both during the middle days and the Sabbatical year. The sages, however, said, that in

an orchard (the vermin may be caught) in the usual manner, but that in a corn-field it must not be caught in the usual manner. During the middle days one may pile (loose stone) to stop a gap in a fence; on the Sabbatical year, however, it may be repaired in the ordinary way.

GEMARA: What is "Ishuth"? Said R. Jehudah: It is an eyeless insect. Said Rabha bar Ishmael, and according to others R. Yemar bar Shlamia: Where is it mentioned in the Scripture that Ishuth is an eyeless insect? It is written [Psalms, lviii. 9]: "As a snail which melted, let him pass away, like the untimely birth of a woman: (Ehsheth)* *which hath not seen the sun.*"

"*But that in a corn-field it must not be caught in the usual manner.*" We have learned in a Boraitha: "R. Simeon ben Elazar (or ben Jacob) said: This refers only to those corn-fields that are adjacent to a town, but in case of those adjacent to an orchard it may be done even in the usual manner, for the reason that they might overstep the boundary and injure the trees."

"*During the middle days one may pile loose stones to stop a gap in a fence.*" With what is it stopped? Said R. Joseph: With the twigs of shrubbery and the bay-tree. In a Boraitha we have learned: "The stones may be piled up but no mortar must be used." Said R. Hisda: "This applies only to garden fences, but in case of court walls it may be rebuilt in the usual manner." Said R. Ashi: This may be inferred from our own Mishna. It states: "And during the Sabbatical year it may be rebuilt in the usual manner." This statement cannot relate to a court wall, because there is no reason why it should not be permitted; it must then relate to garden fences, and although it looks as if done for the purpose of protecting the fruit, infer herefrom that it is permitted.

MISHNA: R. Meir said: Priests make the first inspection of the plague (of leprosy) in order to relieve (the patient) but not to restrict him. The sages, however, decide, neither to relieve nor to restrict.

GEMARA: We have learned in a Boraitha: "R. Jose holds, neither to relieve nor to restrict, for the reason that if an inspection is made, if you cannot relieve him you must restrict him." Said Rabbi: "R. Meir's decision seems to be more proper in the

* "Ishuth" and Ehsheth are similar in pronunciation, and it states, "*which hath not seen the sun.*"

case of one who is still subject to the examination; and R. Jose's decision seems to be the more proper one in the case of one who was decidedly afflicted with the disease." Said Rabha: They all agree that no examination is made (during the middle days) of a clean person; they also all agree that an inspection may be made during the first seclusion; * in what they differ is: in the case of the second seclusion. One holds that it is discretionary with the priest. If he finds him clean, he informs him; but if he finds him unclean, he keeps silent. And the other holds that, as it is written [Lev. xiii. 59]: "To *pronounce* him clean *or* unclean," he must in either case *pronounce* it. The Master said: "Said Rabbi: R. Jose's decision seems to be more proper," etc. But have we not learned in a Boraitha, *vice versa*? There is a difference of opinions between the Tana'im in regard to Rabbi's statement. One holds that one (who is afflicted with the plague) prefers association with the public; and the other holds, that he appreciates more the society of his wife.

MISHNA: R. Meir further said: One may gather the bones of his father or mother (during the middle days to inter them), because it is a joy to him (it relieves his mind). But R. Jose said: "It is a grief to him" (afflicts his mind). One must not grumble over his dead, nor hold a funeral oration for thirty days before the festival.

GEMARA: There is a contradiction: We have learned in a Boraitha (Ebel Rabbati, XII.): † "One who gathers the bones of his dead father or mother shall mourn over them the whole day, but not in the evening. Said R. Hisda: This is applicable even if they are wrapped up in his mantle (and are not readily seen by him?) Said Abayi: Read in the Mishna: R. Meir said, etc., for the enjoyment of the festival will prevent him from mourning."

"*One must not grumble over his dead.*" What is meant by "grumble"? Said Rabh: The funeral orators in Palestine use the following expression in their funeral orations: "Let all the perturbed join him in mourning." (The Mishna means, then, that he should not excite others to mourn.)

"*Thirty days before the festival.*" Why thirty? Said R. Kahana, according to others Rabh: "It happened once that a funeral orator came around to the house of one who had saved up some money for the prescribed pilgrimage to Jerusalem,

* See Lev. xiii. 5.

† See our introduction to same tract.

and he so pleased the wife of the latter with his orations that she handed him all her savings, and her husband was prevented from going to Jerusalem. And therefore it was then determined that no exciting oration be held within thirty days preceding a festival." Samuel, however, said: The reason is, because no one departed is forgotten by his mourners during the first thirty days. In what respect does it make a difference, whether the one or the other is the reason? In case one volunteers to do it without compensation. (According to Rabh it may, and according to Samuel it may not take place.)

MISHNA: One must not dig graves or burial vaults on the middle days; but one may prepare graves (previously dug); and also make a washing pit, and a coffin in the same court where the corpse lies. This, however, R. Jehudah prohibits, unless the boards have been (previously) provided.

GEMARA. What part is called "grave," and what part "vault"? Said R. Jehudah: Grave is the excavation, and vault is that part which is built in the grave. So also we have learned in a Boraitha.

"But one may prepare graves." What is meant by "preparation"? Said R. Jehudah: "If it was too long it may be shortened." In a Boraitha we have learned that it may be made both longer and wider.

"And a coffin in the same court where the corpse lies." What we read in this Mishna has reference to what the rabbis taught: "All that is necessary to be done for the dead may be done: his hair may be cut, his wrapper washed; and his coffin may be prepared from boards cut before the festival." R. Simeon ben Gamaliel said: "Timber may be also brought and boards cut therefrom, privately in the house."

MISHNA: One must not espouse a wife on the middle days—neither virgins nor widows; nor must one marry the childless widow of his deceased brother,* as that (the espousal) is a cause of joy to him (individually), but one may receive back his own divorced wife. A woman may prepare her ornaments on the middle days. R. Jehudah said: "She must not apply lime (chalk as a cosmetic), because it may disfigure her. A layman may sew (make stitches) in the regular way; but the tailor must do it zig-zag. One may twine (the ropes in the sacking) of bedsteads." R. Jose, however, said: "They may only be tightened."

* See Deut. xxv. 5-11.

GEMARA: And if it is a cause of joy to him, why not? Said R. Jehudah in the name of Samuel, and so also said R. Elazar in the name of R. Oshiya or Hanina: "For the reason that two different joys must not be comingled." Rabba bar Huna said: "For the reason that the enjoyment of the festival is neglected on account of the enjoyment over his wife." Said Abayi to R. Joseph: The statement of Rabba bar Huna was originally made by Rabh, as R. Daniel bar Ktina said in the name of Rabh: Whence do we deduce that it is not permitted to espouse wives on the middle days? For it is written [Deut. xvi. 14]: "And thou shalt rejoice on thy feast." *Over thy feast* thou shalt rejoice, but *not over thy wife*. Ula said: "The reason is: Because there would be too much trouble." R. Itz'hak of Naf'ha said: "The reason is, in order not to restrict reproduction (for every one will postpone his marriage until the festival)."

An objection was made: We have learned elsewhere: "All those said to be prohibited from espousing wives on the middle days, may do so on the eve of the feast." This seems to contradict all those reasons assigned? This presents no difficulty: According to the one who said, because of the enjoyment—the main enjoyment over his bride is on the first day only; according to the one who said, it is the trouble—the main trouble is also on the first day only; and according to the one who said, in order not to restrict reproduction—for one single day no one will postpone it.

But whence do we deduce that two different joys may not be comingled? It is written [I Kings, viii. 65]: "And Solomon held at the time the feast," etc., "seven days and seven days, even fourteen days." Now then, if comingling of two different joys were permitted, why did Solomon not postpone it until the feast and the seven days of the feast would have served for both? R. Parnach in the name of R. Johanan said: On that year the Israelites had not observed the Day of Atonement and they were perturbed and thought they were sinful, and a Heavenly voice was heard announcing: "All of you are prepared for the world to come."

It is written [I Kings, viii. 66]: "On the eighth day he dismissed the people, and they blessed the king and they went unto their tents," etc.

"And they went unto their tents," meaning, they found their wives clean. "Joyful"—they were delighted with the brightness of the Shekhina. "Glad of heart"—the wife of every one be-

came pregnant with a male child. "Because of the good," etc.—for the announcement of the Heavenly voice, as stated above. "For David his servant and Israel his people"—this would be correct so far as Israel is concerned, for they were forgiven their neglect to observe the Day of Atonement; but what is hinted at by the statement, "For David his servant"? Said R. Jehudah in the name of Rabh: When Solomon desired to place the ark in the Temple, the gates became fastened to each other and they could not be opened. Solomon then pronounced twenty-four prayer-songs and was not answered. He then commenced to pray [Psalm, xxiv. 7]: "Raise your heads, O ye gates," etc., and still he was not answered; but when he finally said [II Chron. vi. 42]: "O Lord God, turn not away the face of thy anointed, remember the pious deeds of David thy servant," he was at once answered. At that moment the enemies of David became as black as the bottom of a pot, and then it was known to all that the Holy One, blessed be He, had forgiven David *that* sin (of Bath-Sheba).

R. Jonathan ben Esmail and R. Jehudah b. Gerim had been studying the chapter treating of Vows before R. Simeon b. Jo'hi. In the evening they took leave of him and departed. On the following morning they returned and asked leave again. R. Simeon b. Jo'hi questioned them: "Did you not take leave of me last night?" They answered him: "Did not our Master teach us, that a disciple who takes leave of his instructor and remains in the same place over night must take leave again?" As it is written [I Kings, vii. 66]: "On the *eighth* day he dismissed the people, and they blessed the king"; and it is again written [II Chron. vii. 10]: "And on the twenty-third day of the seventh month he dismissed the people." Infer from this, that a disciple who after taking leave of his Master remains over night in the same place must take leave again. Then he (R. Simeon b. Jo'hi) said to his son: "These men are of nice countenance (scholarly). Go and receive their blessing." He went, and found them discussing the contradiction of the following passages: It is written [Prov. iv. 26]: "*Balance* well the track of thy foot, and let all thy ways be firmly right"; and *ibid.* v. 6 reads: "So that (she) *cannot balance* the path of life"? This presents no difficulty. The first passage refers to a commandment that can be performed by others, and the other passage has reference to such as cannot be performed by others. They again propounded a question: It is written [Prov. iii. 15]: "She is more precious than pearls, and all the things *thou valuest* are not equal unto her." From

this it seems that Heavenly things are equal. And it is written [ibid. viii. 2]: "And *all* the things that men wish for are *not equal* to her"; from which it seems that Heavenly things are also included? And the above answer was applied also to answer this contradiction.

They then turned to him and asked him what his wishes were, and he answered: "Father sent me here to receive your blessing." They then pronounced: "Let it be the Will that thou shalt sow but not reap, thou shalt bring in but not give forth, thou shalt give forth but not bring in; thy house shall be ruined and thy temporary dwelling shall remain; thy table shall be confused; and thou shalt not see a new year." When he returned to his father he said: "Not only did they not bless me, but, on the contrary, they cursed me!" and he recited the above. His father replied: All those are blessings; viz.: "Thou shalt sow and not reap" means, allegorically, "Thou shalt bear children and they shall not die." "Thou shalt bring in and not give forth"—"Thou shalt bring in thy house wives for thy sons, and thy male children shall not die, so their wives will not need to leave thy house." "Thou shalt give forth and not bring in"—"Thou shalt have daughters and their husbands shall not die, so that they shall not be compelled to return to thy house." "Thy house shall be ruined and thy temporary dwelling shall remain"—for this world is only a temporary dwelling and the world to come is the real house, as it is written [Psalms, xlix. 12]: "Their inward thought (Kirbom) is, that their houses are to be forever." Do not read "kirbom," but "kivrom" (their graves). "Thy table shall be confused"—by thy many children. "And thou shalt not see a new year"—"Thy wife shall not die, so that thou shalt not be compelled to marry another."

R. Simeon b. Halafta took leave of Rabh, and the latter said to his son: "Go to him and receive his blessing." R. Simeon pronounced the following: "Let it be the Will that thou shalt not shame others and others shall not shame thee." When he returned to his father he said: "He did not bless me, but only advised me." And his father rejoined: "Nay, it is a blessing; and it is the same, the Holy One, blessed be He, pronounced over Israel, as it is written [Joel, ii. 26]: "And ye shall eat in plenty," etc., "and my people shall not be ashamed unto eternity"; and repeated in the next passage: "And ye shall know that I am in the midst of Israel," etc., "and my people shall not be made ashamed unto eternity." The repetition herein

means, both that they shall not shame others and others shall not shame them.

"*A woman may prepare her ornaments,*" etc. The wife of R. Hisda was once ornamenting herself in the presence of her daughter-in-law. R. Huna bar Dinna, who was present at the time, said: "It seems to me that only a young woman is allowed to prepare her ornaments, but not an old one?" And R. Hisda rejoined: "By the Lord! even your mother and your grandmother, and even the woman who is on the brink of her grave; as the proverb goes: 'A woman of sixty is as enthusiastic over the music of a cymbal as a girl of six.'"

"*R. Jehudah said: She must not apply lime,*" etc. R. Bibi's daughter applied gradually cosmetics to every part of her body, and she improved so much that she received a dowry of four hundred Zuz. The daughter of a stranger who resided in the neighborhood (of R. Bibi), learning of that, applied a cosmetic at once to all parts of her body, and in consequence thereof died. The stranger then said: "Bibi killed my daughter." R. Na'hman said: "In R. Bibi's house, where beer was used, his daughters had to use cosmetics, but in our houses, where beer is not used, our daughters need not apply cosmetics."

"*The layman may sew in the regular way,*" etc. Who is considered a layman? The school of R. Janai explained, one who is not experienced in gathering on the needle; R. Jose bar Hanina said: "One who cannot properly place the foundation in the border of a garment."

"*They may twine the ropes,*" etc. What is the difference between "twining" and "tightening"? When R. Dimi came from Palestine he said: "R. Hyya bar Abba and R. Assi, both in the name of Hezekiah and R. Johanan, differ: One says "twining" means both the shoot thread and the warp, and "tightening" means the shoot only; and the other holds that "twining" means the warp and not the shoot thread, and "tightening" means "if they were not tight they might be tightened." When Rabin, however, came from Palestine, he declared that as to "twining," all agree that it means the shoot thread and the warp; they differ only as to "tightening": one holds it means the shoot only, and the other holds that if they were not tight they might be tightened.

MISHNA: One may erect an oven or a hearth, or a mill, on the middle days. R. Jehudah says: "New millstones must not be chipped."

GEMARA: What is the meaning of "chipping"? Said R. Jehudah: It means notching. R. Je'hie! said: "It means the boring of the centre-hole in the millstone." R. Hama lectured: "Millstones may be cleaned during the middle days." In the name of R. Meir he said: Even the hoofs of the horse and ass may be pared, provided they are used for riding; but not the hoofs of an ass employed in a treadmill. R. Jehudah permitted to pare the hoofs of an ass employed in a treadmill, to place the millstones in proper position, and to build a new mill; to erect a foundation for the millstones, and also to erect a stall. Rabha permitted to comb a mare, to erect a stand and a colonnade. Rabha also permitted to let blood to a domestic animal during the middle days. Said Abayi to Rabha: "We found a Boraitha in your support: 'Blood may be let to a domestic animal; and no restriction is made to the administration of medicines to domestic animals during the middle days.'" Rabha permitted to press garments. Why so? For the reason that it can be done by any unskilled person. Rabha said again: "Trading even in the most moderate degree is not permitted." Said R. Jose bar Abin: "But in case of perishable articles it is." Rabina was to complete a transaction in which he would have earned six thousand Zuz, and by postponing it till after the middle days he earned twelve thousand. Rabina had to collect some money from the inhabitants of the fortress of Shnuatha, and he consulted R. Ashi whether to go there or not. R. Ashi told him: "If you think you can find them now and not on other days, it is as if it were perishable articles and you may do it." We have learned in a Boraitha similar to that just stated, in regard to dealings with idolaters: "It is permitted to attend markets of idolaters and to purchase domestic animals, male and female slaves, land and vineyards, and to write out the deeds and record the same, for it is considered as if rescued from their hands." Rabh permitted Hyya bar Ashi to construct a fisher's net on the middle days. R. Jehudah permitted Ami, the oven-builder, to erect an oven, and to Rabba bar Eshbi he permitted to mesh a sieve.

MISHNA: A railing (balustrade) may be made round a roof, or gallery, in the way a layman does it, but not in the way it is done by a mechanic. Rents (in the roofs) may also be closed, and (then) smoothed with a roller, or with hand and foot, but not with a trowel. Should the hinges of the door-frame, or the beam, or the lock (of the door), or the key (thereto) have been broken

they may be repaired on the middle days, provided always one does not intentionally put off the repairs till the middle days. All (kinds of) pickled food of which one can eat during the middle days may be pickled.

GEMARA: What is meant "*in the way of a layman*"? Said R. Joseph: "With twigs or wire." A Boraitha states: When the railing was not smeared with clay.

"*Rents may be closed*," etc. If they may be smoothed with a roller, it is self-understood then that it may be done so with the hand and foot? This should be understood thus: "Rents may be closed and smoothed with hand and foot as if done with a roller, but not with a trowel."

"*Should the hinges of the door*," etc., "*they may be repaired*," etc. Is there not a contradiction from what we have learned, that "up to his days (of R. Jo'hanan, the high-priest) the sound of the hammer (falling on the anvil) used to be heard in Jerusalem," etc., from which we see, only up to his days, but not afterwards? Nay, this presents no difficulty. The statement just quoted has reference to a blacksmith's hammer, and that mentioned in our Mishna relates to that of a carpenter.

"*All pickled food of which*," etc. The river Bditha of Libai had an abundance of fish, and any one who wanted to fish them could do so. Rabha permitted to go there, bring fish and salt them. Said Abayi to him: "Does not our Mishna state, only those foods that can be eaten on the middle days?" Rabha replied: These can also be eaten by washing them first, as it happened once with Samuel, who was served with (pickled) fish, and he ate them after washing them sixty times. Rabha happened once to be in the house of the Exilarch (on the middle days), and he was served with pickled fish which were washed sixty times, and he partook of them. Rabh was once the guest of R. Shapir and fish was served, one-third of which was cooked, another third pickled, and the rest fried. Rabh related: "Ada the fisher once told me that fish taste best some time after they are caught." Rabh further stated: "The same told me: 'Fish should be fried with their brother (salt—for both are found in water); after they are fried they should be placed with their father (water—which produces fish), and they should be eaten with their offspring (their juice); and after eating them, drink their father (water).'" Rabh said again: "Ada the fisher told me: 'One who eats fish, dates,

or milk should not go to sleep right after, unless he takes first a long walk.'” Rabh said again: “Ada the fisher told me: ‘After eating fish, dates, or milk, water is to be preferred as a drink to beer, and beer should have preference over wine.’”

CHAPTER II.

REGULATIONS CONCERNING LABOR. MOURNING AND BUYING AND DOING BUSINESS IN THAT TIME, AND ALSO IN THE INTERMEDIATE DAYS.

MISHNA: One who has turned his olives, and a death occurred in his family; and one who is prevented from at once putting them to press, or has been disappointed by his laborers, may put the first press-block on, and leave it until after the feast. Such is the dictum of R. Jehudah. R. Jose, however, said: "He may put the olives into the oil-press and finish pressing them, and bung up the casks in the usual manner."

GEMARA: It begins with mourning and ends with the middle days (without stating the law relating to the former)? Said R. Shesha, son of R. Idi: "Infer from this, that things permitted on the middle days are, nevertheless, prohibited during mourning." R. Ashi says to the contrary: "Not only in the mourning time, which is only rabbinical, are these things allowed, but even on the middle days, during which work is prohibited biblically, in the case of loss the rabbis permitted it."

The following Boraitha is in support of the assertion of R. Shesha, son of R. Idi: The following things are done by *others* for one who is in mourning: If his olives are turned, the press-block may be put on, the cask bunged, his flax removed from the buck, his wool taken out of the boiler, and his land watered when his turn comes on. R. Jehudah said: "Even his ploughed land may be sown and the flax-field planted." The sages, however, maintain, that if not sown early in the season it can be done so late in the season; and if not flax, other plants can be raised. R. Simeon b. Gamaliel, however, said that if he is the only specialist in the place, of all those things mentioned above, they may be done by himself privately. And even more than that the same Rabban allowed: If he were the only mechanic in the place employed by the public, or a barber, or a bather, and the feast was approaching, he might perform his functions. Contractors of all kinds must have others to do their work (during their mourning).

Those who hire out asses, camels, or ships to others, must not do their work. But if at the time (their mourning commences) they were already hired out, they might continue. A day laborer, although in a place where he is not known, must not work. If he were to work for others in his own house, whether under contract to do it for a definite time or not, he must not do it. If others were working for him in his own house, they must postpone their work; but in a house other than his own, they might continue. Marian, son of Rabhin, and Mar, son of A'ha son of Rabha, had a team of oxen in copartnership. One day a death occurred in the family of Mar b. A'ha and he kept in his ox. Said R. Ashi: Why should a great man like Mar do such a thing? If he does not consider his own loss, he must consider that of another. As stated above: "If they were hired out at the time, they might proceed with their work." He (Mar), however, was of the opinion that the case is different when a prominent person is concerned. Samuel said: "Those who do their work under contract for a definite period of time, if *within* the legal limits, may not; if *outside* those limits, they may do it." R. Papa, however, said: Even where it is outside the legal limits, the case is only when there is no town adjacent. R. Mesharshia, however, said that even where there is no town adjacent the case is so only in reference to Sabbath days and festivals, for on those days people are few; but as regards the middle days, during which people are numerous, it is not permitted. Mar Zutra, son of R. Na'hman, had a house built under contract outside of the legal limits. R. Saphra and R. Huna bar Hinna happened to be in the neighborhood of that house and declined to enter it; and according to others, R. Zutra himself also declined to enter it. But has not Samuel said that if it was outside of the legal limits it is permitted? R. Zutra himself assisted them in placing the straw during the progress of the work. R. Hama permitted the Abunagars (waiters) of the Exilarch to do their work on the middle days; for, he said, they receive no salary, and work only for their board. (It is therefore not considered labor, and does not matter.)

The rabbis taught: Work may be taken under contract during the middle days to be done after the feast. But on the middle days it is not permitted. The rule is: All that one himself may do, he may have a Gentile do it for him, but not what he may not. We have learned in another Boraitha: "Work may be taken under contract on the middle days to be performed

after the feast, provided always he does not measure, weigh, or count in the usual manner."

The rabbis taught: "No animals should be copulated on the middle days; the same applies to the firstborn and also to the desecrated ones at any time."

The rabbis taught: Cattle must not be brought into the field for the purpose of manuring, either on Sabbath days, feast days, or middle days. But if they come there of themselves it is permitted. And no assistance may be afforded to those in charge, neither a watchman assigned them to watch their sheep. But the case is different if they are hired by the week, month, year, or for a period of seven years. Rabbi, however, says: "On Sabbath days it may be done without compensation; on feast days, for food only; and on the middle days, even for compensation." Said R. Joseph: "The Halakha prevails as Rabbi decreed."

MISHNA: The same is the case when one whose wine is in the press-pit and a death occurred in his family or another accident happened; or if he had been disappointed, he may pour the wine into casks, cooper, and bung them up in the usual manner. Such is the dictum of R. Jose. But R. Jehudah said: "He must only cover the pit with boards, so that the wine may not grow sour."

GEMARA: Said R. Itz'hak bar Abba: "The Tana who holds that on the middle days it must not be done in the usual manner, does not accord with R. Jose." Said R. Joseph: "The Halakha, however, prevails as decreed by R. Jose." A question was propounded to Na'hman bar Itz'hak: "Is it permitted to bung up a beer barrel on the middle days?" He answered: "Sinai (R. Joseph) had already stated that the Halakha prevails as decreed by R. Jose." But R. Jose's statement relates only to wine, but not to beer? What was the reason for wine—because there is a great loss? The same is the case with beer. R. Hama bar Guriah said in the name of Rabh: The laws regarding the middle days are distinct from each other and cannot be compared for the purpose of inference. As Samuel said: "A jug may, but a barrel may not be covered with tar." R. Dimi of Nehardea holds the reverse. The one considers the loss involved; the other, the trouble with which it is accompanied.

The rabbis taught: Grinding is permitted on the middle days for use on those days only, but not otherwise; but if some of the flour remain till after the festival, it may be used. Such is also

the case with wood-cutting and beer-brewing, but one must not go too far. R. Hananel said in the name of Rabh: "One may fell a tree, even if he needs only the splinters." Abayi, however, censured that. R. Ashi owned a forest in the neighborhood of Shalnayi, and he went there once during the middle days to chop wood. Said R. Shela of Shalnayi to R. Ashi: "You do this, relying on the statement of R. Hananel in the name of Rabh? But has not Abayi censured it?" And he replied: "I do not care for that." When he commenced to chop, his axe slipped off the handle and almost injured his shoulder. He thereupon left the forest (for he took it as a punishment for his statement in reference to Abayi). R. Jehudah permitted to pluck flax, hops, and poppy. Said Abayi to R. Joseph: "This would be correct as regards flax and hops, for the one may be used for covering (figs, etc.), and the other in beer-brewing; but what use can be made of poppy? Its seed can be used. R. Janai owned an orchard the fruit of which got ripe on the middle days, and he gathered in the fruit; on the following year every one postponed the gathering in of his fruit until the middle days. R. Janai (as a punishment to himself for having caused others to postpone their work until the middle days) gave away on the very same year that orchard to the free use of the public.

MISHNA: One may house his fruit from (dread of) thieves, and take flax out of the buck, that it be not spoiled, provided he does not intentionally defer doing it till the middle days; but should he have so deferred, then in all these cases he forfeits the articles in question.

GEMARA: A Boraitha states: "Provided he does it privately." R. Joseph had removed beams to his house in the day-time. Said Abayi to him: "Have we not learned that it should be done privately?" He answered: "In this case it may be considered more privately in the day-time than in the night-time; for in the night-time it must be done by light, and it requires therefore more men."

"And take the flax out of the buck," etc. R. Jeremiah propounded the question to R. Zera: "One who deferred intentionally doing it until the middle days and soon afterwards died, shall we impose the fine on his sons? Shall we assume that the rabbis intended to punish him personally, and, therefore, his sons are released? or shall we assume that the fine was directed against his property, and, therefore, his sons must pay it?" And he answered: "This we have learned in the following Mishna: A

field which has been cleaned from prickles during the Sabbatical year may be sown immediately thereafter; but this is not the case if it was manured either by man's labor or by animals." Said R. Jose bar Hanina: "There is a tradition that if one had manured his field (on the Sabbatical year) and soon afterwards died, his son might sow it." Hence we see that the fine was directed against him, and not against his son. The same is the case with working on the middle days, stated above.

MISHNA: One must not purchase houses, slaves, or cattle, excepting for the use of the whole festival, or for the use of the vendor, who otherwise might have nothing to eat.

GEMARA: Rabha asked R. Na'hman: "What is the law if a laborer has nothing to eat?" And he answered him: "This we have learned in our own Mishna, 'or for the use of the vendor,' which intends to include the case of the laborer." (For the case of the vendor is included in the statement, "for the use of the *whole* festival," which includes the middle days.) Rejoined Rabha: Perhaps the Mishna explains only what is meant by the expression "use of the vendor."

MISHNA: One must not remove things from one house to another, but this may be done from the house of another court to his court. Things must not be brought home from the mechanic's house, but if he fears (that they might be lost) he may remove them to another court.

GEMARA: Did not the Mishna begin with the statement that it must not be removed at all? Said Abayi: The last clause of the Mishna means to say, that it may be removed from the court-house to the court (but not to another house).

MISHNA: Dried figs may be covered with straw. R. Jehudah says: "They may, likewise, be put in layers. Dealers in fruit, garments, or utensils may privately sell what is required for use on the middle days. Huntsmen (fishers) and manufacturers of peeled barley and grits may carry on their occupations in private, as the exigencies of the festival may require it." R. Jose said: "They have of their own accord adopted the more rigorous observance and do not carry on their occupations (on the middle days)."

GEMARA: R. Hyya bar Abba and R. Assi, both in the name of Hezekiah and R. Johanan, differ. One holds that "covering," mentioned in the Mishna, means "thinly covering," and "put in layers" means "thickly covering"; and the other one holds that "covering" means both thinly and thickly covering, and "put in

layers" means "heaping up." So also we have learned in a Boraitha: "Putting in layers—placing in a heap. Such is the dictum of R. Jehudah."

"*The dealers in fruit*," etc. The schoolmen propounded a question: "Does it mean that they adopted a rigorous, etc., not to do any work at all, or only not in public?" Come and hear: The dealers in fruit, garments, and utensils may sell in private, for use on the middle days. R. Jose said: "The dealers of Tiberias adopted of their own accord a more rigorous observance and did not sell at all." (The Boraitha states further on that R. Jose said that the same was the case with the hunters and fishers of Achu and the manufacturers of grits of Sepphoris.) Abayi said: "It is called grits, if it (the kernel) is crushed into two; pearl grits, if into three; and meal, if crushed into four parts." When R. Dimi came he said: "It (grits) means spelt." R. Huna permitted the dealers in spices to trade in their usual way. R. Kahana objected: We have learned elsewhere: A store opening into a gallery may be locked and unlocked in the usual way, but if it opens into a public street he must open one door and lock the other; and on the eve of the last day of Tabernacles one may decorate his stores with fruit in honor of the last day of the festival. But not otherwise? This presents no difficulty: the one is the case regarding fruit; the other, regarding spices (which may be done in the usual way).

CHAPTER III.

REGULATIONS REGARDING MOURNING ON FESTIVALS, REGARDING THOSE WHO ARE UNDER THE BAN, AND WASHING.

MISHNA: The following may shave (trim their hair) on the middle days: One who arrives from the sea countries, or returns from captivity, or has been discharged from prison; or one who was absolved by the sages from the ban, or from his vow (not to cut his hair for a certain period of time); also a Nazarite and the leper who is restored to cleanness. The following may wash their garments on the middle days: One who arrives from the sea countries, or returns from captivity, or has been discharged from prison; and one whom the sages have absolved from the ban, or from his vow. Towels, barbers' napkins, and bathing towels (may be washed). Men and women who have had a running issue, women after their courses or lying-in, and all persons who from uncleanness are restored to cleanness, are permitted to wash their garments; but all other persons are forbidden.

GEMARA: What is the reason for not permitting other persons? As we have learned in the following Mishna (Ta'anith): "The priests of the weekly watch and the standing Israelites are prohibited from shaving their beards and washing their clothes; but on Thursday they are allowed to do so in honor of the Sabbath." And Rabba bar bar Hana in the name of R. Elazar said: "The reason why they are prohibited to do so the whole week is in order that they shall not enter upon the fulfilment of their duties when they are filthy (if they would be allowed to do so during the days of their duty)." The same reason applies to the festival (if they will be allowed to do so in the middle days they will not shave themselves before the festival).

"*Who arrive from the sea countries.*" Our Mishna is not in accordance with R. Jehudah of the following Boraitha: R. Jehudah said: "One who returns from the sea countries may not shave, for he went to sea of his own accord." Said Rabba: "If he went to sea for adventurous purposes, all agree that he may not; if to earn his bread, all agree that he may. They only

differ in case he went to sea to accumulate profits (*i.e.*, one who was well provided with an income, but went to sea to increase his riches). One equals it to the case of adventurous purpose; and the other, to that for the purpose of earning his bread. Samuel said: "A minor (child) may be shaved on the middle days, and it makes no difference whether he was born on or before the middle days." Said R. Pin'has: "We also have a Mishna to the same effect: All those who were permitted to shave on the middle days may also do so during their mourning." From this we must assume that those prohibited to shave on the middle days are also prohibited from doing so during their mourning? Now, if a minor would be prohibited, then mourning would be customary to a minor also, but the following Boraitha states: "The garments of a minor mourner are rent for the purpose of moving others to mourn?" Hence we see that to a minor himself mourning is not customary? Said R. Ashi: Does, then, the Mishna state "those who are prohibited"? (It only states "those who are allowed") and possibly some are prohibited who are not mentioned in the Mishna.

A mourner must not observe mourning on festivals, for it is written [Deut. xvi. 14]: "And thou shalt rejoice on thy feast." Then, if the mourning commences before the festival the positive commandment of the rejoicing of the feast which relates to the whole public is relieving from the positive commandment of mourning of an individual; and in case it began on the festival, the commandment of mourning to an individual cannot relieve from the commandment (of rejoicing) to the public. What is the law of one who is under the ban as regards the festival? Said R. Joseph: Come and hear: "Cases involving capital punishment or stripes, or civil cases, may be tried (on the middle days), and if one (of the parties) is in contempt he may be put under the ban." Now then, if you should think that if one who was *already* under the ban the festival comes and postpones it, how could we put one under the ban *originally* on the festival? Said Abayi to him: "Perhaps the Boraitha meant, by 'tried,' the examination only (but not the result)?" Therefore said Abayi: This can be decided from our Mishna, which states: "One whom the sages absolved from the ban." And if the festival would postpone it, why then the absolving by the sages?

Said Rabha: Does, then, the Mishna state: The *sages have absolved* the ban? It states: "Who was *absolved by the sages* from the ban," which means that he has previously arrived at an

understanding with his opponent and then come to ask the rabbis that they should absolve him. (Hence the question remains undecided.)

Is the law of leprosy customary on the festival? Said Rabha: Come and hear: It is written [Lev. xiii. 45]: "And the leper." That means to include even if it was the high-priest. Now, it is certain that as to the high-priest all the week-days are considered feast-days, as we have learned in a Mishna (Sebo'him): "The high-priest may sacrifice in his mourning before the interment of the corpse, but not to eat of it." Infer from this that the law of leprosy is customary on festivals. *

Rabha said: Whence do we know that the court has power to summon one to appear before them; to appoint a time for the trial before the chief of the court; and to fix a time for the appearance of both parties? It is written [Num. xvi. 12-16]: "And Moses sent to call Dathan and Abiram, the sons of Eliab," etc. "And Moses said unto Korah, thou and thy company be ye before the Lord," etc. "Thou and they and Aaron to-morrow." And whence do we know that the court has power to postpone the trial to another day? It is written [Jerem. xlvi. 17]: "They called out there," etc., "he hath let the time appointed pass by." And whence do we know that the report of the court messenger, that the summons is disobeyed, is not considered slander? From the report of the messengers to Moses [Num. xvi. 14]. And whence do we know that a great man has the power to put one under the ban? From [Judges, v. 23]: "Curse ye Meroz, said the messenger of the Lord." [It means that he was a great man.] And whence do we know that the court has power to excommunicate him and to prohibit to eat or drink in his company, or to stand near him within a distance of four ells? From the passage [ibid., ibid.]: "Curse ye bitterly, curse its inhabitants." And whence, that his disobedience is made public? From [ibid., ibid.]: "Because they came not to the help of the Lord." And whence, that his property may be confiscated (made ownerless)? From [Ezra, x. 8]: "And that whosoever should not come within three days," etc., "all his substance should be forfeited † and himself separated from the congrega-

* All the laws of mourning not belonging to festivals we transfer to Tract Ebel Rabbathi (Great Mourning) as the proper place, and they will be published in the next volume, which will complete this section.

† Leeser translates "devoted."

tion of the exiles." Whence, that he may be cursed, beaten, his hair plucked, and made to swear? From [Nehem. xiii. 25]: "And I contended with them, and cursed them, and smote certain of them, and plucked out their hair, and made them swear," etc. Whence, that his hands and feet may be bound, and he may be tied to the whipping post, and prosecuted? From [Ezra, vii. 26]: "Whether it be unto death, or to banishment, or to a fine on goods, or to imprisonment." What is meant by "banishment"? Said Ada Mari in the name of Ne'hemiah bar Baruch in the name of R. Hyya bar Abin, quoting R. Jehudah: "It means, prosecution." What kind of prosecution? Said R. Jehudah, son of R. Samuel bar Shilath, in the name of Rabh: "It means that he is put under the ban at once, and if he does not repent within thirty days the ban is continued; and if he still continues to be disobedient, he is excommunicated after the lapse of sixty days." Said R. Huna bar Hinna to him: "But has not R. Hisda stated: He is first warned on a Monday, Thursday, and the following Monday"? This relates only to cases involving money; but if he is accused of having denounced the authorities, he is at once put under the ban. A certain butcher was disobedient to R. Tubi bar Mathna, and he was put under the ban by the concurrence of Abayi and Rabha. Subsequently he came to an understanding with his opponent. Said Abayi: "What shall be done in such a case? Shall we absolve him? Thirty days have not passed yet? Shall we not? The rabbis need him?" And he turned to R. Idi bar Abin and asked him: "Do you know anything about such a case?" And the latter answered him: "R. Ta'hlipa bar Abimi said in the name of Samuel: 'The horn that announced that he was placed under the ban, may announce that he was absolved.'" And Abayi rejoined: "This is only in cases involving money; but in the case of denouncing the authorities, the ban must continue for thirty days." Ameimar said: "The Halakha prevails, that if scholars declare the ban over a person, he may be absolved therefrom by three other scholars." Said R. Ashi to Ameimar: Have we not learned in a Boraitha: R. Simeon b. Gamaliel said: If one of the scholars who declared the ban over a person died, his part cannot be absolved from? Shall we not assume that it cannot be absolved from at all? Nay; that means, only until other three absolve him.

The rabbis taught: The ban is declared for not less than thirty days; rebuke, however, is only for seven days; and al-

though there is no explicit proof for that, there is a hint [Num. xii. 14]: "If her father had spit in her face, would she not be ashamed seven days?" R. Hisda said: "Our (Babylonian) ban equals in point of time their (Palestinian) rebuke; and their rebuke is only for seven days." Is that so? Has it not happened that R. Simeon bar Rabbi and Bar Qappara have been studying together, and they came across a difficult question? Said R. Simeon to Bar Qappara: "This question must be solved by Rabbi (my father)." And Bar Qappara answered him: "What could Rabbi say to this?" * R. Simeon reported this statement to his father, and he became angry. Subsequently Bar Qappara came to visit him, and Rabbi said to him: "Bar Qappara, I have never known thee." Bar Qappara understood this reproach, and he reprimanded himself for thirty days? It also happened that Rabbi ordered not to teach disciples in the public streets. R. Hyya disregarded the order, and did teach his two nephews, Rabh and Rabba bar bar Hana, in a public street. When Rabbi heard of it, he was angry. Subsequently R. Hyya came to visit him, and Rabbi said to him: "Eyya, you are wanted in the street." R. Hyya understood what was hinted at, and he reprimanded himself for thirty days.

[On the thirtieth day Rabbi sent a message to him to come; and a short while after he sent him another message not to come. Subsequently R. Hyya came. Said Rabbi to him: "Why didst thou come?" He answered: "Because the Master sent for me to come." Said Rabbi: "But did I not subsequently send thee not to come?" And he replied: "The first message I received, the second one I did not." And Rabbi applied to him the following passage [Proverbs, xvi. 7]: "When the Lord receiveth in favor a man's ways, he maketh even his enemies to be at peace with him."] Hence we see from this that the rebuke of the Palestinians is for thirty days? The rebuke of a prince is different.

For how long, however, is *our* rebuke? For one day only, as seen from the following: Samuel and Mar Uqba, *studying* together, the latter used to sit (out of respect to Samuel) four ells distant from the former; but when sitting as a court, the reverse used to be the case, and Mar Uqba used to sit on a low platform (near the candelabrum †) in order that his voice might be heard

* Rabbi explains this to mean: "There is no scholar who could answer this." But our explanation seems to us more proper.

† For Mar Uqba was an Exilarch.

well. Mar Uqba was in the habit of accompanying Samuel every day to his residence. One day he was so engrossed in a case that he forgot to do it, and the latter, instead, followed *him* to his house. When they reached the house, Samuel said to him: "Is this sufficient for thee? May I now return?" And Mar Uqba understood that Samuel was angry, and he reprimanded himself for one day. There was a woman who was sitting in a pathway, and was in the habit of stretching out her foot to pick up the barley. A young scholar happened to pass by and she paid no attention to him, and he remarked: "How insolent this woman is!" The woman came before R. Na'hman and he asked her: "Did he utter the ban?" And she answered: "Nay." He then ordered her to be reprimanded for one day. Zutra bar Tubiah was once arranging biblical passages before R. Jehudah. When he came upon the passage [II Sam. xxiii. 1]: "And these are the last words of David," he said to him: "If these were the last, what were the first words of David?" R. Jehudah remained silent. But when he (Mar Zutra) repeated the question, R. Jehudah said: "Art thou of the opinion that if one cannot explain this he is no more a great man?" And Mar Zutra understood that R. Jehudah was angry, and he reprimanded himself for one day. How is this passage, however, to be explained? It plainly reads "the last"; then there must be the first words? [Ibid. xxi. 1]: "And David spoke unto the Lord the words of this song, on the day that the Lord had delivered him out of the hand of all his enemies, and out of the hand of Saul." This passage was expounded thus: The Holy One, blessed be He, said unto David: "David, thou singest songs over the downfall of Saul; if thou wert Saul and he were David, I would annihilate many a David for his sake." And this is meant by [Psalms, vii. 1]: "A Shiggayon of David * which he sang unto the Lord, concerning the affairs of Cush (the Ethiopian) the Benjamite." Was then his name Cush? It was Saul, but as an Ethiopian is distinguished from others by the color of his skin, so was Saul distinguished from others by his good deeds. Likewise [Num. xii. 1]: "On account of the Ethiopian woman which he had married." Was then her name Ethiopian? Was it then not Ziporah? But it is to state, that as an Ethiopian is distinguished by the color of his skin, so was she distinguished by her kind deeds. Likewise [Jerem. xxxviii. 7]: "Now when the slave of the king, the Ethio-

* The root of Shiggayon is שגג, meaning "error."

pian," etc. Was then his name Ethiopian? * Was it then not Zedekiah? But as it is stated above. Likewise [Amos, ix. 7]: "Are ye not like the children of the Ethiopians, O children of Israel?" Was then their name Ethiopians? Was it then not "Israel"? But as the Ethiopians differ from others in the color of their skin, so does Israel differ from all idolaters by their good deeds.

R. Tan'hum said in the name of R. Huna, and according to others R. Huna himself said it: A disciple who put one under the ban for disobedience to himself, the ban is valid, as we have learned in a Boraitha: "One who is put under the ban by the Master is considered so also towards the disciple; but if put by a disciple, is not so towards the Master." Hence towards the Master he is not so, but as towards the general public he is so. Now, then, let us see: To what case is this applicable? Shall we assume that it applies to Heavenly things? Is it not written [Psalms, xxi. 30]: "There is no wisdom nor understanding nor counsel *against the Lord*"? Hence it must be assumed, even for the disobedience to himself. R. Joseph said: "Even a young scholar, if only he is certain that his demand against another is just, may render judgment in his own favor." There was one young scholar concerning whom evil rumors were current. Said R. Jehudah: "What shall be done in this case? Shall we put him under the ban? The rabbis need him. Shall we not? The name of Heaven will be profaned." And he asked Rabba bar bar Hana: "Do you know anything about such a case?" He answered him: So said R. Johanan: "It is written [Malachi, ii. 7]: 'The priest's lips are ever to keep knowledge, and the law are they to seek from his mouth, for he is the messenger† of the Lord of hosts.' That means: If the Master is equal to an angel, law may be sought from his mouth, but not otherwise." Thereupon R. Jehudah put him under the ban. Subsequently, R. Jehudah was taken ill and the rabbis made him a sick-call, among whom was also that young scholar. When R. Jehudah beheld him, he smiled. Said he to R. Jehudah: "Is it not enough that you put me under the ban, that you still laugh at me?" R. Jehudah answered him: "I do not laugh at you, but in the world to come I will be proud to say that I was not biased even towards so great a man as you."

* The Talmud translates the meaning of the words literally. Hence our translation.

† The text reads "Malach," which means a messenger, and also an angel.

When R. Jehudah died the young scholar came to the college and asked to be absolved from the ban, and the rabbis answered him: "There is not here a man equal in esteem to R. Jehudah to absolve you. Go to R. Jehudah the Second, and he may absolve you." He went to him. Said the Nasi to R. Ami: "Go and examine his case, and if found favorable, absolve him." R. Ami did so, and was about to absolve him when R. Samuel bar Na'hmeni arose and said: "Even when the maid-servant of the house of Rabbi declared one under the ban the sages did respect it for three years, and so much the more we must respect Jehudah our colleague." Said R. Zera: "How did it happen that this old man came to-day to college after an absence of several years? It is a token that the young scholar is not to be absolved." He left weeping, and on the way he was stung by a bee and he died. He was brought to the vaults of the Pious, and was not accepted; he was then removed to those of the Judges, and was accepted. Why so? For he acted as R. Ilai of the following Boraitha: "If one cannot withstand the temptation, he shall go to a place where he is not known, and shall dress in black and wrap himself in black and do as he pleases, but shall not profane the name of Heaven openly."

What was the occurrence with the maid-servant of the house of Rabbi? The maid-servant of the house of Rabbi saw once one beating his grown-up son, and she said: "Let that man be under the ban, for he has transgressed the commandment [Lev. xix. 14]: 'Thou shalt not put a stumbling-block before the blind.'" And the following Boraitha states that this passage relates to one who beats his grown-up son. Resh Lakish was watching an orchard, and there came a certain man and ate of the figs. Resh Lakish shouted to him not to do it, but he paid no attention to him. Resh Lakish then said: "Let this man be under the ban." And the man answered him: "On the contrary, let *that* man be under the ban; for if I am responsible to thee in damages, am I then liable to be put under the ban?" When Resh Lakish came to the college, he was told: "His placing you under the ban is valid, but not yours." "How can it be corrected?" "Go and ask his pardon." "But I do not know where to find him?" And he was told: "You have to go to the Nasi in order to be absolved, as we have learned in a Boraitha: 'One who was put under the ban and he does not know the person, he must go to a Nasi in order to be absolved.'"

R. Huna said: It was enacted in Osha that if the chief of the court should be delinquent, if for the first time he should not be put under the ban, but should only be told: "Be dignified and stay at home." But if for the second time, he should be put under the ban, lest the name of Heaven be profaned. This is not in accordance with the following statement of Resh Lakish: A scholar who is delinquent is not put under the ban publicly, for it is written [Hosea, ii. 5]: "Therefore shalt thou stumble in the day-time, and the prophet also shall stumble with thee in the night," which means: See that he is devoid of publicity, as the night is devoid of daylight.

Mar Zutra the Pious, when a young scholar was delinquent and deserving to be reprimanded, first reprimanded *himself* and then the young scholar. When he entered his residence, he first absolved *himself* and then the young scholar. R. Giddel said in the name of Rabh: "A scholar may first put himself under the ban (for a certain period of time) and afterward absolve himself therefrom." Said R. Papa: "I may be rewarded; for, as a matter of fact, I have never put a young scholar under the ban."

"*And the Nazarite and the leper,*" etc. R. Jeremiah questioned R. Zera: "Does it mean in the case when they had no opportunity to do so before, or even when they had?" And he answered him: "We have learned this in the following Boraitha: All those who were said to be permitted to shave on the middle days, may do so only when they had no opportunity to do it before, but not otherwise. A Nazarite, however, may do so, although he had the opportunity to do so before, in order that his sacrifice be not delayed.

The rabbis taught: "All those who were said to be permitted to shave on the middle days, may also do so in their mourning." But have we not learned in another Boraitha that they may not? Said R. Hisda in the name of R. Shila: "The first Boraitha relates to a case where the mournings succeeded one another." If this is the case, why only "those who were said," etc.? Why not every one? As we have learned in a Boraitha: "When one mourning succeeds the other, and so on for a long time, and his hair has become heavy, it may be made light by a razor, and he may wash his clothes in water?" Yea, but as to this, it was taught that R. Hisda said: The Boraitha means by a razor only, but not by scissors; in water, but not with Spanish chalk (which was used then instead of soap) or lye. Said R. Hisda:

"From this it may be inferred that a mourner must not wash his clothes."

The rabbis taught: "As it is not allowed to shave on the middle days, so also is it not allowed to trim the nails. Such is the dictum of R. Jehudah. R. Jose, however, permits it." And the same is the case in regard to mourning. Said Ula: "The Halakha prevails according to R. Jehudah in regard to mourning, and according to R. Jose in regard to the middle days." Samuel, however, said: "The Halakha prevails according to R. Jose in regard to both mourning and the middle days." As Samuel said elsewhere: The Halakha prevails according to the one who is lenient, in regard to mourning. R. Shaman bar Aba said: I was present once on the middle days in the college of R. Johanan, and saw him trimming his nails with his teeth and throwing the parings away. And from the above occurrence three things were inferred: that the nails may be trimmed on the middle days; that there is no aversion to trimming them with the teeth; and that the parings may be thrown away.* R. Itz'hak bar Jacob bar Geurah in the name of R. Johanan sent the following message: "Flaxen garments may be washed on the middle days."

MISHNA: The following documents may be written on the middle days: contracts of betrothing, bills of divorce, and receipts in discharge of debts; also wills or codicils; deeds of gift; premonitions; and deeds of maintenance, certificates of Halitza, and certificates of refusal; arbitration bonds; decrees of the Beth Din; and powers of attorney.

GEMARA: Samuel said: "One is permitted to become betrothed to a woman on the middle days, for fear that he may be preceded by another one." Rabh said in the name of R. Reuben b. Atztrubli: It appears from the Law, the Prophets, and the Hagiographa that the union of a woman to her husband comes from God himself. The Law [Gen. xxiv. 50]: "Then Laban and Bethuel answered and said: The thing hath proceeded *from the Lord*," etc.; the Prophets [Judges, xiv. 4]: "But his father and his mother knew not that it was from *the Lord*"; the Hagiographa [Prov. xix. 14]: "Houses and wealth are an inheritance from fathers; but from the *Lord* cometh an intelligent wife." † Rabh further said in the name of the same authority; and according to others this was learned in a Boraitha:

* This subject will be explained in Tract Niddah.

† See our "Maamar Ha'ishuth," Wien, 1887, p. 6.

" R. Reuben b. Atztrubli said: ' No one is suspected of having done something (wrong), unless he has really done it; and if he has not done it all, he has done part of it; and if not even that much, he at least had in mind to do it; and if not even that much, he probably approved of it when it was done by others.' "

An objection was made: Come and hear [Psalm cvi. 16]: " Moreover, they envied Moses in the camp and Aaron the holy one of the Lord." And R. Samuel bar Itz'hak said: " From this it is inferred that every one suspected his own wife of having relations with Moses ? " (Hence we see that one may be suspected although there is no particle of foundation for it ?) In that case it was different, for it was done out of hatred. Another objection was made: Come and hear: R. Jose said: " May my share in the world to come be with those who were *groundlessly* suspected." And R. Papa said: " I was once suspected without any ground whatever ? " This presents no difficulty. The one is the case when the suspicion has ceased; the other is, when it has not. What is meant by not having ceased ? Said Abayi: " My mother told me: ' A town rumor is for a day and a half.' " The case is only if it has not ceased at intervals, but if it has it does not matter; and if, however, it has ceased out of fear, it is not taken into consideration; and even if it was not out of fear, the case is when it was not circulated again more vigorously. All this, however, is the case when the person suspected has no enemies; but if he has, the latter circulated it.

MISHNA: Bonds of debts must not be written on the middle days; but if the lender does not otherwise want to trust the borrower, or the latter has nothing to eat, they may be written. Holy Scrolls, Phylacteries, or Mezuzoth must not be written on the middle days, and not a single letter may be corrected—even in the Book of Ezra.* R. Jehudah, however, says: " One may write Phylacteries and Mezuzoth for his own use, and he may also spin sky-blue wool for show-threads in his garment."

GEMARA: The rabbis taught: One may write Phylacteries and Mezuzoth for his own use and may spin sky-blue wool for show-threads in his garment; but for others he may do it as a favor only (without compensation). Such is the dictum of

* It means the first Pentateuch which Ezra wrote. Rashi, however, says that he heard that it should not be read " Ezra," but עֶזְרָה, which means the Temple; as to his knowledge, there was a correct copy of the Holy Scrolls, from which all the others were corrected.

R. Meir. R. Jehudah, however, said: "One may connive and sell his own, and then write another one for his own use." But R. Jose said: "He may write and sell in the usual way as much as necessary for his living expenses." Rabh, and according to others Rabba bar bar Hana, rendered his decision to R. Hanel: "The Halakha prevails, that one may write and sell in the usual way as much as necessary for his living expenses."

MISHNA: One who buried his dead three days before the commencement of the festival is freed from the observance of the seven (days of deep mourning); if eight days before the festival, he is freed from the observance of the thirty days; for the sages hold: "The Sabbath enters into the computation, but does not supersede the mourning, whereas the festivals supersede the mourning, but do not enter into the computation." R. Elazar said: "Since the destruction of the Temple, Pentecost is to be considered (in respect to mourning) like the Sabbath." R. Gamaliel said: "The New Year and the Day of Atonement are to be considered like festivals; the sages, however, say that it is neither as the one nor as the other, but hold that there is no distinction between the Pentecost and any other festival, but the New Year and the Day of Atonement are like the Sabbath."

GEMARA: Rabh said: "Only the *observance* of the thirty days is dispensed with, but not the days themselves." So also said R. Huna. R. Shesheth, however, said: "Even the days are dispensed with." In what case may it happen that the days shall still not be dispensed with? If (the observance of the thirty days being dispensed with) one had not shaved himself on the eve of the festival, he may not do so after the festival (during all the thirty days). We have so also learned in a Boraitha: One who buries his dead three days before the festival is freed from the observance of the seven days; if eight days, he is freed from the observance of the thirty days, and he may shave himself on the eve of the festival; if he, however, failed to do so on the eve of the festival, he must not do so after the festival. Abba Saul, however, said: "He may do so, for as the observance of the three days frees from the observance of the seven days, so also does the observance of the seven days free from the observance of the thirty days." Seven days? Have we not learned eight? Abba Saul is of the opinion that a portion of a day counts for a whole day, and the seventh day enters into the computation of both. Said R. Hisda in the

name of Rabina bar Shila: "The Halakha prevails according to Abba Saul, and even the sages concede to Abba Saul that in case the eighth day falls on a Sabbath which is incidentally the eve of a festival, he may shave on the eve of Sabbath." According to whom is the statement of R. Amram in the name of Rabb: "A mourner, as soon as his condolers have left him, is permitted to wash himself"? It is according to Abba Saul. Said Abayi: The Halakha prevails according to Abba Saul in regard to the seventh day; and the sages concede, in regard to the thirtieth day, that a portion of a day counts for a whole day. Rabha said: The Halakha prevails according to Abba Saul regarding the thirtieth day, but not regarding the seventh day. But the sages of Nehardea maintained that the Halakha prevails according to Abba Saul in both cases, as Samuel said: "The Halakha prevails according to the one who is lenient in regard to mourning." Abayi inquired of Rabba: "If one buried his dead on the festival, does, or does not, the festival enter into the computation of the thirty days? Certain it is to me that it does not enter in regard to the seven days, for the observance of the seven is not customary on the festival; but my question is in regard to the thirty days, because the observance of the thirty days *is* customary on the festival?" And he answered him: "It does not enter." Abayi raised an objection based on the following Boraitha: The festival enters into the computation of the thirty days. How so? If the burial took place in the beginning of the festival, the observance of the seven days begins after the festival, and his work may be done by others, and his male and female servants may do their work privately, and the public need not condole with him during the seven days, for they have already done so on the festival; and the festival enters into the computation of the thirty days? This objection remains unanswered. When Rabbin came from Palestine he said in the name of R. Johanan: "Even if he was buried on the festival" (the festival enters into computation). So also has R. Elazar decided to his son R. Padath.

The rabbis taught: If one has observed the lowering of the couch for three days prior to the festival, he need not observe it any more after the festival. Such is the dictum of R. Eliezer. The sages, however, hold: "Even one day, and even one hour." Said R. Elazar b. R. Simeon: These are, respectively, the decrees of the school of Shammai and the school of Hillel. For the school of Shammai decrees: "Three days"; and the school

of Hillel decrees: "Even one day." Said R. Huna in the name of R. Hyya bar Abba, quoting R. Johanan, and according to others R. Johanan said to R. Hyya bar Abba and R. Huna: "Even one day, and even one hour." Rabha said: "The Halakha prevails according to our Tana (of the Boraitha), who holds three days."

Rabina happened to be in Sura of Euphrates. Said R. Habibha to him: "What is the Halakha?" And he answered him: "Even one day, and even one hour." R. Jose bar Abin said: "One who receives information which is recent on the festival, but becomes remote after the festival, the latter counts, and mourning is observed only one day." Rabbi Ada of Kisri taught before R. Johanan: "One who receives information which is recent on the Sabbath but becomes remote thereafter, must mourn one day only." Must he rend (his garments) or not? R. Mani said: "He may not." R. Hanina, however, said: "He may." Said R. Mani to R. Hanina: "As to my statement, it is correct, because rending is customary only together with the observance of the seven days; but as to your statement, is then there a case in which one must rend although there is no mourning of the seven days?" Is there not such a case? But has not R. Isi the father of R. Zera, and according to others the brother of R. Zera, taught before R. Zera: "One who has no garment to rend and he becomes a mourner, if within the seven days, he must rend; if after the seven days, he may not?" And R. Zera rejoined: "This is the case only in the five cases of relatives whom one is bound to bury, but over his father and mother he must rend notwithstanding (the lapse of the seven days?). In this case it is only out of respect to his father and mother."

"*Because the sages held that Sabbath enters into computation,*" etc. The inhabitants of Judea and the inhabitants of Galilea: Those hold that the law of mourning applies on Sabbath (to things done privately), because the Mishna states: "It enters into computation"; and these hold that it does not apply, because the Mishna states: "But it does not supersede."

But does not the Mishna state that it enters into computation? It is only because it has to state in the latter part, that it does not enter, he uses also in the first part "enter." But did not the Mishna state plainly "it does not supersede"? This is for the same reason, as it has to state in the latter part "it does supersede" it uses the same term in the first part also.

Raphram bar Papa said: "We have learned in Tract 'Great Mourning': 'A mourner is prohibited to have sexual intercourse during his mourning. It happened once that one did have sexual intercourse with his wife during his mourning, and his corpse was dragged about by hogs.'" Samuel said: "To remove the wrapping from the head, the rent from the front to the back, and to put the couch in proper condition (on the Sabbath) is obligatory; but to wear shoes, to have sexual intercourse, and to bathe the hands and feet in warm water on Friday evening is optional." Rabh, however, said that even removing the wrapping is also only optional.

Abayi found R. Joseph during his mourning walking around in the house with his mantle wrapped around his head (on the Sabbath), and he said to him: "Does not the Master hold that mourning is not customary on the Sabbath?" And he answered him: "So said R. Johanan: 'Things of a private nature are permitted.'"

"*R. Elazar said: Since the destruction of the Temple,*" etc. R. Giddel bar Menasiah said in the name of Samuel: "The Halakha prevails according to Rabban Gamaliel (Berachoth), who said that a mourner on the Sabbath is bound to observe all the commandments."

R. Anni bar Shashan lectured in front of the house of the Nasi: "If (the mourning is) observed one day before Pentecost and on Pentecost, it is considered to have been observed fourteen days." (For Pentecost counts for seven days, and so also does the day preceding it, as stated above.) When R. Ami heard of this he was angry, and said: "Is this then his own? This was stated long ago by R. Elazar in the name of R. Oshiya." The same thing was stated in a lecture by R. Itz'hak of Naph'ha in Babylon at the cottage of the Exilarch, and R. Shesheth became angry because R. Elazar in the name of R. Oshiya, the author of this statement (Hagiga, 40), was not mentioned. R. Papa, accompanying R. Avia the elder, lectured: "One day (of observance of mourning) before the New Year and the day of New Year count for fourteen days." Said Rabina: "Therefore, one day before the Tabernacles, the Tabernacles, and the eighth day (which counts for a separate festival) count (regarding mourning) twenty-one days." Rabina happened to be in Sura of Euphrates. Said R. Habibha of same place to him: "Do you, Master, hold: 'If observed one day before the New Year and on the New Year it counts four-

teen days'?" And he answered him: "I have only stated that it seems to me that the Halakha prevails according to R. Gamaliel."

MISHNA: The garments are not rent, nor the shoulders laid bare, nor the funeral meal eaten (on the middle days), unless by the near relatives of the deceased. The funeral meal is not to be taken except on a couch standing up properly.

GEMARA: Does this apply to a scholar also? Have we not learned in a Boraitha: "When a scholar dies, all must rend their garments, bare their shoulders, and partake of the funeral meal served in the public thoroughfare, for all are considered as his relatives"? Nay, this Mishna refers to one who is not a scholar, but an upright man over whom also rending is obligatory, as we have learned in the following Boraitha: "Why do little children die? Because their parents failed to weep (mourn) over the death of an upright man; to one who does so, all his sins are forgiven, for the honor he has done to the deceased." In the case of the death of an ordinary person, however, rending is obligatory only on the one who is present at the time of the death, as we have learned in the following Boraitha: "R. Simeon b. Elazar said: 'One who is present at the time when the death occurs is bound to rend his garments, for it is similar to the case of one who is present at the time the Holy Scrolls are burned, in which case he is bound to rend his garments.'"

When R. Saphra's soul passed unto rest, the rabbis intended not to rend their garments, for they said: "We received no teachings from him." Said Abayi to them: "Does, then, the Boraitha treat of a rabbi? It treats of a scholar, and still more so in the present case, when his Halakhas are always on our lips in the college?" Still they were inclined not to rend, for they said: "The time for doing so has already passed." Said Abayi to them: "We have learned: In the case of a scholar, so long as the funeral orations are still going on, one is bound to rend." They then wanted to rend at once (without holding funeral orations). Said Abayi to them: "There is a Boraitha that states that the honor paid to the remains of a scholar lies in the funeral oration." When R. Huna departed, it was intended to place the Holy Scrolls on his bier. Said R. Hisda to them: "Shall we now act against his will? Has not R. Ta'hlipha said: 'I was once present when R. Huna wanted to sit down on a cot on which the Holy Scrolls were lying, and he first removed the latter and then sat down'? Hence we see that he was of the

opinion that one must not sit on a cot on which the Holy Scrolls are placed?" When the cot was to be removed from the house, it was found out that it could not pass through the door; and it was about to be removed through the roof opening, when R. Hisda remarked: "We have a tradition from him that the honor to a deceased scholar demands that he be removed through the door opening." They then wanted to place him on a cot of smaller dimensions, but R. Hisda again remarked: "We have a tradition from him that the respect to a deceased scholar demands that he be removed in the cot he died on." Then they broke away the door-posts, and passed him out. Then R. Abba began the following eulogy: "Our rabbi was worthy that the Shekhina should rest upon him, but Babylon prevented it." When his corpse arrived in Palestine, R. Ami and R. Assi were informed that "R. Huna had arrived." And they said (under the impression that he was alive): "When we were in Babylon we could not raise our heads on account of him (for his great learning), and now he has followed us here." And they were then told: "His *coffin* has arrived." R. Ami and R. Assi went out (to pay their respects). R. Aila and R. Hanina remained in the house. Others, however, said that only R. Hanina remained. What was the reason of those who went out? The following Boraitha: "When a coffin is being removed from one place to another, those present must stand in a row and must pronounce the mourning benediction and the words of consolation." The reason, however, of those who did not go out is the following Boraitha: "When a coffin is being removed from one place to another, those present need not stand in a row," etc. But do not these Boraithas contradict each other? Nay, the one relates to a case where the skeleton is still in good condition; the other where it is not. But R. Huna's skeleton was still in good condition? They were not aware of that. They then began to deliberate where to place his remains, and concluded to place them alongside of those of R. Hyya. For they said: "R. Huna diffused the Torah among Israel as much as did R. Hyya." The question then came up as to who should do the placing. Said R. Haga to them: "I will do it, for I was his disciple since the age of eighteen. I never had a wet-dream, and I have served him since then and knew his ways: once it happened that one of his phylactery fillets turned over, and he fasted forty days." When R. Haga brought in the coffin into the arch, he noticed that Jehudah was sleeping at the right of his father and

Hezekiah at his left. He heard Jehudah say to his brother: "Rise, for it would not be correct not to pay respect to R. Huna." When he arose, a pillar of fire arose with him. R. Haga became frightened and, lifting up the coffin of R. Huna, left the arch.

When R. Hisda died they wanted to place the Holy Scrolls on his bier. Said R. Itz'hak: "A thing which was not approved by his Master (R. Huna), we must not do to him." They also intended to leave their rent garments unmended, when R. Itz'hak bar Ami said to them: "In case of a scholar, the rent may be sewed together as soon as those who follow the coffin turn away their faces from the latter." When Rabba bar Huna and R. Hamnuna had died in Babylon, their bodies were brought on camels to Palestine. Arrived at a narrow bridge, where the two camels could not pass at once, both remained standing. An Ishmaelitic merchant present, surprised at the interruption of the journey, asked for the reason, and was told that each of the deceased wished to give the other the preference of the way. "If I were to give my view of the matter," the Arab said, "I should decide in favor of Rabba bar Huna (as he was known to me as a venerable man)." The Arab had hardly concluded his remarks, when the camel bearing Rabba passed the bridge. (As a punishment for not paying proper respect to R. Hamnuna), the molars and front teeth of the Arab fell out. A disciple declaimed the following elegy:

A learned scion of an ancient race
Upward to Sacred Palestina draws,
And bears into illimitable space
The code of battles, the great book of laws.
The cormorant and the hedgehog nightly gloat
Upon destruction spreading far and wide ;
For God His wrath upon the earth has hurled,
Our pious sage His voice has called away ;
And God is glad that from this sinful world
His dearest servant has come home to stay.*

When Rabina died, the funeral orator held the following oration :

Bend, ye majestic palms, in grief sincere
O'er one who like a palm had flourished here ;
Nor cease your mourning when the moon's soft ray
Changes to shadowy night the brilliant day.

* From "The Poetry of the Talmud," by Sekels, with metrical corrections, as also the verses following.

For moon's broad glare had oft to midnight waned
Ere slumber o'er his studious eyelids reigned.

R. Ashi said to Bar Kipuk (the funeral orator): "What oration will you make on *that* day (of my death)?" And he answered him: "The following:

How can the lowly hyssop still survive,
When with devouring flames the cedars strive?
With huge Leviathan the angler's prey,
What have the fishes of the pond to say?
If the dry torrents shame the fisher's hook,
How fares it with the waters of the brook?"

Said Bar Abhin to him: "Heaven forbid that 'net' and 'flame' be used in orations over the righteous." "What, then, would *you* say?" "I would say: 'Weep for the losers but not for the lost (deceased), for *he* passed into rest but we into grief.'" R. Ashi felt discouraged (for one orator used the words "net" and "flame," and the other the word "lost"), and their (of the orators) feet upturned. When he died, neither of the orators came to hold orations. And this was meant by R. Ashi when he said: "Neither Bar Kipuk nor Bar Abhin would be bound to perform the ceremony of Halitza." (*Vide* Yebamoth, 103a, where it is stated that those who have deformed feet are not bound to perform Halitza.)

When Rabha came to Hiddekel, he said to Bar Abhin: "Pronounce an (appropriate) prayer," and the latter began: "The major part of Israel went through water; remember, and have mercy. We went astray from Thee as a woman goeth astray from her husband; do not cast us off, for it may have the same indication as that of the bitter-water." [*Vide* Num. v. 11-28.]

R. Hanin, the son-in-law of the Nasi, had been for a long time childless; he prayed and was answered. On the day of the birth of the child he died. The funeral orator on this occasion declaimed the following elegy:

Parental joy was changed to hopeless pain:
Where bliss had entered, grief was doomed to reign;
For in the moment of his hope fulfilled,
The joyful beating of that heart was stilled.

The child was named Hanin after his father. When R. Johanan died, R. Itz'hak b. Elazar began the eulogy as follows: "This day is as momentous to Israel as the day of which the prophet

spoke [Amos, viii. 9]: 'And it shall come to pass in that day that I will cause the sun to go down at noon,' which R. Johanan explained to have reference to the day of the death of the King Josiah. When R. Johanan departed, R. Ami observed both the seven and the thirty days (of mourning). Said R. Abba the son of R. Hyya bar Abba: "R. Ami stands alone in his action, for so said my father in the name of R. Johanan: 'Even over an instructor in science one need not mourn more than one day.'" When R. Zera departed, the funeral orator delivered the following oration:

In Babylon this noble sage was born,
In Palestine he was admired and cherished;
"Woe unto me!" doth Reketh * sadly mourn,
"For my most precious jewel now has perished."

When R. Abuhu died, the pillars of Kisri shed tears; when R. Jose died, the gutters of Sepphoris were overrun with blood; when R. Jacob died, the stars were seen in the day-time; when R. Assi, all the trees were rooted out; when R. Hyya, fire-balls fell from heaven; when R. Mena'ham (ben R. Simai), all the images became obliterated and as smooth as if passed upon with a roller; when R. Tan'hum bar Hyya died, all the impressions upon the images were effaced; when R. Eliashib, seventy burglaries were committed in Nehardea; when R. Hamnuna, hail-stones fell from heaven; when Rabba and R. Joseph died, the bridge-arches of Euphrates collapsed; when Abayi and Rabha, the bridge-arches of Hiddekel collapsed; when R. Mesharshia died, the trees were laden with thorns (instead of fruit).†

MISHNA: The food for the funeral meal is not placed before the mourners on a table, nor in a silver tureen, nor in a dish, but in wicker baskets. The mourning prayers must not be pronounced on the middle days, but the rows are formed and the consolation is pronounced and the people assembled are at once dismissed. The bier must not be set down in any public place, that the mourning may not spread (in the middle days). The bier of women must at *no* time be there set down, on account of respect (to the sex of the deceased). ‡

"The bier must not be set down in any public street." Said R.

* Reketh is Tiberias. (Rashi.)

† All this must not be understood literally but allegorically.

‡ The Gemara belonging to this Mishna, which properly does not come in here, will be found in its proper place.

Papa : " No middle days are considered in regard to a scholar (Talmid-Hakham), and so much the more so the half-feast of Hanuka or Purim. This, however, is the case only in the presence of the corpse." This is not so? Has not R. Kahana lamented over the death of R. Zbhid of Nehardea on the banks of the river (and surely the corpse was not there)? Said R. Papa: " That was on the very day he received the information, which is equivalent to the presence of the corpse."

MISHNA: The mourning women may wail during the middle days, but not clap (their palms together). R. Ishmael said: The nearest to the bier may clap. On the days of the New Moon, on the half-festivals of Hanuka and Purim, they may wail and clap, but must not sing lamentations; but when the corpse is interred, they must neither wail aloud nor clap.

What is meant by wailing? When all of them join in one chorus. What is meant by lamentation? When one recites and the others respond, as it is written [Jer. ix. 20]: "Teach your daughters wailing and every one her neighbor lamentation." But of the age that is to come it is written [Isa. xxv. 8]: "He will destroy death to eternity; and the Lord Eternal will wipe away the tear from off all faces."

GEMARA: R. Levi bar Hitha said: One who takes leave of the dead shall not say, "Go *in* peace," but "Go *with* peace," as it is written [Gen. xv. 15]: "But thou shalt come to thy fathers *with* peace" (*Besholom*); but the contrary must be said when taking leave of the living. When David said to Absalom: "Go *with* peace" [II Sam. xv. 9], the latter hanged himself; while, when Jethro said to Moses [Exod. iv. 18]: "Go *in* peace" (*Lesholom*), Moses went and was successful. R. Levi further said: One who goes from the college to the prayer-house, and *vice versa*, is rewarded by receiving the appearance of the Shekhina, as it is written [Psalms, lxxxiv. 8]: "They go from strength (college) to strength (the prayer-house); each of them appeared before God in Zion." R. Hyya bar Ashi said in the name of Rabh: "Scholars (Talmide-Hakhamim) have no rest even in the world to come, as it is written [ibid.]: 'They go from strength to strength; each of them appeareth before God in Zion.'"

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- it was not
suicide!

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NEW EDITION

OF THE

BABYLONIAN TALMUD

**Original Text, Edited, Corrected, Formulated, and
Translated into English**

BY

MICHAEL L. RODKINSON

**TRACTS TAANITH, MEGILLA, AND EBEL RABBATHI
OR SEMÁHOTH**

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EXPLANATORY REMARKS.

In our translation we adopted these principles:

1. *Tenan* of the original—We have learned in a Mishna; *Tania*—We have learned in a Boraitha; *Itemar*—It was taught.
2. Questions are indicated by the interrogation point, and are immediately followed by the answers, without being so marked.
3. When in the original there occur two statements separated by the phrase, *Lishna achrena* or *Waibayith Aema* or *Ikha d'amri* (literally, "otherwise interpreted"), we translate only the second.
4. As the pages of the original are indicated in our new Hebrew edition, it is not deemed necessary to mark them in the English edition, this being only a translation from the latter.
5. Words or passages enclosed in round parentheses () denote the explanation rendered by Rashi to the foregoing sentence or word. Square parentheses [] contain commentaries by authorities of the last period of construction of the Gemara.

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A WORD TO THE PUBLIC.

WITH this volume Section Moed (Festivals), the weightiest and most difficult of the six Talmud sections, becomes complete. Students of the Talmud will observe that while the old edition contains twelve treatises, we have embodied thirteen, taking one—viz., Tract Ebel Rabbathi—from Section Nezikin (Damages), for reasons which will be stated further on.

Section Festivals contains all the Halakhoth (ordinances) pertaining to the Sabbath, to festivals, semi-festivals, fast-days, feast-days, and days of mourning, and stands practically independent of all other sections, inasmuch as we have been careful to cull all matter bearing upon the subjects discussed in this section from the other sections, and to insert the same in its proper place. (See Betza, p. 45.)*

And now that by the grace of the Almighty we have succeeded in editing and translating an entire section of the Talmud, a work that, with due modesty, we can claim stands unique in the annals of literature, we deem it but fair to explain to our readers the method adopted by us in the accomplishment of this task, and demonstrate as well the innovations and changes introduced in comparison with the original, ancient edition. They are:

(a) In the original the name of each separate treatise alone indicated its contents, while the chapters into which such treatise was subdivided were known merely by the words with which they began. We have, however, headed each chapter with a line or two giving in succinct form the subjects discussed therein.

(b) Rashi's commentary, without the aid of which even students of the original Talmud cannot comprehend the intricate meanings of portions of the text, we have, wherever practicable, embodied *in* the text, denoting such commentary by the use of parentheses, and where this was not feasible on account of the

* This is only one instance where this policy was pursued. There are, of course, countless others, too numerous to mention.

vagueness of the phraseology and its inseparability from the text proper, we have made the commentary an integral part of the text.

(c) Wherever Rashi's commentary was insufficient or rather vague, and we were in consequence compelled to make use of one of the several other commentaries forming part of the original Talmud, we have added a footnote giving the name of the other commentator and the reasons for taking his opinion. (See *Erubin*, p. 211.)

(d) The frequent repetitions of discussions, some literally alike and others having a similar tendency even though employing a change of terms, occurring in the several sections and corresponding treatises, we have translated once only. We have been careful, however, to mark such places where a repetition occurs and is not embodied, giving the name of the treatise and the page where it can be found. In this section, now completed, we have also omitted some discussions which are repeated in treatises where they are more pertinent. There they will appear in due time, and where they are at present lacking, a notice to that effect will be found, and the place of their proper insertion is denoted. (See *Succah*, p. 48.)

(e) The original Talmud, with its innumerable biblical quotations, nowhere indicates where such biblical quotations may be found, simply stating: "It is written," etc. One savant named Joshua Boas went to the trouble of publishing a work called "*Thora Or*," in which he provides each biblical quotation found in the Talmud with its place in its respective book and chapter without naming the verse; but, either through misprints or negligence, they are for the most part incorrect. In our edition we give the book, chapter, and exact verse of each biblical quotation, as well as its correct form, as far as obtainable.

(f) We have, wherever necessary, made a footnote explaining the much-encountered Talmudic peculiarity of dividing up a word so as to put a different construction upon its meaning, and thus obliterate its actual linguistic purport. Wherever a word is totally untranslatable the fact is recorded and the word circumscribed likewise in a footnote. We have also had occasion to refer the reader, for the elucidation of some passages, to our previously published works, but in no case is such reference absolutely necessary.

(g) It has become necessary in some cases to provide a treatise with a special introduction or an appendix, or both, and

this we have done whenever it seemed to us to facilitate the understanding of such treatise.

(h) Wherever the Talmud made use of a Greek word, naturally in Hebrew letters, and consequently at times incorrectly, we have, to avoid errors, rendered the word into pure Greek. In a doubtful case we have appended a footnote giving the word in several versions and emphasizing the one most likely to have been the correct one. (See *Erubin*, p. 208.)

(i) While any index of subjects treated in the Mishna and Gemara is impossible for reasons we have already explained in the few lines heading the synopsis of Volume I., we have provided each volume with a synopsis of a sufficient scope to enable the reader to find any subject of peculiar interest to him without perusing the entire volume.

(j) Wherever two disputing Amoraim are not of the same period—on the contrary, were in existence a century or so apart—we have called the attention of the reader to this in a footnote explaining who the discussing teachers were, their probable names, etc.

(k) Whatever misprints occurred in the original edition of the Talmud we have carefully corrected, and have explained their probable origin and cause. (*Erubin*, p. 192.)

(l) The absence of commentaries to the tracts *Shekalim* and *Ebel Rabbathi* gave us an opportunity to add our own comment, which we have done with as much care and zeal as possible.

Finally, we call attention to the explanatory remarks printed on the reverse of the title-page of each volume.

Now it remains for us to state the reason why we embody the Tract *Ebel Rabbathi* in this section.

Maimonides tried to find some explanation for the sequence of sections and tracts of the Talmud, and whether he succeeded in this endeavor or not we will leave to the decision of the reader. At all events, as far as the Tract *Ebel Rabbathi* is concerned, he could not give any reason why it should have found a place in the Section *Nezikin* (Damages).

As a matter of fact, the Tract *Ebel Rabbathi* is not among the thirty-seven main tracts comprising the Babylonian Talmud, but is accounted one of the minor tracts written after the original was finished. Yet it would be decidedly wrong to class *Ebel Rabbathi* with the minor tracts, and for the reason that in a number of instances we find a passage in the Talmud reading, "We have learned in *Ebel Rabbathi*," proving conclusively that

it antedates the final completion of the original Babylonian edition.

The bibliographers Zunz and N. Bruell endeavored to prove that the Tract Ebel Rabbathi, so frequently mentioned in the Talmud proper, is not identical with the one found among the minor tracts, and Dr. Mielziner, in his Introduction to the Talmud, adds: "It seems to be a reproduction of the same with later additions." We do not care, as the Talmud says, "to put our heads between the mountains," and contradict these learned gentlemen, although they have not quoted by a good many all the quotations of Ebel Rabbathi used by the Talmud, and we have found that all quotations from Ebel Rabbathi are verbatim reproductions from the tract now before us. Be this, however, as it may, this tract is the *only* source in the Hebrew code from which the ordinances and laws pertaining to the mode of procedure with dying, dead, burials, and mourners, in vogue even at this day with all classes of Jews, emanate. Were we to leave this tract untranslated, the Section Festivals would be incomplete.

It must be borne in mind that laws pertaining to mourners are thoroughly discussed in one of the tracts of Section Festivals, Moed Katan, and hence our, we hope valid, excuse for embodying the Tract Ebel Rabbathi as part and parcel of that section. We wish to call attention to the fact, however, that such mourners' ordinances as had no connection with festivals and feast-days we have eliminated from the original tract in which they were contained, and have transferred them to Ebel Rabbathi, where they properly belong.

Having thus, in this introduction, outlined as fully as possible our method of disclosing the weighty contents of Judaism's greatest example of literature to laymen and those of the archaeological students unacquainted with the idioms employed by the Talmudic teachers, we lay our work open to the critics and invite, in all honesty of purpose, scholarly, pithy criticism. So far we have only been favored with spasmodic efforts at criticism, consisting mainly of dissenting opinions as to the use of a term or the spelling of a word taken from the Hebrew and transcribed into English. What we would appreciate, however, is a fair and just summarizing of the work as a whole, of its value as such, and of its merit in facilitating the general knowledge among laymen, Gentiles and Jews alike, of ancient customs, ordinances, laws, and usages.

M. L. R.

NEW YORK, June 18, 1899.

A LETTER FROM PROF. DR. M. LAZARUS, GEH.
REGIERUNGSRATH.

MERAN (AUSTRIA), d. 14 *Juni*, 1899.

HERRN M. L. RODKINSON, New York:

Geehrter Herr Rodkinson: In meinem Briefe vom 20. Juli, 85, habe ich meine Ansicht ausgesprochen, dass nur eine Verbindung von mehreren hervorragenden und bewährten Gelehrten den hohen Zweck einer neuen kritischen Talmud-Ausgabe vollkommen erfüllen könnten. Inzwischen haben Sie selber die Ausführung des Werkes nebst einer englischen Uebersetzung unternommen und bereits 7 Bände drucken lassen. Jedermann muss deshalb Ihren Muth und Ihre Ausdauer bewundern. Auf ein Urtheil, ob Ihre Uebertragung zutreffend ist, muss ich bei meiner bescheidenen Kenntniss der englischen Sprache verzichten; aber Ihr genaues Verständniss des Originals steht ja ausser Zweifel und an dem erforderlichen Beirath in Bezug auf die englische Fassung wird es Ihnen ja nicht gefehlt haben.

Jeder Schritt zur Verbreitung einer eingehenden Kenntniss des Talmuds auch im Kreise derer, welche die Sprache des Originals nicht kennen, betrachte ich als nützlich und werthvoll. Ich wünsche und hoffe deshalb, dass Sie zur Ausführung Ihres grossen Unternehmens reichliche Unterstützung finden mögen.

Mit hochachtungsvollem Grusse,

LAZARUS.

TRACT TAANITH (FASTING).

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OF

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TRACT TAANITH (FASTING).

CHAPTER I.

REGULATIONS CONCERNING THE TIME WHEN MENTION IS MADE OF RAIN IN THE DAILY PRAYER, WHEN RAIN IS TO BE PRAYED FOR, WHEN FAST-DAYS ARE ORDERED ON WHICH TO PRAY ESPECIALLY FOR RAIN, AND THE CHARACTER OF SUCH DAYS OF MOURNING.

MISHNA: From what time should the power manifested in the descent of rain be commenced to be mentioned (in the daily prayer)? R. Eliezer said: "From the first day of the Feast of Tabernacles." R. Jehoshua, however, said: "From the last day of that festival." "For," said he to R. Eliezer, "since rain on the Feast of Tabernacles is considered unpropitious, why should it be mentioned in the prayers?" And R. Eliezer answered: "I do not mean to say that rain should be prayed for, but only that it should be mentioned with the words, 'He causeth the wind to blow, and the rain to descend in its proper time.'" "If so," rejoined R. Jehoshua, "such mention might be made at all seasons of the year."

Prayers for rain should not be said sooner than shortly before the commencement of the rainy season. R. Jehudah said: "The last of the ministers of the congregation who on the last day of the Feast of Tabernacles officiates at the reading-desk should mention the rain, but not he who officiates first. On the first day of Passover, the minister who officiates first (at the morning prayer) should still mention it, but not he who officiates last (at the Additional Service)."

GEMARA: Whence does the Tana of this Mishna adduce that the rain must be mentioned or prayed for at all (in the daily prayer), that he commences by saying: "From what time should it be mentioned"? He adduces this from the Mishna in Tract Rosh-Hashana (New Year) where he has learned that on the Feast of Tabernacles judgment is passed concerning rain, and

having learned this, he proceeds to inform us when rain must be mentioned and prayed for. If so, let him teach us concerning the rain—why does he mention “the power manifested in the descent of rain”? Said R. Johanan: “Because rain descends with the power of God, as it is written [Job, v. 10]: ‘Who giveth rain upon the surface of the earth, and sendeth out waters over the face of the fields’; and further it is written [ibid. ix. 10]: ‘Who doeth great things which are quite unsearchable, and wonders which are quite without number’” (and rain is also included among these “great things”).

Whence do we know, however, that mention must be made of rain in the eighteen benedictions of the daily prayer? Because we have learned in a Boraitha thus: It is written [Deut. xi. 13]: “To love the Lord your God, and to serve him with all your heart and with all your soul.” And what service can be performed with the heart? The service of prayer, and immediately following the passage quoted it is said [ibid. 14]: “I will send rain for your land in its due season, the first rain and the latter rain,” etc.

R. Johanan said: Three keys are in the hands of the Holy One, blessed be He, which are not intrusted to any messenger, and they are: The key of rain, the key for a woman lying-in, and the key for the resurrection of the dead. The key of rain, as it is written [Deut. xxviii. 12]: “The Lord will open unto thee his good treasure, the heaven, to give the rain of thy land in its season”; the key for a woman lying-in, as it is written [Genesis, xxx. 22]: “And God remembered Rachel, and God hearkened to her, and opened her womb”; and the key for the resurrection of the dead, as it is written [Ezekiel, xxxvii. 13]: “And ye shall know that I am the Lord, when I open your graves and when I cause you to come up out of your graves, O my people.” The sages of the West say, that also the key to a man’s earnings are in the hands of God alone, as it is written [Psalms, cxlv. 16]: “Thou openest thy hand and satisfiest the desire of every living thing.”

Why did not R. Johanan mention this also? Because R. Johanan may claim that rain itself is the means of earning a livelihood.

“*R. Eliezer said: ‘From the first day of the Feast of Tabernacles.’*” The schoolmen propounded a question: Whence does R. Eliezer derive his teaching? Does he derive it from the palm-branch which is brought along for use at the morning ser-

vice only, or from the pouring of water, which is brought also in the evening, as the Master says: "It is written [Numb. xxix. 24]: 'Their meat-offerings and their drink-offerings' (in plural), that is to say, that they may be brought even in the evening, and therefore R. Eliezer holds that mention of the rain should be made even on the eve of the Feast of Tabernacles?"

Come and hear: R. Abbahu said: "R. Eliezer derived his teaching from the palm-branch." Some say, that R. Abbahu had a tradition to that effect, while others hold that he takes it from the following Boraitha: From what time is mention made of rain in the daily prayer? R. Eliezer said: "From the time the palm-branch is taken" (*i.e.*, from the time the morning-prayer is said). R. Jehoshua, however, said: "From the time when the palm-branch is laid aside" (*i.e.*, from the time of the Additional Prayer, when the palm-branch is not used). Said R. Eliezer: "Because the four articles * of the Feast of Tabernacles are used only for the purpose of favorably inclining the judgment concerning rain; and as those four articles cannot grow without water, neither can the world exist without water, therefore mention of rain must be made even in the morning." And R. Jehoshua replied: "But rain during the festival of Tabernacles is considered an unpropitious event!" (because it prevents the sitting in the booth). Whereupon R. Eliezer rejoined: "I do not mean to say that rain should be prayed for but merely that it should be mentioned, and it is the same as the mention of the resurrection of the dead, which though this can take place only at the appointed time, it is nevertheless mentioned all the year round. Therefore if a man desires to mention rain in the prayer the whole year, he may do so."

Rabbi, however, said: "I say, that when a man ceases to pray for rain, he should also cease mentioning it." And R. Jehudah ben Bathyra said: "Mention of the rain should begin to be made on the second day of the Feast of Tabernacles." R. Aqiba said: "Even on the sixth day." R. Jehudah in the name of R. Jehoshua said: "The last of the ministers of the congregation who on the last day of the Feast of Tabernacles officiates at the reading-desk should mention the rain; but not he who officiates first. On the first day of the Passover, the minister who officiates first should still mention it, but not he who officiates last."

* See Leviticus, xxiii. 40.

We have learned in a Boraitha : Our sages did not impose the duty on a man to make mention of the dew and wind in the prayer ; but if he desires to do so, he may. Why so ? Said R. Hanina : Because dew and wind are never withheld. Whence do I know this ? Because it is written [I Kings, xvii. 1] : " Then said Elijah the Tishbite, who was of the inhabitants of Gilead, unto Achab, ' As the Lord the God of Israel liveth, before whom I have stood, there shall not be in these years dew or rain, except according to my word ' " ; and further, it is written [ibid. xviii. 1] : " Go, show thyself unto Achab ; and I will give *rain* upon the face of the earth," but in the latter passage dew is not mentioned, because it was never withheld. It might be asked, however, why Elijah swore that it would not fall ? He meant to say merely that no dew which would benefit the soil would fall, for all the dew which should fall would not be productive of any good.

Whence do we know that the wind will not be withheld ? Said R. Jehoshua ben Levi : " Because it is written [Zech. ii. 10] : ' For as the four winds of heaven have I spread you abroad,' which signifies, that as the world cannot exist without winds, so it cannot also exist without Israel."

R. Hanina said : From what we have learned so far, we see that if a man said in his prayer during the dry season, " He causeth the wind to blow," he is not obliged to say his prayer over again ; but if he said " He causeth the rain to descend," he is bound to say the prayer again. During the rainy season if he omitted in his prayer the words, " He causeth the wind to blow," he need not be made to say the prayer over again, but if he omitted the words, " He causeth the rain to descend," he should be made to say the prayer again. And not only this, but if the man said in his prayer the words, " He causeth the wind to cease and the dew to vanish," he need not repeat the prayer, because those words are of no consequence.

We have learned in another Boraitha : The sages did not impose the duty of mentioning clouds and winds in the prayer ; but if a man chooses to do so he may, because they are not withheld.

R. Jehudah said : The wind which comes after the rain does as much good as the rain itself ; the sun which comes after the rain does as much good as two rains.

Rabha said : Snow to the mountains is as beneficial as five rains are to the ground, as it is written [Job, xxxvi. 6] : " For

to the snow he saith, 'Be thou on the earth'; likewise to the pouring rain, and to the pouring rains of his strength." *

Rabha said again: "Snow is good for the mountains; a light rain is good for the trees; a heavy rain is good for the budding fruit, and a shower is even beneficial to the seed lying dormant in the ground."

Again Rabha said: "A young scholar is like a seed, lying in the ground, which, once sprouting, will continue to grow." And he said also: "When a young scholar appears excited, it should be known that it is his knowledge that is excited within him, as it is written [Jeremiah, xxiii. 29]: 'Is not thus my word like the fire? saith the Lord.'" And R. Ashi said that a scholar who is not as firm as iron cannot be considered a scholar, because the end of that passage reads: "And like a hammer that shivereth the rock." Said Rabhina: "Still, a man should train himself to speak calmly without anger, as it is written [Ecclesiastes, xi. 10]: 'And remove anger from thy heart.'"

R. Samuel ben Na'hmeni in the name of R. Jonathan said: Three men prayed to God for things that were not suitable (for prayer). Two were answered in a proper manner, but one was answered accordingly. They are: Eliezer the slave of Abraham, Saul the son of Kish, and Jephthah of Gilead. Concerning Eliezer it is written [Genesis, xxiv. 14]: "Be (she) the one thou hast appointed for thy servant Isaac." Now, the maiden may have been blind or maimed, but still the Lord ordained it so that Rebekah was the one. Concerning Saul the King it is written [I Samuel, xvii. 25]: "And it shall be that the man who killeth him, him will the king enrich and his daughter will he give him," etc. It might have happened that a slave or an illegitimate son might have accomplished the feat, but still the Lord destined it to be David. Concerning Jephthah it is written [Judges, xi. 31]: "Then shall it be, that whatsoever cometh forth out of the doors of my house . . . I will burn it up for a burnt-offering." The prayer was improper, because an unclean thing (such as a swine or a dog) might have come forth which would not be a proper sacrifice, and the answer was also not proper, for his own daughter came forth to meet him. This causes the wrathful query of Jeremiah the prophet, as it is written [Jeremiah, viii. 22]: "Is there no more balm in Gilead? or is no physician there?"

* This is signified because in the Hebrew rain is mentioned five times in this passage—including snow.

(meaning was there not Pin'has the high-priest in Gilead, who could have released Jephthah of his vow?)* And further, it is written [ibid. xix. 5]: "Which I had not commanded, nor spoken, and which had not come into my mind," which implies, "I had not commanded" refers to the sacrificing of the son of Mesha the King of Moab by his father [II Kings, iii. 27]: "now spoken," refers to the daughter of Jephthah; and "which had not come into my mind," refers to Isaac, whom his father Abraham was willing to sacrifice.

Said R. Berachiah: The congregation of Israel also prayed for an improper thing, but the Holy One, blessed be He, answered it in a proper manner, as it is written [Hosea, vi. 3]: "And let us feel it, that we may strive to know the Lord; bright as the morning dawn is his rising; and may He come as the rain unto us, as the latter rain that maketh fruitful the earth." And the Holy One, blessed be He, said: My daughter, thou askest a thing which at times is necessary and at other times is superfluous, but I will be to thee as a thing which is at all times needed, as it is written [Hosea, xiv. 6]: "I will be as the dew unto Israel." Once again the congregation of Israel prayed improperly, saying: "Sovereign of the universe! Set me as a seal upon thy heart, as a seal upon thy arm" [Solomon's Song, viii. 6], and the Lord said: Thou askest me to do a thing which at times can be seen and at other times cannot, for sometimes the heart is closed and the arms are covered; but I will set thee as a seal in a place that is always exposed; as it is written [Isaiah, xlix. 16]: "Behold, upon the palms of my hands have I engraved thee."

"*Shortly before the commencement of the rainy season.*" The schoolmen thought that mentioning rain in the prayer and praying for it was one and the same thing, therefore they said that this Mishna is in accordance with the opinion of R. Jehoshua, who said previously that rain must be mentioned from the time that the palm-branch is laid aside. Said Rabha to them: "Nay; this Mishna may even be in accordance with R. Eliezer's opinion, for mentioning rain and praying for it are two different things."

"*R. Jehudah said: 'The last of the ministers,'*" etc. Is this not a contradiction to what we learn in the next Mishna, namely: Until when is rain to be prayed for? R. Jehudah said: "Until

* Elsewhere the Talmud rebukes both Jephthah and Pin'has; Jephthah would not go to Pin'has because he, being a prince, considered himself the superior of Pin'has, while Pin'has, being high-priest, thought it below his dignity to go to Jephthah, and on account of this pride a human life was sacrificed.

after the Passover," etc. Said R. Hisda: "This presents no difficulty. Our Mishna refers to the *mention* of the rain, while the Mishna quoted refers to *praying* for rain, and rain may be prayed for during the entire Passover." Said Ula: "This statement of R. Hisda is as vinegar to the teeth and smoke to the eyes. If a man may mention rain even when he should not pray for it, why should he not when praying for it also be allowed to mention it?" Therefore, says Ula, this contradiction can be explained from the fact that two Tanaim differ as to the opinion of R. Jehudah.

R. Assi in the name of R. Johanan said: "The Halakha prevails according to R. Jehudah."

How shall *we* do, however, who have two days as the last days of the festival? (Shall we apply the Halakha to the first of those two days or to the last?) Said Rabh: "The rain should be first mentioned in the Additional Prayer on the first of the two last days, then it should be omitted in all prayers until the Additional Prayer on the second of those days, when it should again be mentioned." Said Samuel to those who repeated Rabh's statement: "Go ye and tell Abba this: 'Is it proper that after thou hast sanctified the day thou shouldst make it ordinary again? For in the afternoon prayer of that day thou hast omitted the mention of the rain.' Therefore I say that mention should be made first at the Additional Prayer on the first of the two last days, also in the afternoon prayer, then it may be omitted at night and in the morning of the following day; but it should be again mentioned in the Additional Prayer of the last day." Rabha, however, said: "As he once began to mention it, it should not be stopped again." And so also said R. Shesheth, and even Rabh retracted his former statement, for R. Hananel said in his name that twenty-one days should be counted from the New Year day the same as the ten days preceding the Day of Atonement are counted, and on the twenty-first day he should commence to make mention of the rain and should then not omit it in any of the prayers. So the Halakha prevails.

MISHNA: Till what time is the rain to be prayed for? R. Jehudah says until after the Passover; R. Meir says till the month of Nissan is passed, because it is said [Joel, ii. 23]: "And he hath caused to come down for you the rain, the first rain, and the latter rain in the first month."

GEMARA: Said R. Na'hman to R. Itz'hak: "Does the first rain then descend in the month of Nissan, does it not descend in Mar-Cheshvan? As we have learned in a Boraitha, namely:

'The first rains fall in Mar-Cheshvan and the latter rains in Nissan.'" And R. Itz'hak answered: R. Johanan said thus: The passage quoted in the Mishna, which states that both the first and the latter rains come down in the first month, refers to the time of Joel the son of Pethuel, when, it is written [Joel, i. 4]: "What the caterpillar left, hath the locust eaten," etc. In that year the month of Adar had already passed, and the first rain descended in the month of Nissan. Said the prophet to Israel: "Go and sow your seed." And they replied: "Should one who has a patch of barley or wheat eat it and live, or sow it and die (until the new grain becomes ripe)?" And he said to them: "Still, see that ye sow as much as ye can." Thereupon a miracle occurred, and the grain which had been hidden in the walls and in the subterranean passages of the ants was discovered. They then went and sowed their grain on the second, third, and fourth days of Nissan. On the fifth of Nissan the second rain fell, and on the sixteenth of that month they already offered up the new grain which had ripened. Thus the grain which should have taken six months to ripen, matured in eleven days; and the offerings which were usually brought of grain that had been growing six months, were that time brought of such as had only been growing eleven days, and concerning this generation it is written [Psalms, cxxvi. 5]: "Those that sow in tears shall reap in joyful song."

R. Na'hman said again to R. Itz'hak: "It is written [II Kings, viii. 1]: 'For the Lord hath called for a famine, and it is also coming on the land for seven years.' What was eaten during these seven years?" And he answered: "So said R. Johanan: In the first year they ate the reserve store that they had in their houses; in the second year they ate the reserve store they had in the fields; in the third they ate the flesh of ritually clean animals; on the fourth, the flesh of ritually unclean animals; in the fifth year they ate reptiles; in the sixth year the famine was so severe that people had to eat their own children; and in the seventh it reached a stage where some had to eat the flesh from off their own arms; and the saying [Isaiah, ix. 19]: 'They shall eat every man the flesh of his own arm,' was verified thereby."

Again, R. Na'hman asked R. Itz'hak: It is written [Hosea, xi. 9]: "The Holy One in the midst of thee, and I will not come into the city." How is this to be understood? Because the inhabitants did so much good in the city that they were called holy, and the Holy One did not wish to enter? And R. Itz'hak

answered: "Thus said R. Johanan: The Holy One, blessed be He, said that He would not enter the Jerusalem of the heavens until he could enter the Jerusalem below." "Is there then a Jerusalem above?" asked R. Na'hman. "Yea," was the answer, "for it is written [Psalms, cxxii. 3]: 'Jerusalem! which art built as a city wherein all associate together'" (*i.e.*, Jerusalem is built as that Jerusalem which is connected (associated) with it. Hence there is another Jerusalem, and that is above in the heavens).

R. Na'hman again asked R. Itz'hak: "How is the passage [Jeremiah, x. 8]: 'But at once shall they be shown to be brutish and foolish: it is a doctrine of vanities, it concerneth but wood,' to be understood?" And he replied: "Thus said R. Johanan: One thing will cause men to burn in Gehenna, and that is idolatry; for it is said above, 'a doctrine of vanities, it concerneth but wood,' and further, we find it written [ibid. 15]: 'They are vanity, the work of deception; in the time of their punishment shall they vanish.'"

R. Na'hman asked R. Itz'hak again: "What does the passage [Jeremiah, ii. 13], 'For two evils have my people committed,' mean? Are there only two, and the twenty-four which are subsequently enumerated* (in the same chapter) were forgiven them?" And R. Itz'hak answered: Thus said R. Johanan: One evil which is considered as two—namely, idolatry—as it is written further [ibid.]: "Me have they forsaken, the source of living waters, to hew out for themselves cisterns, broken cisterns, that cannot hold water"; and it is also written [ibid. 10 and 11]: "For pass over to the isles of the Kittites, and see; and unto Kedar send, and consider well: and see if anything like this hath happened. Hath a nation exchanged its gods, which are yet no gods? and still my people hath exchanged its glory for that which cannot profit." In a Boraitha we have learned as follows: The Kittites worship fire and the inhabitants of Kedar worship water, and though knowing that water extinguishes fire, they nevertheless did not exchange their god, while my people exchanged their god for "that which cannot profit."

R. Na'hman and R. Itz'hak sat together at a meal, and R. Na'hman said to the latter: "Let Master relate something!" And R. Itz'hak said: "So said R. Johanan: 'While eating one should not talk, lest the food enter the windpipe (trachea) before

* According to the commentary of Rabbenu Hananel there are altogether twenty-six evils, committed by the Israelites, enumerated in Jeremiah ii.

the gullet and inflict an injury.'” After having finished their meal, he said: “So said R. Johanan: ‘Jacob our father never died.’” And R. Na’hman rejoined: “Then was it in vain that he was mourned and embalmed?” And R. Itz’hak replied: “I make this assertion from the following passage [Jeremiah, xxx. 10]: ‘And thou, do not fear, O my servant Jacob, saith the Lord, and be not dismayed, O Israel; for, behold, I will save thee from afar, and thy seed from the land of their captivity; and Jacob shall return, and shall be at rest, and be secure, with none to terrify him.’ And Jacob is compared to his children; as the latter are still living so is he also.” *

When R. Na’hman and R. Itz’hak were about to part, the former said to R. Itz’hak: “Bless me.” And he answered: “I shall tell thee a parable to which this can be compared: A man once went into the desert, and when hungry, thirsty, and tired came to a tree bearing luscious fruit and affording plenty of shade, and underneath which there was a spring of water. He ate of the fruit, drank of the water, and rested beneath the shade. When about to leave he turned to the tree and said: ‘Tree, tree, where-with can I bless thee? That thy fruit may be sweet—it is already sweet; that thou shouldst afford plenty of shade—that also thou dost; that a spring may be near thee—even that thou hast. The one thing left me which I can wish for thee is, that all trees planted from thy seed may be as fruitful as thou art.’ So it is with thee. Should I bless thee with knowledge—that thou hast; should I bless thee with riches—that thou also hast; should I bless thee with children—even children thou lackest not; hence all I can wish thee is that thy seed be as prosperous as thou art.”

The rabbis taught: Why is the first rain called Yorah?† Because it teaches the people to paint their roofs, take in the fruit, and otherwise prepare for the winter; and also because it satiates the earth and penetrates into the very depths, as it is written [Psalms, lxxv. 11]: “Watering her furrows abundantly; smoothing down her ridges, thou softenest her with showers; thou blessest her growth.” Another thing that is meant by “Yorah” is “a rain that comes without storm”; and as the first rain is intended for a blessing, so also is the latter rain. And whence do we know that the first rain is intended for a blessing?

* The commentary of Tosphath says that it is a noteworthy fact that while the Scriptures state that Abraham and Isaac died, they say that Jacob “departed this life” [Gen. xlix. 33].

† In addition to Yorah, meaning the first rain, it also means to show or to teach.

From the passage [Joel, ii. 23]: "And ye children of Zion, be glad, and rejoice in the Lord your God; for he hath given you the first rain in beneficence, and he hath caused to come down for you the rain, the first rain and the latter rain in the first month."

The rabbis taught: The first rain falls in the month of Mar-Cheshvan and the latter rain in Nissan. Whence do we know that the first rain should fall in the month of Mar-Cheshvan, perhaps it would do if it fell in the month of Kislev? Because the first and latter rains are mentioned together and by the latter rain is meant that falling in Nissan; for otherwise it would be of no benefit. Hence by the first rain is meant that falling in Mar-Cheshvan. In another Boraitha it is added that such is the dictum of R. Meir; but the sages say: "The first rain falls in Kislev." Who are those sages? Said R. Hisda: That is R. Jose, who says, in another Boraitha, that the time for the first rain is the third day of Mar-Cheshvan; ordinarily it falls on the 7th of that month, and if it is delayed it falls on the 17th. Such is the dictum of R. Meir. But R. Jehudah says the three dates are the 7th, 17th, and 23d, and R. Jose says they are the 17th, the 23d, and the 1st of Kislev; and he added that fasting for rain is not necessary until the 1st of Kislev has passed without rain having fallen. Said R. Hisda: "The Halakha prevails according to R. Jose."

Ameimar taught the same as R. Hisda with reference to another Boraitha: We have learned: As early as the 3d of Mar-Cheshvan, rain should be prayed for. R. Gamaliel said: "On the 7th of that month is the time when the delayed rain should be prayed for." Said R. Hisda: "The Halakha prevails according to R. Gamaliel."

According to whom will the following Boraitha be? We have learned: R. Simeon ben Gamaliel said: "If there was rain for seven consecutive days it must not be considered as too much rain, but merely that there was a threefold fructification of the earth by the rain." (This will be according to R. Jose, who said that seven days elapse between each fructification, and R. Hisda said the Halakha prevails according to R. Jose.) Said R. Ababahu: "Why is it called fructification? Because it fructifies the earth; for R. Jehudah said that the rain is the husband of the earth, as it is written [Isaiah, lv. 10]: 'For as the rain and the snow come down from heaven, and return not thither, but water the earth, and render it fruitful, and cause it to bring forth plants.'"

R. Abbahu said again : "The first fructification takes place if the rain penetrates one span into the ground, and the second fructification is accomplished when the soil is so pliable that it can be used to stop up a barrel without the addition of other water."

R. Hisda said : "If at the first fructification the soil becomes so pliable that it can be used to stop up a barrel, it cannot be considered as if the heavens were closed (and no rain had fallen)." He said again : "If it rained in some cities, but was dry in others, it cannot be said that the heavens are closed." This is not so ! For is it not written [Amos, iv. 7] : "And I also had indeed withholden from you the rain, when it was yet three months to the harvest ; and I caused it to rain upon one city, and upon another city I caused it not to rain ; one piece of land was rained upon, and another piece whereupon it rained not became dried up." And R. Jehudah said, in the name of Rabh, that the entire verse was in the form of a curse ? This presents no difficulty. For the verse signifies that in one city it will rain too much and in another it will not rain at all, which is a curse ; but if it rain ordinarily in one city and not at all in another (one city can draw its supply from the other). Said R. Ashi : "This very thing may be inferred from the passage itself ; for it says 'one piece of land was rained *upon*,' and that implies that in that piece of land there will be too much rain." *

R. Abbahu said : "The day of rain is of more importance than the day of resurrection ; for on the latter day only the righteous will arise from the dead, but rain falls for all alike, righteous and wicked." And R. Abbahu differs with R. Jose, who declares that the day of rain is just as important as the day of resurrection, and for that reason is mentioned in the prayer at the benediction regarding the resurrection of the dead.

R. Jehudah said : "The day of rain is as important as the day on which the Law was given, because it is written [Deut. xxxii. 2] : 'My doctrine shall drop as the rain,' and by doctrine is meant the Law ; for it is written [Proverbs, iv. 2] : 'For good doctrine do I give you : my law must ye not forsake.'" And Rabha said : "The day of rain is even more important than the day on which the Law was given ; for it says : 'My doctrine shall drop as the rain,' and surely the thing upon which another is

* The benediction on rain is transferred from here to Tract Berachoth, as the proper place.

dependent, or to which another is compared, is more important than that other."

The same interpreters cite the following contradiction: It is written [Deut. xxxii. 2]: "My doctrine shall drop as the rain, my speech shall distil as the dew." In the first he says "rain," and in the other "dew." (It is said above that dew is always good, but with rain the case is different?) From this it is to be signified that if the scholar is a conscientious man, consider him as dew, which is always useful; but if he is not, turn your neck to him * as we do to rain.

We have learned: R. Banaha said: "He who studies the Law for the honor of God, his knowledge becomes to him the elixir of life, as it is written [Proverbs, iii. 18]: 'A tree of life is she to those that lay hold on her'; and it is also written [ibid. 8]: 'It will be healing to thy body'; while, further, it is said [ibid. viii. 35]: 'For he who findeth me, findeth life'; but he who studies the Law, not for the honor of God (but in order to injure others or for other purpose), his knowledge becomes to him a deadly poison." As it is written in the passage just quoted, the term *Yaaroph* is to be interpreted as the term *Vearphu* [Deut. xxi. 4]: "And they shall *break* there the neck of the heifer in the valley."

R. Jeremiah said to R. Zera: "Let Master go and teach." And he answered: "My heart is weak, and I cannot." "Then let Master relate some trifling thing from the Haggada," said R. Jeremiah. And R. Zera spoke: "Thus said R. Johanan: 'It is written [Deut. xx. 19]: 'The man is a tree of the field.' Is then a man a tree of the field? The passage says previously: 'For of them mayest thou eat, and thou shalt not cut them down'; and further, it says [ibid. 20]: 'Only those trees of which thou knowest that they are not fruit-trees, thou mayest destroy and cut down.' And this implies that the man is compared to a tree, and that if thou knowest a man to be a scholar and a good man, thou shouldst enjoy his company and derive benefit from him; but if he be a scholar but an evil man, thou shouldst avoid him and cut off thy intercourse with him."

R. Hama bar Hanina said: "It is written [Proverbs, xxvii. 17]: 'Iron is sharpened by iron,' and this applies to two scholars who study together, when one sharpens the intellect of the other."

* The Hebrew term for this is *arpehu*, the term in the beginning of the passage quoted is *yaaroph*, the term for "neck" in Hebrew is *aroph*; hence the explanation according to Samuel Eidlis, which is more proper here than Rashi's.

Rabba bar bar Hana said: Why were the words of the Law compared to fire, as it is written [Jeremiah, xxiii. 29]: "Is not this my word like the fire? saith the Lord." As fire cannot burn without having hold of an object, so the words of the Law cannot remain with one who is alone.

R. Na'hman bar Itz'hak said: Why are the words of the Law compared to a tree, as it is written [Proverbs, iii. 18]: "A tree of life is she to those that lay hold on her." As a small piece of wood kindles a larger, so a lesser scholar brightens the wits of the greater by his queries, and this is as R. Hanina has said: "I have learned much from my teachers, more from my colleagues, and most of all from my disciples."

R. Hanina bar Papa cited a contradiction: "It is written [Isaiah, xxi. 14]: 'Toward him that is thirsty they *bring* water'; and further, it is written [ibid. lv. 1]: 'Every one of ye that thirsteth, *come* ye to the water'?" (This presents no difficulty.) If a man is a diligent disciple and cannot come to the master, the master should go to him; but if he is not a diligent disciple, the master need not go to him, but if he comes to the master he should be taught.

R. Hanina bar Hama cited another contradiction: It is written [Proverbs, v. 16]: "So will thy springs *overflow* abroad"; and further, it is said [ibid. 17]: "They will be *thy own* only"? This means to say, that if a man is a thorough scholar his teachings should be allowed to spread abroad; but if not, they should be for him alone.

R. Hanina bar Idi said: Why are the words of the Law compared to water, as it is written [Isaiah, xxi. 14]: "Toward him that is thirsty they bring water"? Because as water leaves a higher place for a lower, so the words of the Law cannot be retained by one who does not deport himself in a lowly (humble) manner.

R. Oshiya said: Why are the words of the Law compared to the following three beverages—water, wine, and milk? "To water," as it's written in the verse just quoted; to "wine and milk," as it is written [Isaiah, lv. 1]: "Yea, come, buy without money and without price wine and milk." In order to teach us, that as those three beverages can best be kept in common utensils such as wooden or earthen vessels, so the Law can only be retained by those who are humble in their manner. As the daughter of the Cæsar once said to R. Jehoshua b. Hananiah: "Alas for such handsome wisdom, which is in an ugly vessel" (it means that the

rabbi was very homely). And he said to her: "In what does your father keep his best wine?" And she answered: "In earthen vessels." And he rejoined: "Then what is the difference between your father and a commoner?" And she asked: "In what, then, shall it be kept?" And he said: "You, who are wealthy and mighty, ought to keep it in golden and silver vessels!" She then told her father, and he commanded that his wine should be kept in vessels of gold and silver. And it became sour. When the Cæsar was informed of this, he asked his daughter: "Who told you that we should keep our wine in golden vessels?" And she named the above rabbi. He was sent for, and questioned as to the reason of his advice. And he rejoined: "This was only an answer to the question of the princess." "But are there not," the Cæsar said, "men who are handsome and nevertheless are very scholarly?" "Believe me," said the rabbi, "that if they would be homely, their wisdom would be greater still."

R. Hama bar Hanina said: The day of rain is of equal importance with the day on which heaven and earth were created, as it is written [Isaiah, xlv. 8]: "Drop down, ye heavens, from above and let the skies distil blessing; let the earth open, and let them all be fruitful of prosperity, and let righteousness spring up likewise: I the Lord have created it." And as it is said "created *it*" and *not* "created *them*," it proves that rain is referred to; (and hence the day of rain is equally as important as the day of the creation of the heavens and earth).

R. Oshiya said: The day of rain is so great that, even if a man be blessed with prosperity, the prosperity becomes more fruitful, as it is said in the verse quoted: "Let the earth open, and let them all be fruitful of prosperity."

R. Tanhum bar Hanilai said: "Rain does not descend unless the sins of Israel are forgiven, as it is written [Psalm lxxxv. 2-3]: 'Thou hast been favorable, O Lord, unto thy land; thou hast brought back the captivity of Jacob. Thou hast forgiven the iniquity of thy people; thou hast covered over all their sin. Selah.'" Said Zeiri of Dehabath to Rabina: "Ye learn this from the above passage. We, however, apply to this the following: [I Kings, viii. 34]: 'Then hear thou in heaven, and forgive the sin,'" etc. R. Tanhum the son of R. Hyya of the village Acco said: "Rain is not withheld unless the enemies of Israel (meaning Israel itself) deserve to be destroyed, as it is written [Job, xxiv. 19]: 'Drought and heat speedily consume the snow-waters:

so doth the grave those who have sinned.' " Said Zeiri of Dehabath to Rabina: "Ye learn this from the above passage. We, however, apply to this the following [Deut. xi. 17]: 'And he will shut up the heavens . . . and ye shall perish quickly.' "

R. Simeon ben Pazi said: "Rain is not withholden except from such as slander each other, as it is written [Proverbs, xxv. 23]: 'The north wind bringeth forth rain; so doth secret talking, angry countenances.' "

R. Sala said in the name of R. Hamnuna: "Rain is withholden only on account of the impudent, as it is written [Jerem. iii. 3]: 'And though the early showers were withholden, and the latter rain came not: yet hadst thou a forehead of an adulterous wife, thou refusedst to feel shame.' "

R. Sala said again in the name of R. Hamnuna: "The man who is impudent will finally stumble into idolatry." And he derives it from the passage just quoted, "Yet hadst thou a forehead of an adulterous wife." And R. Na'hman said: "An impudent man must be considered as having already stumbled into idolatry; for the passage does not say, 'thou *wilt* have a forehead,' etc., but 'thou *hadst*.' "

Rabba bar Huna said: "An impudent man may be classed with the wicked, as it is written [Proverbs, xxi. 29]: 'A wicked man showeth impudence in his face.' " And R. Na'hman bar Itz'hak said: "He may even be hated, as it is written [Eccles. viii. 1]: 'And the boldness of his face Yesuna (will be lessened)' Do not read 'Yesuna' (will be lessened) but 'Yisonei' (may be hated)."

R. Joseph said: Rain is withholden only for abolishing the Law, as it is written [Job, xxxvii. 21]: "Yet men see not the light which is bright in the skies, when the wind hath passed along and purified them." By *light* is meant the Law, as it is written [Prov. vi. 23]: "For the commandment is a lamp, and the law is light"; and *bright*, the disciples of R. Ishmael interpret thus: "Even when the sky was spotted with clouds, the wind of the law clears them away."

R. Ami said: Rain is withholden solely on account of the sin of robbery, as it is written [Job, xxxvi. 32]: "His hands he covereth with light." By "his hands" is meant the hands of robbery, as it is written [Jonah, iii. 8]: "And from the violence which is in their hands"; and by "light" is meant rain, as it is written [Job, xxxvii. 11]: "He scattereth the cloud of his lightning."

R. Ami said again: It is written [Eccles. x. 10]: "If the iron be blunt and man do not whet the edge, then must he exert more strength; but the advantage of making it properly sharp is wisdom," which signifies, that if the heavens became closed as the "iron is blunt," it was because of the persistent wickedness of the men who "did not whet the edge" (of righteousness). What is the remedy for the evil? Praying for mercy, as it is said: "Then must he exert more strength"; and so much the more will they be granted mercy if at the beginning their deeds were those of wisdom.

Resh Lakish said: If thou shouldst see a scholar whose mind is blunt as iron, because of unsystematic study, the remedy for him is, that he should devote more time to systematic study in the colleges, as it is said: "Then must he exert more strength." And a better remedy yet is, if he arrange all he had hitherto learned in order, as Resh Lakish would arrange his studies forty times before entering into the presence of R. Johanan [deriving it from the forty days which Moses occupied in receiving the Law on Mount Sinai]. R. Ada bar A'hbah would arrange his studies twenty-four times before entering into the presence of Rabha [deriving it from the twenty-four books of the Scriptures.]

Rabha said: "If thou shouldst see a disciple whose mind is as blunt as iron because his teacher does not thoughtfully explain the teachings to him, the remedy for him is, to request his friends to intercede for him with the teacher in order that the explanations may be more lucid and especially if the disciple's behavior is proper towards the teacher and others." *

R. Ami said again: It is written [Eccles. x. 11]: "If the serpent do bite because no one uttered a charm, then hath the man that can use his tongue (in charming) no preference," which signifies that if thou shouldst see a generation in whose time the heavens became firm as copper and would not give forth dew and rain, because there was no one to utter a silent prayer for rain, the remedy is to obtain someone who can pray silently for the removal of the curse. And if the one who is able will not pray, what benefit will he derive from it? hence it is more than probable that he will do so. If, however, he persist in refusing, the most pious of that generation should be appealed to. And

* The above teachings of R. Ami, Resh Lakish, and Rabha are all based upon the one passage—Ecclesiastes, x. 10; but the interpretations of several of the words contained therein are so diversified that we have deemed it advisable merely to render their teachings alone, without reference to the literal text of the verse.

if he did pray and was answered, and because of that he becomes too proud, he brings down wrath upon the world.

Rabha said: Two scholars who reside in one town and are not agreeable to each other in Halakha, they cause wrath and bring the same down as it is written [Job, xxxv. 33].

Resh Lakish said: It is written [Eccl. x. 11]: "If the serpent do bite because no one uttered a charm, then hath the man that can use his tongue (in charming) no preference." In the future all the wild beasts will come to the serpent and question him thus: A lion presses and eats, the wolf tears and eats; but thou, what benefit dost thou derive from killing the creatures? And his answer will be: Do, then, the evil tongues derive any benefit?

Again R. Ami said: The prayer of a man is not answered unless he put his whole soul into it, as it is written [Lamentations, iii. 41]: "Let us lift up our heart with our hands unto God in the heaven." This is not so! For did not Samuel through an interpreter preach as follows: It is written [Psalms, lxxviii. 36 and 37]: "Nevertheless they prayed insincerely to him with their mouth, and with their tongue they lied unto him. For their heart was not firm with him, and with their tongue they lied unto him"; and further, it says [ibid. 38]: "Still he, being merciful, forgave the iniquity." This presents no difficulty. If a man prays alone, he must put his whole soul into it; but if a congregation is engaged in prayer and one of the members does not happen to be as devout as he should, the prayer is nevertheless heard.

R. Ami said again: "Rain falls only for the sake of those who are truthful, as it is written [Psalms, lxxxv. 12]: 'Truth will grow up out of the earth and righteousness will look down from heaven.'" And he said again: "Come and see how great are the men who have faith, and I know this from the story of the cat and the well; for if a man have faith in a cat and a well so much the firmer should his faith be in God." *

* The legend of the cat and the well is not to be found in the Talmud proper, but the Aruch and Rashi relate it as follows: A youth of a patrician family while strolling through a forest chanced to meet a beautiful maiden with whom he fell violently in love. The maiden received his advances favorably; and he plighted his troth to her, calling upon a well standing near by and upon a cat which at that moment rushed past them as witnesses of his undying affection. Returning to his home, the young man in the midst of festivities forgot about his adventure with the maid of the forest and became betrothed to another maiden of a prominent family. He married her and in due course the union was blessed with a child. Not long after the child was born, its nurse accidentally let it fall into a well. Another child was born to them,

R. Johanan said: "He who justifies all his actions here below, is closely scrutinized by the Power above, as it is written [Psalms, lxxxv. 12]: 'Truth will grow up out of the earth and righteousness will look down from heaven.'" R. Hyya bar Abin in the name of R. Huna adduces the same teaching from another passage [Psalms, xc. 11]: "Which is like the fear of thee," implying that as a man endeavors to prove his fear of the Lord here below, so is he scrutinized as to his sincerity from above. Resh Lakish adduces this same teaching from the passage [Isaiah, lxiv. 4]: "Thou acceptest him that rejoiceth and worketh righteousness, those that remember thee in thy ways: behold, thou wast wroth, for we had sinned on them continually; and can we thus be saved?" which implies that when we accept one who wishes to appear righteous before us, his sins are looked into from above and he is closely observed.

R. Jehoshua ben Levi said: "One who rejoiceth in his affliction brings prosperity to the whole world, because the last two words of the above-cited verse are 'Aulom Venosha,' which should be interpreted, 'the world will be helped.'"

and one day, when the child was left alone for a moment, a wild cat carried it off and devoured it. Thus was retribution meted out to the youth who had violated his promise.

In Vol. VI., p. 64, of the periodical *Hakol* (the Voice) we published in an article an explanation of the above passage in the Gemara, as follows: "It is entirely unreasonable to assume that one could believe in a cat or a well otherwise than as a means by which God would punish an iniquity, and therefore it is highly probable that the words 'Huldah and Bor, meaning *cat* and *well*, originally were intended for 'Huldah and Deborah, the prophetesses of the Scriptures, and that simply a Daled and a Heh were omitted in the manuscript. The Talmud generally treats prophetesses with but little consideration and regards their prophecy as of small value, for it says in Tract Megilla, p. 37, 'Greatness is not seemly for women. Two prophetesses we had and one was called Deborah (a bee) and the other 'Huldah (a cat).' It then continues to criticise their behavior in general; but still the King Yoshiyahu (Josiah) believed in 'Huldah the prophetess (see II Kings, xxii. 13 to 20) and Barak the son of Abino'am believed in Deborah (see Judges, iv. 8). Thus it would be far more reasonable to explain the above passage in the Gemara, not with reference to the cat and the well, but rather as referring to Deborah and 'Huldah, and say: If a man have faith in the prophetesses 'Huldah and Deborah, he should be so much the firmer in his faith in God." This explanation met with the approval of a number of the most orthodox scholars, but the well-known Rev. Dr. M. Mielziner, in a letter addressed to us, called our attention to the fact "that, were it so, Deborah would stand before 'Huldah in the above passage, having preceded 'Huldah in the chronological order of the Scriptures." In Tract Megilla Deborah really does precede 'Huldah, but we forestalled this query in that article by stating that in all probability 'Huldah was mentioned first in the above passage from the fact that a King (Josiah) believed in her, while a commoner (Barak) was the man who placed his faith in the prophetess Deborah.

Resh Lakish said : It is written [Deut. xi. 17] : " And he will shut up the heaven." When the heaven is shut up from giving rain, it is compared to a woman lying-in, who has all the pain of travail but cannot bear the child ; and this is what Resh Lakish said in the name of Bar Qappara : The expression " shut up " is said about rain, as quoted above, and the same expression is used of a woman [Gen. xx. 17] : " For the Lord had fast closed up * every womb." It is said " birth " of a woman [ibid. xxx. 23] : " And she conceived, and bore a son " ; and the same expression is used for rain [Isaiah, lv. 10] : " And render it fruitful," † etc. It is said " visiting " of a woman [Gen. xxi. 1] : " And the Lord visited Sarah " ; and the same expression is used for rain [Psalms, lxxv. 10] : " Thou hast visited ‡ the earth and waterest her abundantly ; thou greatly enrichest her ; the brook of God is full of water."

In the days of R. Samuel ben Na'hmeni there were two evils in the land—famine and pestilence—and the sages said : What shall we pray for ? We must not pray for two things, and we do not know which to pray for—the cessation of famine or of pestilence. Let us pray, then, for the abatement of the pestilence and we shall suffer with the famine. Said R. Samuel ben Na'hmeni to them : " Nay, let us pray for relief of the famine ; for if the Merciful One will give bread he will give it to the living, surely not to the dead, and thus the pestilence will cease of itself, as it is written [Psalms, cxlv. 16] : ' Thou openest thy hand and satisfiest the desire of every *living* thing.' " Whence do we know that two things must not be prayed for ? From the passage [Ezra, viii. 23] : " So we fasted and besought our God for this." Whence we see that if they besought God for *this*, there must have been something else besides, and only one thing was prayed for.

In the days of R. Zera the government issued proclamations detrimental to the interests of the Jews, and remarked that no fast-days were to be kept. Said R. Zera to the people : " Let us take a fast-day upon ourselves *now*, and when the government shall have rescinded its decree, we will then fast." And they asked him : " Whence dost thou know that this would be beneficial ? " And he answered : " I know it, because it is written [Daniel, x. 12] : ' And he said unto me : Fear not, Daniel ! for

* The Hebrew term for both is *Otsar*.

† The Hebrew term for both is *Holid*.

‡ Leeser translates in the first *visited*, and in the second *thought of*. The Hebrew term, however, for both is *Pokad*.

from the first day that thou didst set thy heart to obtain understanding, and to fast before thy God, were thy words heard : and I am come in consequence of thy words.' "

R. Itz'hak said : " Even if the years be years of drought, as were the days of Elijah, and rain fall on the eve of Sabbaths, it cannot be considered as a sign of blessing." Again, R. Itz'hak said : " The day of rain is such a blessed day, that even the coin in one's pocket is blessed ; for it is written [Deut. xxviii. 12] : ' To give the rain of thy land in its season, and to bless all the work of thy hand.' " *

R. Johanan said : " Rain is not withholden only on account of such men as promise publicly to give charity and then do not carry out their promise, as it is written [Proverbs, xxv. 14] : ' Like clouds and wind without rain, so is a man that vaunteth falsely of a gift.' "

R. Johanan said again : " The passage ' thou shalt truly tithe ' signifies that a man should give tithes in order that he may himself become rich.† R. Johanan met a child of Resh Lakish (after the latter's demise) and he asked him : " How far along art thou in thy studies ? " And the child answered : " I am at the passage [Deut. xiv. 22] : ' Thou shalt truly tithe,' " and then asked, " What does that passage mean ? " R. Johanan replied : " It means : Give tithe in order that thou mayest become rich." The child then said : " Whence dost thou know this ? " And he replied : " Go and try it, and see if it is not so." But the child rejoined : " But is it then allowed to try God—is it not written [Deut. vi. 16] : ' Ye shall not tempt the Lord your God.' " And R. Johanan said : " Thus said R. Hosea : ' In all things except tithes, for it is said [Malachi, iii. 10] : " Bring ye all the tithes into the storehouse, that there may be provision in my house, and prove me but herewith, saith the Lord of hosts, if I will not open for you the windows of heaven, and pour out for you a blessing, until it be more than enough.' " " Replied the child : " If I had already come to that verse (in my studies) I would not have needed thee nor Hosea thy rabbi."

Once more R. Johanan met the child of Resh Lakish, learning the passage [Proverbs, xix. 3] : " The folly of man perverteth his way and against the Lord will his heart rage." R. Johanan sat

* The other sayings of the same authority are transferred to tract *Baba Metziya* as the proper place, and some of them are repeated there.

† *Vide* Tract Sabbath, p. 252.

and pondered, saying: "Is there then anything written in the Hagiographa, of which there should not even be a hint in the Pentateuch?" Said the child of Resh Lakish to him: "Is there not a hint of this in the Pentateuch? Is it not written [Genesis, xlii. 28]: 'And their heart failed them and they were afraid, saying one unto another, What is this that God hath done unto us'?" (and was it not their own folly in selling their brother, that brought the sons of Jacob into their position)? R. Johanan (who had very large eyebrows—so large, in fact, that he had to lift them with silver pincers before he could see well) raised his eyes and wished to gaze at the child, when the mother of the child immediately took him away, saying: "Go away from him, or he may do unto thee what he did unto thy father." (What R. Johanan did to Resh Lakish is explained in Tract Baba Metziya.)

R. Johanan said: Rain may descend even for the sake of the merits of one man, but general prosperity comes only for the sake of the public, as it is written [Deut. xxviii. 12]: "The Lord will open unto *thee* his good treasure, the heaven, to give rain," etc.; and it is written [Exod. xvi. 4]: "I will rain for *you* bread from heaven."

An objection was raised: R. Jose the son of R. Jehudah said: Three good leaders were given to Israel, and they are: Moses, Aaron, and Miriam; and three good gifts were given through them, namely: the well of water which the Israelites had along with them in the desert was given them for the sake of Miriam; the pillar of cloud which led them by day was given them on account of Aaron, and the Manna was given them for Moses' sake. When Miriam died, the well vanished, as it is written [Numbers, xxi. 1]: "Miriam died there, and was buried there"; and immediately afterwards it says: "And there was no water for the congregation." Still, the well was again given to the children of Israel through the prayers of Moses and Aaron.

When Aaron died, the pillar of cloud left.* Still, both the well and the pillar of cloud were returned for the sake of Moses; but when Moses died, everything vanished, as it is written [Zechariah, xi. 8]: "And I removed the three shepherds in one month." Did then Moses, Aaron, and Miriam die in the same month? Did not Moses die in Adar, Aaron in Abh, and Miriam in Nissan? Therefore infer from that passage that the three gifts which were given to Israel vanished in the same month that Moses died.

* Vide Tract Rosh-Hashana, p. 3.

Does all this not prove that the Manna was given solely on Moses' account? Nay; Moses prayed for the whole congregation, and thus he was equal to the whole congregation.

R. Huna bar Manoah, R. Samuel bar Idi, and R. Hyya of Vastania were disciples of Rabha. When Rabha died, they came to R. Papa. When R. Papa would say something that was not quite pleasing to them, they would wink at one another; and he became downhearted. At one time in a dream the passage just quoted: "And I removed the three shepherds in one month," was read to him. On the morrow before they left him he blessed the three disciples, saying: "The rabbis may go in peace" (not wishing that any harm might befall them).

R. Shimi bar Ashi was also a visitor at the college of R. Papa, and would put so many questions to him that it happened at times that R. Papa could not answer them. One day R. Shimi noticed R. Papa, who was reciting the prayer at which the face was generally hidden in the arm, and overheard him pray: "May the Merciful One save me from the disgrace which I suffer at the hands of that Shimi." So at that time he resolved to be silent and not trouble R. Papa any more with questions.

We have learned in a Boraitha: R. Eliezer said: The whole world drinks of the water of the ocean, as it is written [Gen. ii. 6]: "But there went up a mist from the earth and watered the whole face of the ground." Said R. Jehoshua to him: "How can that be? Are not the waters of the ocean salty?" And he replied: "They become sweet in the mist (when evaporating)." R. Jehoshua, however, says: The whole world drinks of the waters above, as it is written [Deut. xi. 11]: "From the rain of heaven doth it drink water." Thus the significance of the first-quoted verse is, that the mists rise unto heaven, open their mouths like bags, and drink in the water, as it is written [Job, xxxvi. 27]: "For he taketh away drops of water, which are purified into rain in the mist"; and the mist is porous like a sieve, through which the rain descends to the earth, as it is written [II Samuel, xxii. 12]: "Heavy masses of water, thick clouds of the skies," and the space from one drop to another is only the width of a hair. All this teaches us that the day of rain is as great as the day of the creation of heaven and earth.

The rabbis taught: The land of Israel was created first of all and the rest of the world afterwards, as it is written [Proverbs, viii. 26]: "While as yet he had not made the land and open fields," and the land of Israel was already made.

The land of Israel is watered by the Lord himself, while the rest of the world is watered by a messenger, as it is written [Job, v. 10]: "Who giveth rain upon the surface of the earth, and sendeth out waters over the face of the fields."

The land of Israel is watered by rain, while the rest of the world is watered by the residue remaining in the clouds, and this is inferred from the same passage [Job, v. 10], which also implies that the land of Israel is watered before the rest of the world.

R. Jehoshua ben Levi, however, said that the whole world is watered with the residue remaining after the garden of Eden had been watered, as it is written [Gen. ii. 10]: "And a river went out of Eden to water the garden"; and in a Boraitha we have learned that with the residue of water left over from a quantity necessary to water a Kur of land, a Tharqabh (one-sixtieth of a Kur) of land can be watered.

The rabbis taught: Egypt measures four hundred square Parsah, and that is only one-sixtieth of Mesopotamia; Mesopotamia is a sixtieth of the whole earth; the earth is one-sixtieth of the garden of Eden; the garden is one-sixtieth of Eden, and Eden is in turn only one-sixtieth of Gehenna. Thus it follows that the whole world is but a lid to the pot. Others say again that Gehenna is immeasurable, while still others maintain that Eden is immeasurable.

R. Oshiya said: "It is written [Jeremiah, li. 13]: 'O thou that dwellest upon many waters, great in treasures,' etc., which implies that the reason why Babylon is great in treasures is because it dwelleth upon many waters." Rabh said: "Rich indeed is Babylon, that reapeth her grain without rain." Abayi said: "I know of a tradition which tells me that swampy ground is better than dry." *

MISHNA: On the third of Mar-Cheshvan prayers for rain should be said; but according to Rabban Gamaliel, on the seventh of the same month—namely, fifteen days after the Feast of Tabernacles—in order to give the last of the Israelites (returning to their homes from the city of Jerusalem, where they had been during the festivals) an opportunity to reach the River Euphrates (the northern boundary line of Palestine).

GEMARA: Said R. Elazar: "The Halakha prevails according to R. Gamaliel." We have learned in a Boraitha: Hananiah said: "In exile, prayers for rain should be said sixty days after

* This passage is in accordance with the explanation of the Aruch.

the equinox of Tishri"; and Huna bar Hyya said in the name of Samuel that the Halakha prevails according to Hananiah.

The schoolmen propounded a question: "What about the sixtieth day after the equinox? Is it included in the sixty days, or is it counted as one of the days on which the prayers are already to be recited?" Said R. Papa: "The Halakha prevails: The sixtieth is considered as the day after the sixty days."

MISHNA: If the seventeenth of Mar-Cheshvan have passed without the rain having yet descended, private individuals commence to keep three fast-days. As soon as it becomes dark on the fast-days, however, it is allowed to eat and to drink; and on the fast-days themselves it is permitted to work, to bathe, to anoint the body, to wear shoes, and to perform the duty of cohabitation.

If the new moon of Kislev has arrived without rain having yet descended, the supreme court shall order three public and general fast-days. As soon as it becomes dark on those fast-days, however, it is lawful to eat and drink; and on the fast-days themselves it is permissible to work, to bathe, to anoint the body, to wear shoes, and to perform the duty of cohabitation.

GEMARA: Who are meant by private individuals (in this Mishna)? Said R. Huna: "The rabbis." We have learned in a Boraitha that if private individuals commenced to keep the fast-days, they should fast on Monday, Thursday, and the following Monday; and they may interrupt their fast-days if a Monday or a Thursday fall on the day of the new moon or on such days as are mentioned in the Roll of Fasts.

The rabbis taught: "A man should not say: 'I am too young a scholar to be counted in among the rabbis, and thus be included in the meaning of the term "private individuals," hence I need not keep the fast-days'; but every young scholar should consider himself a rabbi for that purpose."

Who is called a private individual? One who is worthy of being elected Parnass (president) of the congregation. And who is called a young scholar? One who is asked concerning passages in his studies even in Tract Kalah and can make satisfactory answer.

The rabbis taught: Not every one who would count himself among the private individuals may do so, and not every one who would count himself among the young scholars may do so. Such is the dictum of R. Simeon ben Elazar. Rabban Simeon ben Gamaliel, however, said: "This only applies to those who do so

for the glory thereof, but not to such as only incur an inconvenience by so doing; and the latter, when counting themselves among such persons, should be favorably remembered therefor."

The rabbis taught: One who fasted on account of some trouble, or for the recovery of a sick person, even though the trouble had passed away during the day of his fasting, or the sick person had recovered during that day, should nevertheless continue to fast until nightfall. One who came from a place where there was no fast-day to a place where there was a fast-day must keep that fast-day; but if a man came from a place where there was fasting to a place where there was none, he must nevertheless quietly end his fast. If he forgot that the day was a fast-day, and ate and drank, he should not at least make it apparent to others, and should also not participate in any pleasures on that day, as it is written [Gen. xlii. 1]: "Why do ye look at one another?" which signifies, that Jacob said to his sons: Why do ye make it appear that ye are satisfied when the other races of Esau and Ishmael around you are starving?

R. Jehudah said in the name of R. Hyya: One who travels on the road should not eat much—no more, in fact, than is eaten in a year of famine. Why so? Here in Babylon they say: "In order that the stomach be not filled and thus make walking difficult"; but in Palestine they say: "In order that the supply of food which is carried along be not too quickly exhausted." The difference in the two opinions is therefore concerning a man on board of a ship. There is fear of the supply of food being exhausted, but not that walking will be hindered. On the other hand, the difference of opinion also concerns a man travelling from village to village. There is no fear of the supply of food becoming exhausted, but there is fear of overloading the stomach and thus impeding further progress.

R. Papa when travelling would eat a small loaf after traversing a Parsah, because he thought that eating too much would be injurious to the stomach.

R. Jehudah said in the name of Rabh: A man who has plenty in years of famine and still eats sparingly because others have but a small supply will be saved from sudden death, as it is written [Job, v. 20]: "In famine he redeemeth thee from death." Why is it said "in famine," it should say "from famine he redeemeth thee"? Therefore the passage means to imply that because one ate sparingly in times of famine, he will be redeemed from sudden death.

Resh Lakish said: "A man should not cohabit with his wife in years of famine, as it is written [Gen. xli. 50]: 'And unto Joseph were born two sons *before* the years of famine came.'" A Boraitha, however, teaches that a man who is childless may do so even in times of famine.

The rabbis taught: When Israelites are in trouble and one of them leaves them for the purpose of avoiding the trouble, the two angels who accompany each man lay their hands upon his head and say: "The man who secludes himself from the community which is in distress shall not see the prosperity of the community." Therefore a man should share the common distress of the community, as we see in the case of Moses, who always shared the troubles of the congregation, as it is written [Exod. xvii. 12]: "But when the hands of Moses became heavy, they took a stone, and put it under him, and he sat thereon." Did not Moses possess a pillow or bolster upon which he could have sate down? Yea; but Moses said thus: "Because the community is in distress I shall not use a pillow, but sit on a stone and share their woes." Thus everyone who shares the misery of the community shall also see the prosperity, and lest a man say: "Who will testify that I took no part in the woe of the community?" he should know that the stones and beams of his house will bear testimony to the fact, as it is written [Habakkuk, ii. 11]: "For the stone will cry out of the wall, and the beam out of the woodwork will answer it." The disciples of R. Shila say, that the two angels who accompany a man will testify against him, as it is written [Psalms, xci. 11]: "For his angels will be given charge concerning thee." R. 'Hidka said: "The soul of man will testify against him," as it is written [Micah, vii. 4]: "From her that lieth in thy bosom guard the doors of thy mouth." Others say that the members of a man's body will testify against him, as it is written [Isaiah, xliii. 10]: "Ye are my witnesses, saith the Lord."

It is written [Deut. xxxii. 4]: "The God of truth, and without iniquity." By the "God of truth" is meant, that as retribution is meted out above to the wicked for every transgression which they commit, so are the righteous also held to account in this world for every transgression committed; and as the righteous are rewarded in the world to come for every little good act, so are the wicked rewarded in this world for every fulfilment of a religious duty, be it ever so insignificant. It says further [ibid.]: "Just and upright is He." Infer therefrom that when a man

comes into the world beyond, all his deeds are laid before him in detail, and he is told where and on what day he committed them. The man then answers: "Yea, I did so"; and he is told to subscribe his name, which he does, as it is written [Job, xxxvii. 7]: "He sealeth it on the hand of every man." And not alone this, but the man also exclaims: "I have been justly judged," as it is said [Psalms, li. 6]: "In order that thou mightest be righteous when thou speakest, be justified when thou judgest."

Samuel said: "A man who fasteth is called a sinner." R. Shesheth said: "If a young scholar sitteth and fasteth, may a dog eat his meal." Said R. Jeremiah bar Abba: "In the community in Babylon there is no fast-day except the 9th of Abh"; and in the name of Resh Lakish he said: "It is not lawful for a scholar to fast, because by fasting he diminishes the work in the heavenly cause."

"As soon as it becomes dark," etc. R. Zera said in the name of R. Huna: "If an individual took it upon himself to fast the next day, even if he had eaten and drunk the entire night, he may on the morrow recite the fasting-prayer in the Min'hah (afternoon prayer). If a man, however, fasted a day and a night, he must not on the following morning recite the fasting-prayer." Asked R. Joseph: "What does R. Huna hold? That fasting at night is not considered and for that reason the fasting-prayer must not be recited on the following morning, or that fasting at night is considered the same as fasting for a few hours, but for fasting of the latter kind no prayer should be said?" Abayi answered: "R. Huna holds, that fasting at night is considered as fasting for a few hours, and for such a fast the prayer may be said; but the reason that he disallows the fasting-prayer on the morning following the night is because the man originally intended to fast only during the day and did not take upon himself previously to fast the night through also."

Said R. Hisda: "A fast of hours is considered only if the man had not tasted food until night." Said Abayi: "This would not be a fast of hours! it would be a regular fast-day?" R. Hisda means to say that if a man had not eaten before noon through lack of time, and then resolved to fast the remaining half of the day so as to have a fast-day to his credit—although he had only taken it upon himself to fast a half of a day, still it is considered as a regular fast-day.

R. Hisda said again: "A fast-day which was not kept until sunset cannot be called a fast-day." An objection was made:

We have learned in a Mishna: "The priests who had the weekly watch of the Temple fasted, but not the whole day." (This presents no difficulty.) In that case the men of the watch did not intend to fast, but merely to share the trouble of the rest of the community.

Samuel said: "A man who had fasted without having previously taken it upon himself to do so is not considered to have fasted at all." But what if a man did fast without having previously resolved to do so? Said Rabba bar Shila: "That is considered the same as inflating a bag with air." When must a man resolve to fast? Said Rabh: "On the preceding day during the time of the afternoon-prayer." And Samuel said: "On the preceding day at the afternoon-prayer."

Said R. Joseph: "It seems to me that the opinion of Samuel is correct."

The rabbis taught: "Until what time may a man eat on the night preceding a fast-day?" "Until the advent of the morning star." Such is the dictum of Rabbi; but R. Eliezer bar R. Simeon said: "Until the cock crows." Said Rabha: "This applies to one who had not slept; but if he had once retired and slept, he must not eat at all."

Abayi objected: "Did we not learn that if the man slept and arose again, he may eat?" That teaching does not mean if the man had slept, but had only slumbered.

R. Jehudah said in the name of Rabh: "A man, after taking it upon himself to fast on a certain day, may postpone that day and fast on another day; and," continued R. Jehudah, "when I told this to Samuel, he said: 'This is self-evident, for cannot a man vow to do a certain thing and postpone it to some other time?'"

R. Jehoshua the son of R. Idi was a guest of R. Assi; and a calf, the third of its mother, was prepared for him. And they said to him: "Let Master partake of something." Whereupon he replied: "I am fasting this day." And they rejoined: "Why not postpone this fast-day? Does not Master hold with R. Jehudah's decree in the name of Rabh, that a fast-day may be postponed?" And he said: "This is a fast-day to me on account of a dream, and Rabba bar Mahassia in the name of R. Hama bar Guria, quoting Rabh, said: 'A fast-day is to a bad dream what fire is to flax'; and R. Hisda said that the fast-day should be kept only on the same day, and R. Joseph said that even on Sabbath such a fast should be kept, and for the violation of the

Sabbath caused thereby he should keep an additional fast-day later on."

MISHNA: If these (three fast-days) have passed without their prayers having been favorably answered, the supreme court shall decree three more public and general fasts; on the nights preceding these it is not permitted to eat or drink, and on the fast-days it is prohibited to work, to bathe, to anoint the body, to wear shoes or to perform the duty of cohabitation, and the public bathing places are to be closed. Should even these fast-days have passed without their prayers having been favorably answered, then shall the Beth Din decree seven more fast-days, which altogether will make thirteen public and general fasts. These last seven fast-days differ from the preceding six, in that on them the alarm is sounded; the shops remain closed, excepting that on Mondays, towards evening, the shop-shutters (of the dealers in articles of food) may be loosely fastened (*i.e.*, not entirely closed, but in a slanting position), and on Thursday they may be taken off entirely in honor of the Sabbath.

Should even these seven fast-days have passed without a favorable answer to the prayers, the people are to avoid and withdraw from engaging in any joyous occupation, and also to diminish their business; from the erection of buildings and from the planting of pleasure-gardens; from betrothals, weddings, and mutual greetings, like men who are rebuked by the Omnipotent; (pious) private individuals recommence fasting till the end of the month of Nissan. If Nissan had passed and then rain descended, it must be considered a curse, for it is written [I Samuel, xii. 17]: "Is it not wheat harvest to-day?" etc.

GEMARA: It would be right to prohibit bathing, anointing the body, etc., on the fast-day, because those things are luxuries; but why should working be prohibited? Surely working cannot be considered a luxury! Said R. Hisda in the name of R. Jeremiah bar Abba: It is written [Joel, i. 14]: "Sanctify ye a fast, proclaim a solemn assembly, gather the elders," etc. Thus we see that it says, "Proclaim a solemn assembly"; and as certain festivals on which no work may be done are also called "assembly" (*Atzereth*), it follows that no work may be done on a fast-day also. We might assume then that, as on those other festivals no work may be done from the time of dusk on the preceding eve, such should also be the case with these fast-days. Said R. Zera: It was explained by R. Jeremiah bar Abba that as it is written, "Gather the elders," this might be compared to them;

and as the elders assemble only during the day, so work should *not* be done only during the day. If that be so, then let it be prohibited to work only from midday on; for the elders generally assemble about midday. Said R. Shesha the son of R. Idi: This bears out the opinion of R. Huna, who said that in olden times the assemblies of elders would take place from the morning on.

What would the elders do when they assembled in the morning? Said Abayi: From morn until midday they would occupy themselves with municipal affairs; and the first part of the afternoon would be consumed in the reading of the scrolls and of the Haphthorah, while the other part would be devoted to the recital of prayers, as it is written [Nehemiah, ix. 3]: "And they stood up in their standing-place, and read in the book of the law of the Lord their God the fourth part of the day; and another fourth part they made confession, and prostrated themselves before the Lord their God." Perhaps the contrary was the case; *i.e.*, they read the Law and prayed in the forenoon and occupied themselves with the municipal affairs in the afternoon? This would not be consistent; for it is written [Ezra, ix. 4]: "And then assembled themselves unto me every one that trembled at the words of the God of Israel, because of the trespass of the exiles: and I sat astounded until the evening sacrifice; [ibid. 5] And at the evening sacrifice I rose up from my fasting, and while rending my garment and my mantle, I knelt down upon my knees, and spread out my hands unto the Lord my God."

Raphram bar Papa said in the name of R. Hisda: "On days when one is fasting on account of a mournful occurrence, as the 9th of Abh, or when is mourning the loss of a near relative, bathing in either cold or warm water is prohibited; but where bathing is not allowed as a luxury, as on ordinary communal fast-days, warm water must not be used but cold water may be." Said R. Idi bar Abin: "This we have learned also in our Mishna, for it says 'that the bathing places are closed,' which signifies that bathing in warm water is prohibited." Said Abayi to him: "What proof is that? If then cold water was prohibited, would the Mishna say that all rivers and lakes should be drained or stopped up?" And R. Shesha the son of R. Idi replied: "My father meant to say that the following was the difficulty in the Mishna: It says that bathing is not allowed, why then should it add that the bathing places were closed? Therefore the Mishna evidently meant to imply that the bathing places were closed in

order to prevent the use of warm water, but cold water may be used."

Where should the fasting-prayer be mentioned? R. Jehudah led his son R. Itz'hak to the desk, and the latter proclaimed: "If an individual takes it upon himself to fast, he must recite the fasting-prayer and insert it among the eighteen benedictions, between the benediction of redemption and healing."

R. Itz'hak (of a later generation) opposed this: May, then, an individual say an additional benediction? Therefore, according to his opinion, he should say it in the prayer commencing: "Hear our voice, O Lord," etc. And so also said R. Shesheth. What is the final decision? Said R. Samuel bar Sassartai, and so also said R. Hyya bar Ashi in the name of Rabh: "It should be said between the benedictions of redemption and healing." R. Ashi, however, said in the name of R. Janai the son of Ishmael: "In the prayer commencing, 'Hear our voice,' " etc. And thus the Halakha prevails.

We have learned in one Boraitha that pregnant women and those suckling infants should fast only during the first fast-days ordained by the community, but not during the subsequent fast-days. In another Boraitha we have learned that they should fast in the last fast-days, but not in the first; and in a third Boraitha we have learned that they should fast neither in the first nor in the last. Said R. Ashi: Hold firm to the middle Boraitha and the others will be readily explained (*i.e.*, the first Boraitha means to say that they should fast on the three days between the first three days and the last seven, but not on the last seven days; the second Boraitha calls the three middle days the last because they were preceded by three others, hence it says that they should fast only on the last three days, *i.e.*, the three days mentioned above; and the last Boraitha means to say that they need not fast on the first three days or on the last seven, but only on the three middle—thus all three Boraithoth mean one and the same thing).

"*The alarm is sounded.*" Wherewith was the alarm sounded? Said R. Jehudah: "With the cornets." And R. Jehudah the son of R. Samuel bar Shilas, quoting Rabh, said: "With the shout, 'Answer us, O Lord!'" All agree that where cornets are used it is referred to as "sounding an alarm," but they differ concerning the prayer, "Answer us, O Lord!" One says that that is also called sounding the alarm, while the other says that it is not. He who says that the alarm was sounded by reciting the prayer mentioned, also admits that the cornets were used; but

the one who says that the cornets were blown, does not hold that the prayer was also said.

Did we not learn in a Boraitha that on account of other kinds of plagues, such as the itch, locusts, flies, wasps and gnats, and snakes the alarm, was not sounded, but the prayers were merely shouted; and as shouting signifies that the prayer, "Answer us," was merely said, it must be assumed that where it says that the alarm was sounded it means that the alarm was sounded with cornets? This constitutes a difference of opinion among Tanaim, as we learn in a subsequent Mishna (Chap. III. of this Tract), which says: "For the following calamities an alarm is to be sounded even on Sabbath," etc.; and as on the Sabbath it is not permitted to sound an alarm with cornets, we must assume that the prayer, "Answer us," etc., is also called an alarm. Such is the conclusion.

In the days of R. Jehudah the Third there was a calamity. He ordained thirteen fast-days, but no favorable answer was received. He accordingly desired to ordain more fast-days; but R. Ami said to him: "It was said that the community must not be troubled to too great an extent." Said R. Abba, the son of R. Hyya bar Abba: "R. Ami said that from a selfish motive (*i.e.*, he did not care to fast any more), for my father said in the name of R. Johanan that only when rain is withholden thirteen fast-days should be kept, and no more; but on account of other calamities the people should fast until their prayers are answered, and thus we have also learned in a Boraitha.

The inhabitants of Nineveh sent a query to Rabbi: "Should we, whose soil is unusually dry and in need of rain already in the month of Tamuz (June—July) be considered as a community and when praying for rain insert the prayer in the benediction of years, or should we be regarded as individuals and insert the prayer in that commencing, 'Hear us, O Lord!'" He answered them: "Ye are regarded as individuals and must insert the prayer for rain in that commencing, 'Hear us, O Lord.'"

An objection was raised from the following Boraitha: R. Jehudah said: "All this applied to the time when the Israelites were in their own land and Palestine was the principal place, but in the present time the prayers are said according to the place, time, and year?" And he answered him: Thou askest concerning a contradiction of Rabbi to a Boraitha? Rabbi is a Tana, and consequently may have his own opinion and differ with the teaching of a Boraitha. How does the Halakha prevail,

however? R. Na'hman said: "The prayer for rain must be inserted in the benediction of the years," and R. Shesheth said: "It must be inserted in 'hear our voice,'" etc. And the Halakha prevails according to R. Shesheth.

"But on Thursday they may be taken off entirely," etc. We have learned in a Boraitha: On Monday towards evening, the shop-shutters were only partly closed; on the Thursday they were entirely opened in honor of the Sabbath; but if there were two doors to the shop, one of them could be opened even on Monday; and if there was a bench against the door, it was allowed to open the door on Monday as usual.

"From the erection of buildings and from the planting of pleasure-gardens," etc. We have learned in a Boraitha: What is called a building of pleasure? A house which was built especially for a son about to be married; and what is meant by a pleasure-garden? A bower for princes.

"And mutual greetings." The rabbis taught: The scholars would not greet each other at all; but the common people when greeting the scholars would be answered very feebly and with a faint nod. Amongst themselves the scholars would sit wrapped in their cloaks, silent and morose, the same as mourners and as men who were rebuked by the Omnipotent, until the Lord would have mercy upon them.

R. Elazar said: A prominent man must not clothe himself in sackcloth unless he knows positively that his prayers will be answered, as was the case with King Jehoram the son of Achab, concerning whom it is written [II Kings, vi. 30]: "And it came to pass when the king heard the words of the woman, that he rent his clothes, as he was passing along upon the wall; and the people looked, and behold he had sackcloth beneath upon his flesh," etc.

R. Elazar said again: "Not everyone has a right to rend his clothes, nor is it proper for everyone to fall upon his face (in prayer). Moses and Aaron fell upon their faces [Numbers, xiv. 5], and Joshua and Caleb rent their garments" [ibid., ibid.].

R. Zera, and according to others R. Samuel ben Na'hmeni, opposed this: "If it said, 'Joshua and Caleb rent their garments,' the statement of R. Elazar would be correct, but as it says '*And* Joshua and Caleb rent,' etc., it signifies that they did *both*—fell upon their faces and rent their garments."

R. Elazar said again: Not to everyone is it allowed to praise God by rising or by bowing. Kings may do so by rising, as it is

written [Isaiah, xlix. 7]: "Thus hath said the Lord, the Redeemer of Israel, his Holy One, to him who is despised by men, to him who is abhorred by nations, to the servant of rulers, kings shall see it and rise up." Princes may do so by prostrating themselves, as it is written [ibid.]: "Princes, and they shall prostrate themselves."

R. Zera, others say R. Samuel ben Na'hmeni, opposed this: "If the verse read, 'and princes shall prostrate themselves,' it would imply that they would not rise *and* prostrate themselves; but as it reads 'princes, and they shall prostrate,' etc., it implies that they did both."

Said R. Na'hman bar Itz'hak: "I would also remark that not everyone is worthy of obtaining light, and not everyone is worthy to have joy. The righteous are deserving of light and the upright of joy, as it is written [Psalms, xcvi. 11]: 'Light is sown for the righteous, and joy for the upright in heart.'"

CHAPTER II.

REGULATIONS CONCERNING THE ORDER OF PROCEDURE ON THE LAST SEVEN FAST-DAYS, AND THE PRAYERS TO BE RECITED ON THOSE DAYS.

MISHNA: What is the order of procedure on the fast-days? The ark containing the Holy Scrolls is to be brought into an open place in the city, ashes of burnt substances are to be strewed on that ark, on the head of the Nassi (prince), on the head of the chief of the Beth Din (court of justice); and other persons shall also themselves strew ashes on their heads. The eldest among them shall then address them in heart-moving terms, as follows: "My brethren! Consider that it is not written, anent the (repentance of the) Ninevites, that God regarded their having wrapped themselves in sackcloth and considered their fast-days, but that 'God saw their *works*, that they had turned from their evil way' [Jonah, iii. 10], and the tradition of the prophets is (as it is written): 'Rend your hearts, and not your garments'" [Joel, ii. 13].

After standing up to pray, the people shall place at the praying-desk, to minister, an old experienced person who has children and whose larder is empty, so that his mind may be entirely devoted to his prayer. This person shall say twenty-four benedictions; namely, the eighteen benedictions of the daily prayer, with the addition of six more, which are as follows: The texts of Zikhronoth (remembrance of His creatures) and of Shophroth (sounding of the cornet); the chapters: [Psalms, cxx.] "Unto the Lord, when I was in distress, did I call, and he hath answered me"; [ibid. cxxi.] "I lift up my eyes unto the mountains," etc.; [ibid. cxxx.] "Out of the depths have I called to thee, O Lord; and [ibid. cii.] "A prayer of the afflicted, when he is overwhelmed." R. Jehudah said: It was not necessary to mention the Zikhronoth and Shophroth, but the following passages are to be read instead, namely: [I Kings, viii. 37] "If there be famine in the land, if there be pestilence," etc.; and [Jeremiah, xiv.] "The word of the Lord

that came to Jeremiah concerning the drought"; and the concluding is then added to each.

To the first he (the reader) shall say additionally: "May He who answered Abraham on Mount Moriah answer you, and listen to your (prayer and) cry on this day. Blessed art thou, O Lord, Redeemer of Israel!" To the second he shall say: "May He who answered our ancestors on the Red Sea answer you, and listen favorably unto your cry this day. Blessed art thou, O Lord, who rememberest all things forgotten (by man)!" To the third he shall say: "May He who answered Joshua in Gilgal answer you, and listen to your cry this day. Blessed art thou, O Lord, who deignest to listen to the sound of the cornet!" To the fourth he shall say: "May He who answered Samuel in Mizpah answer you, and listen this day to your cry. Blessed art thou, O Lord, who hearkenest to (our) cry!" To the fifth he shall say: "May he who answered Elijah on Mount Carmel answer you, and listen favorably to your cry on this day. Blessed art thou, O Lord, who hearkenest to prayer!" To the sixth he shall say: "May He who answered Jonah in the bowels of the fish answer you, and listen unto your cry this day. Blessed art thou, O Lord, who answerest in the time of distress!" To the seventh he says: "May he who answered David and his son Solomon in Jerusalem answer you, and listen unto your cry on this day. Blessed art thou, O Lord, who hast compassion on the earth!"

It happened in the days of R. Halaphta and R. Hanina the son of Teradion, that a minister advanced to the praying-desk and completed the entire benediction without any (of the congregation) answering thereto "Amen." (The sexton then proclaimed): "Sound, priests! Sound!" (The minister who said the prayers then continued): "May He who answered our father Abraham on Mount Moriah answer you, and listen favorably to your prayer this day." (The sexton then called): "Sound an alarm, sons of Aaron! Sound an alarm!" (The previous minister continued): "May He who answered our ancestors on the Red Sea answer you, and listen favorably to your cry this day." When the sages were informed of this, they said: "This was not our custom, except at the eastern door (of the Temple) and on the Temple mount."

On the first three fasts, the priests who had the weekly watch of the Temple fasted, but only part of the day, and the ministering priests did not fast at all. On the second three fast-days, the

priests on the weekly watch fasted the whole day, but the ministering priests only fasted part of the day; but on the last seven fast-days both classes of priests fasted the whole day. So said R. Jehoshua. But the sages say: "The first three fasts were not kept by either of the two classes; on the second three fasts the priests on weekly watch would fast part of the day, but the officiating priests would not fast at all. On the last seven, however, the priests on the weekly watch would fast the whole day; but the officiating priests would fast only part of the day."

The priests having the weekly watch may drink wine at night, but not during the day,* but the officiating priests may drink it neither by day nor by night. The priests of the weekly watch and the standing men (commoners attending the public sacrifices as the representatives of the congregation at large) are not allowed to shave their beards or to wash their clothes; but on Thursday they are permitted to do so, in honor of the approaching Sabbath. (Moed Katan, p. 25.)

Wherever it is mentioned in the "Roll of Fasts" that "no lamentation and mourning is to be made" on certain days, it is also prohibited to do so on the day preceding, but permitted on the day following. R. Jose, however, says: "It is prohibited to do so on both the day preceding and the day following." Where it is said, however, "No fasts are to be kept thereon," it is allowed to fast on the day preceding and following days. R. Jose, however, says: "It is prohibited on the preceding, but allowed on the following day."

Public fasts must not be ordered to commence on a Thursday, in order not to raise the price of victuals in the markets;† but the first three fasts must be kept on Monday, Thursday, and the following Monday. But the second three fasts may follow on Thursday, Monday, and the following Thursday. R. Jose says: "Even as the first fasts are not to be commenced on Thursday, so also are the second and last fasts not to commence on that day."

* This regulation is a general one and applies to ordinary days as well as to fast-days.

† Precautions were taken in every instance to prevent exorbitant prices being charged for victuals and at times even existing ordinances were abrogated for this purpose. Thus no fast-days were ordered to commence on Thursday in order that the dealers in articles of food might not take advantage of the greater demand produced by the necessity of laying in an extra supply for the day preceding the fast and for Sabbath.

Public fasts are not to be ordered to take place on the feast of the New Moon, on that of Dedication (Hanukah), nor on that of Lots (Purim); but if the fast had already been commenced on one of those feasts, it need not be broken. Such is the decree of Rabban Gamaliel. R. Meir, however, says, that although Rabban Gamaliel said that the fast need not be broken, he admits that on those days people are not to fast the entire day. Such is also the case with the fast of the ninth of Abh, if it happen to fall on a Friday.

GEMARA: "*What is the order of procedure on the fast-days?*" Does this apply also to the *first* three fast-days? Then it would be a contradiction to the following Boraitha: The first and the second three fast-days they enter into the praying-house and pray as usual; but in the last seven the ark is to be brought into an open place, etc. Said R. Papa: "Nay; our Mishna also refers to the last seven."

"*On the head of the Nassi (prince)*"; and further, the Mishna teaches that "other persons shall also strew ashes on their heads." This should not be so! For did not Rabbi teach in a Boraitha that where an act of honor is to be accomplished the most prominent persons are commenced with, while when an act of humiliation is to be performed the lowest in rank are first considered? The strewing of ashes on the heads of the prince and of the chief of the Beth Din first is also an act of honor; for they are told that they are more worthy of praying for mercy for us and for all the world.

"*Other persons shall also strew ashes on their heads.*" Why must the prince and the chief of the Beth Din have someone else to strew ashes on their heads? Can they not do so themselves? Said R. Abba (or Ada) of Kisri: "The humiliation of disgracing one's self by one's own hands is not equal to that of being disgraced by the hands of others (where prominent persons are concerned, but as for common people it does not matter)." On what part of the head are the ashes put? Said R. Itz'hak: "On the place where the phylacteries are generally worn, as it is written [Isaiah, lxi. 3]: 'To give unto them ornament in the place of ashes,' implying that where ornaments (phylacteries) were worn ashes were put."

Why do they congregate in an open place? Said R. Hyya bar Abba: "In order that they might say: 'We have prayed privately and were not answered, hence we shall humiliate ourselves by praying in public.'" And Resh Lakish said: "In

order that they might say: 'We have been driven from our abodes, and may our banishment be the means of our forgiveness.' " Why is the ark brought into an open place? Said R. Jehoshua ben Levi: "In order that they might say: 'We had a hidden treasure, but through our transgressions that also has become profaned.' " Why do they clothe themselves in sackcloth? Said R. Hyya bar Abba: "In order that they might say: 'We are now like the beasts of the field.' " Why are ashes strewn on the ark? Said R. Jehudah ben Pazi: "In order to say that this is an allusion to what is written [Psalms, xci. 15]: 'With him I am in distress,' meaning that the Shekhina shares the distress of the people." Resh Lakish said: "In order to say that this is an allusion to the passage: 'In their affliction he was afflicted.' " Said R. Zera: "When I saw the rabbis strew ashes on the ark, my whole body trembled."

Why are ashes strewn on the heads of all? Concerning this, R. Levi bar Hama and R. Hanina differ. One says that this is equal to saying: "We are now before thee, O Lord, as ashes"; and the other says: "It is for the purpose of begging the Lord to remember the ashes of Isaac." For what purpose did they go out to the cemeteries? * Concerning this, R. Levi bar Hama and R. Hanina also differ. One says, in order that they might say they were now equal to the dead; while the other says that it was for the purpose of having the souls of the departed pray for them.

Why was the Mount called Mount Moriah [II Chronicles, iii. 1]? Concerning this there is again a difference between R. Levi bar Hama and R. Hanina. One says that Moriah is the equivalent of Horaah (*i.e.*, enactment), while the other says that Moriah is the equivalent of Mora (*fear*); for when the Temple was built, other nations were awed.

"In heart-moving terms." The rabbis taught: If the eldest among them was also a scholar he would address them; otherwise a scholar, even if he was younger, would address them, and if there was no scholar among them a prominent man would do it. And he would say to them: "Brethren! It is not written, anent the repentance of the Ninevites, that God regarded their having wrapped themselves in sackcloth and considered their fast-days,

* In the Palestinian Talmud it is stated, in addition to what is taught in this Mishna, that they would clothe themselves in sackcloth, go out to the cemeteries, and sound the cornet.

but that 'God saw their works, that they had turned from their evil way ' ' [Jonah, iii. 10].

Concerning the Ninevites it is written [Jonah, iii. 8]: "But let man and beast be covered with sackcloth." How was it done? They separated the suckling animals from their mothers and said: "Sovereign of the Universe! If Thou wilt not have mercy upon us, we will not have mercy upon them." And further on: "Let men call unto God with might." What is meant by "with might"? That means to say that they said: "Lord of the Universe! Who of the two should give way unto the other? The oppressed and the one who cannot be oppressed, the righteous and the wicked?" (Now, as we are the oppressed and Thou canst not be oppressed, shouldst Thou not overlook our iniquity?) Further, it is written [ibid.]: "And let them turn every one from his evil way, and from the violence which is in their hands." What is meant by "the violence which is in their hands"? Said Samuel: "If a man had wrongfully appropriated a beam which he had used in building a house, he would tear down the house and restore the beam to its rightful owner."

R. Ada bar Ahabha said: "If a man confesses to a wrong committed, and repents it without making proper restitution therefor, he is equal to a man holding a dead reptile in his hands and bathing himself in order to become clean; for, as a man who has a dead reptile in his hands, even should he bathe in all the legal baths in the world, would not become clean until he had rid himself of the reptile—but if he threw away that unclean thing a bath measuring forty Saahs would cleanse him—so it is with a man who had committed a wrong: unless he made proper restitution all confession and repentance is in vain, as it is written [Proverbs, xxviii. 13]: 'He that concealeth his transgressions will not prosper; but whoso confesseth and forsaketh them will obtain mercy'; and as it is written [Lamentations, iii. 41]: 'Let us lift up our heart and our hands unto God in the heavens.'"

"*After standing up to pray.*" The rabbis taught: At prayer, though there be the eldest and a scholar present, neither should be placed at the reading-desk unless they were experienced in prayer; but only one who has had thorough experience. R. Jehudah said: "The minister should be a man who has children and cannot provide for them, who works hard in the field but has empty storehouses, who has good manners, who is modest, who is popular, who has an attractive, sweet voice, who can read the entire Holy Writ, and is competent to learn Midrash, Hala-

khoth, and Haggadoth, and is conversant with all the benedictions." The rabbis looked among themselves and cast their eyes upon R. Itz'hak bar Ami, who had all those qualities.

(R. Jehudah said :) "'Who has children and cannot provide for them and who has empty (store) houses.' Is that not one and the same thing?" Said R. Hisda: "By an empty house is meant one free from sin." What is meant by "good manners"? One who never had a bad reputation since his earliest youth.

"*With the addition of six more.*" Are there not seven additional benedictions? as the Mishna states further on: "To the seventh he says," etc. Said R. Na'hman b. Itz'hak: By the seventh is meant the seventh to the long benediction, as we have learned in a Boraitha: He says twenty-four benedictions, namely: the eighteen benedictions of the daily prayer, with the addition of six more, and those six are said between the benediction of redemption and healing, and the benediction of the redemption is made longer. After each benediction the congregation answers "Amen." Such was the custom, however, only outside of the Temple, but in the Temple the reader would say: "Blessed be the Lord the God of Israel, from the beginning to the end of the world"; and they would conclude by saying: "Blessed be the Redeemer of Israel." But no "Amen" was answered; and why not? Because in the Temple it was not allowed to answer "Amen." Whence do we deduce this? Because it is written [Nehemiah, ix. 5]: "Arise, bless ye the Lord your God from eternity to eternity. And let men bless thy glorious name, which is exalted above all blessing and praise." This signifies, that after each blessing the Lord's name should be praised (but not that "Amen" should be said).

The rabbis taught: To the first benedictions the reader would say: "Blessed be the Lord the God of Israel, from the beginning unto the end of the world. Blessed be the Redeemer of Israel!" and the people answered after him: "Praised be the name of the glory of His kingdom for ever and ever." The Chazan (sexton) of the congregation then says: "Sound, priests, sound!" The reader then continues: "May He who answered Abraham on Mount Moriah answer you, and listen to your cry on this day." The priests then sound, make an alarm, and sound again. To the second, the reader says at the conclusion: "Blessed be the Lord, who remembereth all things forgotten (by man)"; and the people answer: "Praised be the name of the glory of His kingdom for ever and ever." The Chazan then says: "Sound

an alarm, children of Aaron, sound an alarm!" The reader then says: "May He who answered our ancestors on the Red Sea answer you, and listen favorably unto your cry this day." The priests then make an alarm, sound, and then make another alarm; and such is the manner of procedure with everyone of the benedictions. The Chazan says alternately, "Sound!" and "Sound an alarm!" until all the benedictions are said.

Thus did R. Halaphta proceed in Sepphoris and R. Hanina ben Teradon in the city of Sikhni; and when the sages were informed of this, they said: "This was not customary except at the eastern door of the Temple, and at the Temple Mount."

"*R. Jehudah said: 'It was not necessary to mention the Zikhronoth,'*" etc. Said R. Ada of Jaffa: "The reason of R. Jehudah's dictum is, that the Zikhronoth and Shophroth are only mentioned on the New Year day, on the day of the jubilee, and during times of war."

"*To the sixth . . . to the seventh he shall say,*" etc. Let us see! Jonah lived after the time of David and Solomon, why is he mentioned first? Because he must conclude the benediction to the seventh with, "Blessed be thou, O Lord, who hast compassion on the earth," therefore he must mention Jonah first. We have learned in a Boraitha: It was said upon the authority of Symmachos that instead of the benediction, "who hast compassion on the earth," the benediction, "who makest humble those that are arrogant," is said.

"*On the first three fasts, the priests,*" etc. The rabbis taught: Why was it said that the priests on the weekly watch were allowed to drink wine at night and not during the day? Lest the officiating priests be overwhelmed with work and those on the weekly watch would be required to assist them. And why was it said that the officiating priests must not drink either during the day or at night? Because they were compelled to work day and night.

"*The priests of the weekly watch and the standing men,*" etc. What was the reason that they were not allowed to shave their beards? "In order that they may not enter upon their duties while they are ugly to look upon," said Rabba bar bar Hana in the name of R. Johanan.*

*The proper time when kings, officials, and the common people may shave their beards will be explained and discussed in Tract Sanhedrin, and for that reason the discussion pertaining thereto is here omitted.

"*Wherever it is mentioned in the 'Roll of Fasts,'*" etc. The rabbis taught: It says in the "Roll of Fasts": These are the days on which fasting is not permitted, and on some of them it is not even allowed to mourn. From the first of Nissan on, until and including the eighth, on which days it was resolved that the strife carried on between the Pharisees and the Bathusees concerning the continual daily offering* should be amicably concluded by adopting the decree of the Pharisees, it was enacted that no mourning or lamenting should be permitted; and from the eighth day of Nissan until after the Passover festival it was established when the feast of Pentecost should be celebrated,† and for that reason on those days no mourning or lamenting is allowed.

The Master said: "From the first day of Nissan," etc. Why does he say from the first? That is the day of the New Moon, and in itself a feast-day when one must not mourn—why does he not say from the second day of Nissan? Said Rabh: "He said 'from the first day of Nissan' so as to provide that even on the day preceding that, one must not mourn." But the first day of Nissan being a feast of the New Moon, it is self-understood that on the preceding day one must not mourn; for such is the law concerning all days preceding a feast-day! Nay; but the feast of the New Moon is a biblical feast-day, and no additional measure need be enacted to provide for its faithful observance; and mourning on a day preceding a feast-day is only prohibited as a precautionary measure, lest the mourning be continued on the feast-day itself. If the feast-day, however, is a biblical one, such a measure is not necessary and is only enacted for rabbinical feast-days.

* The strife carried on between the Pharisees and the Bathusees concerning the continual daily offering was as follows: The Bathusees maintained that because it is written [Numbers, xxviii. 4]: "The one sheep shalt *thou* prepare in the morning and the other sheep shalt *thou* prepare toward evening," it is permitted for an individual to bring the continual daily offering, while the Pharisees held that the offering must be brought by the congregation from communal funds, basing their claim upon the passage [ibid. 2]: "Shall *ye* observe," etc.

† The Pharisees and Bathusees also disputed about the date when the feast of Pentecost was to be celebrated, the latter claiming that as it is written [Lev. xxiii. 15]: "And ye shall count unto you, from the morrow after the Sabbath . . . seven complete weeks," the day of Pentecost must necessarily fall on the first day of the week; but the Pharisees, through R. Johanan ben Zakkai, maintained that the passage implies that counting must be commenced on the day following the first day of the festival, and therefore the feast of Pentecost would fall on the sixth day of the month of Sivan.

The Master said: "From the eighth day until after the festival," etc. Why does he say "until after the festival"? Why not until the festival? Surely one must not mourn on the festival itself! Said R. Papa: "In the same manner as Rabh said, that the first day of Nissan is mentioned in order to provide for the day preceding it as a day on which one must not mourn, so in this case it says 'until after the festival' in order to include the day following the festival among the days on which it is not allowed to mourn; and this will be in accordance with the dictum of R. Jose, who says in this Mishna 'that it is prohibited to mourn on both the day preceding and following.'"

It was taught: R. Hyya bar Assi said in the name of Rabh that the Halakha prevails according to R. Jose, and Samuel said that the Halakha prevails according to R. Meir.

R. Na'hman ordained a fast-day on the thirteenth day of Nissan, and he was reminded by the sages that that was the day of Torainos; but he replied that the day of Torainos was abolished, for on that day Shmaia and Ahia his brother were slain. Why was R. Na'hman reminded that the day was that of Torainos, he could have been apprised of the fact that it was the day before the feast of Nikanor? Said R. Ashi: "If the day was abolished as the feast-day of Torainos, should it be kept as a precautionary day for the observance of the day of Nikanor?"

What is Nikanor and what is Torainos? We have learned in a Boraitha: Nikanor was one of the Greek viceroys, and every day he would lift up his hand and vow that if ever Judea and Jerusalem came into his hands he would crush them. After the Maccabees conquered him in battle, his thumbs and big toes were cut off and hung up in the gates of Jerusalem, and it was said that the mouth which had vowed against Jerusalem and the hands which had been lifted up against it should be made to suffer.

What is Torainos? It was said: When Torainos desired to slay Lolainos and his brother Papos in Ludkia (Lydda), he said to them: "If ye be of the same nation as Hananiah, Mishael, and Azariah, let your God come and save you from my hands as He did them from the hands of Nebuchadnezzar." They answered: "Hananiah, Mishael, and Azariah were truly righteous men and Nebuchadnezzar was a just king, deserving of being the means through which a miracle was to be performed. But we have incurred the death penalty before Heaven in any event, and if thou shouldst not slay us, God has other agents who will

accomplish this—for instance, lions, bears, and other wild beasts who could kill us; and thou art a wicked man, who art not worthy of having a miracle occur through thee, and God hath given us into thy hands in order to hold thee to account for our blood which thou wilt have shed.” Still, he had them executed, and it was said that he did not leave his place before two envoys arrived from Rome, and his skull was split into pieces.

“*Public fasts are not to be ordered,*” etc. What is meant by “but if the fast had already been commenced”? Said R. Aha: “If three fast-days had already been kept”; and R. Assi said: “Even if one had been kept.”

R. Jehudah said in the name of Rabh: All (of) this (clause of the Mishna) is in accordance with the dictum of R. Meir in the name of Rabban Gamaliel; but the sages said that one must complete his fast. Mar Zutra went and preached in the name of R. Huna, that the Halakha prevails that one must fast under those circumstances and, moreover, complete the fast.

CHAPTER III.

REGULATIONS CONCERNING OCCURRENCES ON ACCOUNT OF WHICH FAST-DAYS ARE ORDERED, OR ALARMS ARE SOUNDED. WHEN FASTING ON ACCOUNT OF RAIN IS STOPPED.

MISHNA : The order of procedure on fast-days, as mentioned (in the preceding Mishna) above, applies only when the first fructifying rains do not descend ; but when the sprouts commence to degenerate, they shall immediately commence to sound an alarm. It should also be immediately sounded if there be an interval of forty days between each rain ; for that is a general plague on the land, causing dearth.

If sufficient rain for the growth of sprouts and herbs had fallen, but not for the growth of trees ; or sufficient for the growth of trees, but not enough for the growth of herbs ; or sufficient for both, but not enough to fill the wells, cisterns, and caves (creeks), an alarm is immediately to be sounded.

Thus, also, if no rain should have fallen over some particular city, similar to that which is written [Amos, iv. 7] : " I caused it to rain upon one city, and upon another city I caused it not to rain ; one piece of land was rained upon," etc.—the inhabitants of such a city must fast and sound an alarm, and those of the circumjacent places shall fast, but not sound. R. Aqiba, however, says, " They are to sound, but not to fast."

Thus, also, when pestilence is raging in a city, or when the walls fall down, the inhabitants of such a city must fast, and those of the adjacent places should fast, but not sound. R. Aqiba, however, says : " They should sound the alarm, but not fast." What is considered a pestilence ? If in a city capable of furnishing five hundred able-bodied men three persons die in three consecutive days, it is a pestilence ; less than this is not a pestilence.

An alarm should be sounded in all places for the following plagues : For a corn-blast, mildew, locusts, crickets, attacks of wild beasts, and hosts of armed men ; for all these an alarm should be sounded, because they are spreading evils.

It once happened that some elders going from Jerusalem, each to his own place, decreed a fast, because a corn-blast, the grainless stalks of which were sufficient to heat an oven, had been seen near Ascalon.

They also decreed a fast on account of two children having been devoured by wolves on the other side of Jordan. R. Jose says: "It was not ordered because of the wolves having devoured the children, but because of their presence (in the towns prowling for food)."

On account of the following calamities an alarm should be sounded even on the Sabbath: For a city surrounded by enemies, for a flood threatening to inundate the country, and for a ship in imminent danger of being wrecked at sea. R. Jose says: "This sounding is intended to obtain assistance from men, and not as an imploring cry to God." Simeon the Temanite says: "They shall also sound on the Sabbath in case of pestilence"; but the sages did not coincide with him.

On account of every plague—with which may the community never be visited!—an alarm should be sounded except on account of an excess of rain.

It once happened that Honi Hama'gel (the circle-drawer) was asked by the people to pray for them, that rain might descend. Said he to them: "Go and bring in the Passover ovens,* that they may not be spoiled by the rain." He prayed, but the rain did not descend. What did he then? He drew (marked out) a circle around him, and placing himself within it, prayed as follows: "Creator of the Universe! Thy children have always looked up to me as being like a son of Thy house before Thee. I swear, therefore, by Thy Great Name, that I will not move from this place until Thou wilt have compassion on Thy children." Whereupon the rain commenced to drop down gently. Said he: "It was not for this I prayed, but for rain sufficient to fill the wells, cisterns, and caves." The rain then fell in torrents, and he said: "Not for such rain have I prayed, but for mild, felicitous, and liberal showers." The rain then descended in the usual manner, until the Israelites of Jerusalem were obliged to seek refuge from the city to the Temple Mount, on account of the rain. They came and said to Honi: "Even as thou didst pray that the rain might descend, so pray now that it may cease."

* The ovens were movable, and were used to roast the paschal lamb on the Passover. When not in use they were kept outside of the house.

And he replied: "Go and see whether the stone To'yim * is covered by the waters." Simeon b. Sheta'h sent him word, saying: "If thou wert not Honi, I would order that thou be anathematized. But what shall I do with thee, since thou art petulant towards God, and yet He forgiveth and indulgeth thee like a petted child who is petulant towards his father and is nevertheless forgiven and indulged? To thee may be applied the passage [Prov. xxiii. 25]: 'Let thy father and thy mother rejoice, and let her that hath born thee be glad.'"

If, while the people are fasting, rain should fall before sunrise, they shall not continue to fast the whole day; but they must do so if the rain fall after sunrise. R. Eliezer says: "If it rains before noon, they need not continue to fast the whole day; but they must do so if the rain commenced after noon is passed." It once happened that a fast was ordered in Lydda and it rained before noon, whereupon R. Tarphon said unto the people: "Go, eat and drink, and make a feast." They went, ate and drank, and made a feast; but in the evening they returned and sang the great Hallel.

GEMARA: "*When the first fructifying rains do not descend.*" A contradiction was made: "We have learned in a Boraitha: 'If the first and second fructifying rains did not descend, prayers for rain must be commenced, and only if the third fructifying rain was withheld fasting is resorted to'?" Said R. Juhudah: "The Mishna means to say this: If the time for the first, second, and third fructification had passed without rain having descended, then the order of fasting goes into effect; but if the first fructification has taken place, yet the seed had not sprouted, or the sprouts had degenerated, then the alarm must be sounded." Said R. Na'hman: "Only if the sprouts had degenerated the alarm is sounded, but not if they had withered (for in the latter event there is still hope that they might revive). Is this not self-evident? It says, distinctly, 'if the sprouts had degenerated'?" R. Na'hman means to say that, even if the sprouts had already reached the stage of stalks and had then withered, it might be assumed that there was no hope of their ever again reviving—hence we are told that all hope is not yet lost.

* This was the name of a high stone in Jerusalem, where the finders of lost articles would deposit what they had found, and then proclaim that they had found something. The owners would then come, and upon sufficient identification of the lost article it would be restored to them.

"For that is a general plague on the land, causing dearth." What is considered a "plague causing dearth"? Said R. Jehudah: "That is a plague which eventually results in a famine." Said R. Na'hman: "If a town had no grain, but could procure a supply from another town by means of ships, it cannot be said to be suffering from an actual famine, but merely from temporary want; but if the entire land has no grain and it can procure a supply only from another country, and not by means of ships but by means of asses, then a state of famine can be said to exist."

R. Hanina said: "Even if the price of grain has reached the sum of one Sela for one Saah, but at that price it is obtainable, this would merely constitute a case of want; if, however, the price of grain remained one Sela for *four* Saah, but it was not obtainable at all, then a state of famine actually exists." Said R. Johanan: "All this applies when grain is dear but money is plentiful; if, however, grain is not dear but money is scarce, an alarm must immediately be sounded; for I recollect it happened at one time in Tiberias that although four Saah of grain were to be had for one Sela, still many people were starving to death, because they did not have the necessary coin with which to purchase their grain."

"If sufficient rain for the growth of sprouts . . . had fallen," etc. It may well be that sufficient rain can descend for the growth of sprouts that would not be beneficial to the growth of trees—for instance, a heavy rain; or that the rain be sufficient for trees but inadequate for the growth of sprouts—for instance, a light rain (see page 5). It might also be that sufficient rain should descend for both the trees and the sprouts, which would, however, be inadequate to fill the wells, cisterns, and caves; but how can that take place, after what we have learned in a Boraitha, namely: "that sufficient rain descended to fill the wells, cisterns, and caves, which was, however, inadequate for the trees and sprouts"? That (Boraitha) refers to a rain which fell in torrents and filled up the wells, etc., but did no good to the trees and sprouts.

The rabbis taught: In the midst of Passover, if sufficient rain had not yet fallen for the trees, the alarm is already to be sounded; and if there was not sufficient rain by the time the middle (day) of the Feast of Tabernacles was reached, the alarm must immediately be sounded; and at all times where there is not sufficient drinking-water on hand, the alarm should at once be sounded. What is meant by "at once"? The Monday,

Thursday, and Monday following; and the sounding must be effected in the capital of the province concerned.

On account of croup (quinsy or whooping-cough), if fatalities arise therefrom, the alarm must be sounded; but if all affected become cured an alarm is not necessary. On account of locusts (Gobai),* as soon as they make their appearance the alarm is to be sounded. R. Simeon ben Elazar said: "Also on account of grasshoppers" (Chagabim).†

The rabbis taught: An alarm may be sounded on account of the trees (when they have not succeeded) in ordinary years; but when there is a want of rain for the wells, cisterns, and caves, this may be done even in the Sabbatical years. R. Simeon b. Gamaliel, however, said: "It may so be done in Sabbatical years even on account of the trees, as they constitute the means of livelihood of the poor." The same we have learned in another Boraitha, with the addition that even on account of the . . . it may be done, as they are the means of livelihood of the poor.

The rabbis taught: It once happened that the Israelites came to Jerusalem for the festivals, and there was not sufficient water for drinking purposes. So Nakdimon ben Gurion went to a certain master (a heathen), and requested him to lend him twelve wells of water for the pilgrims, promising to return either the twelve wells of water or in lieu thereof twelve talents of silver, at a certain time. When the time arrived, the master sent to Nakdimon in the morning demanding either the wells of water or the silver, and Nakdimon replied: "I have still the whole day's time." At noon the same demand was made, and the same answer given. Late in the afternoon the master sent the same demand, and received a reply that the day had not yet passed. So the master laughed at the idea, saying that if a whole year had elapsed without it having rained, was it possible that it should still rain on that day? and went to his bath rejoicing over the prospect of soon possessing the money due him. At the same time that he entered his bathroom, Nakdimon went into the Temple, wrapped himself in his cloak, and commenced to pray, saying: "Creator of the Universe! It is known to Thee, that not for the sake of glory for me nor for my father's house, but

* In Tract Chullin, 65 a, it says Go-bai zeh Arbah = Gobai, and means locust.

† Chagab is also a locust, and presumably a grasshopper. See Numbers, xiii. 33; Isaiah, xl. 22, etc.

for the glory of Thy name, that the pilgrims in Jerusalem might have water, did I borrow those wells." Immediately upon this the sky became clouded, rain began to fall, and the twelve wells became filled up to overflowing.

When the master stepped out of his bath-house, Nakdimon went out of the Temple, and they met. Said Nakdimon to him: "Refund to me the amount for the water in excess of that which I borrowed from thee." And he replied: "I know well that the Holy One, blessed be He, caused the world to storm only on thy account, yet I can still claim the amount due me, for the sun has already set and the rain descended after the stated time had expired." Nakdimon then reentered the Temple, again wrapped himself in his cloak and commenced to pray, saying: "Creator of the Universe! Announce to the world that Thou hast favorites here on earth!" Whereupon the clouds immediately scattered, and the sun again commenced to shine. The master seeing Nakdimon, said to him: "Had the sun not reappeared, I should have had a valid claim for the amount of money due me." We have learned in a Boraitha: His name was not Nakdimon, but Boni, and he was called Nakdimon because on his account the sun hastened.*

The rabbis taught: "For the sake of each of three men alone the sun shone, and they are Moses, Joshua, and Nakdimon ben Gurion." This is correct in the case of Nakdimon ben Gurion, from the above-mentioned tradition. In the case of Joshua it is also correct, because so is it written [Joshua, x. 13]: "And the sun stood still in the midst of the heavens." But whence do they adduce that the sun shone for Moses alone? Said R. Elazar: This may be inferred from the analogous term: "I will commence." It is written [Deut. ii. 25]: "This day will I commence to put the dread of thee," and [Joshua, iii. 7]: "This day will I commence to make thee great," etc. R. Johanan said: "(No analogous comparison is necessary, for) it may be adduced from the passage itself [Deut. ii. 25]: 'Whoever will hear of thee shall tremble and shall quake because of thee.' Why will they do this? Because on Moses' account alone the sun shone."

The rabbis taught: A man should always be soft (*i.e.*, pliable, yielding) as a reed, and not hard as a cedar-tree. It once

* Hastening is called in Hebrew "K'dimah," and Nakdimon is derived from K'dimah, according to the annotations of Joel Sirkosh.

happened that R. Elazar ben R. Simeon (should rather be R. Simeon ben Elazar) went from the tower of Gador, where resided his Master, riding on an ass. He rode leisurely on the banks of the river, being greatly rejoiced and feeling very proud on account of the wealth of knowledge he had accumulated from his Master. On the way he met a man who was terribly ugly (of face).^{*} That man greeted R. Elazar respectfully, and said to him: "Peace be with thee, Rabbi!" The rabbi did not, however, return the greeting, and, moreover, said: "Vain man, how terribly ugly art thou! Are all thy townsmen as ugly as thou art?" And the man replied: "That I know not; but it would be seemly if thou wert to go to the Creator who formed me and say to Him: 'How ungainly is the creature Thou hast made!'" Realizing that he had offended against the man, R. Elazar dismounted and, making an obeisance, said: "I have sinned against thee—forgive me, I pray!" But the man refused, saying: "Nay, I shall not forgive thee until thou shalt go to the Creator and say to Him: 'How ungainly is the creature Thou hast made!'" R. Elazar, however, would not leave the man, and followed him on foot until they reached the city where R. Elazar dwelt. As soon as the townsmen perceived him they thronged towards him with greetings. "Peace be with thee, Rabbi, Rabbi! Master, Master!" The ugly man who preceded R. Elazar asked them whom they were addressing with "Rabbi" and "Master," and they answered: "The man who is following thee." Said he: "If he be a rabbi, may there not be many like him in Israel." And they asked: "Why not?" So he replied that thus and so had he been served by him. They then pleaded with him: "Still forgive him, for he is a great man in the study of the Law." And he said: "For your sakes I will forgive him, but upon the condition that he shall not do likewise again." Immediately following this, R. Elazar went forth and preached: "A man should be soft as a reed and not hard as a cedar."

On account of having been compared with man, it was destined for a reed that the Scrolls, Phylacteries, and Mezuzoth should be written with it.

"*When walls fall down.*" The rabbis taught: "By 'walls' are meant sound walls; *i.e.*, such as were not expected to fall,

^{*}In Tract Derech Eretz, as well as in the commentaries of Rashi and Tosphath, this man is said to have been Elijah the Prophet, who assumed that disguise in order to humble R. Elazar.

but not such as were tottering." What is meant by "such as are tottering"? Walls that stand on the banks of a stream. As it once happened in Neherdai there was a wall resting on a weak foundation; and although it had been standing for thirteen years, Rabh and Samuel would never pass by beneath it. One day R. Ada bar Ahabha came to Neherdai, and together with Rabh and Samuel set out to go somewhere. Said Samuel to Rabh: "Let the Master go with me in a roundabout way, so as to avoid the wall." But Rabh replied: "To-day this is not necessary. For R. Ada is with us, and his merits are such that a wall would not fall where he is about to walk; hence I have no fear."

R. Huna had wine in a room which was in an unsafe condition, and the walls of which were momentarily expected to fall. He wished to remove the wine, but was afraid to enter the room. So he got R. Ada bar Ahabha to enter the room with him, engaged him in a discussion concerning a Halakha, and while they were arguing R. Huna's men removed the wine. After they left, the walls of the room fell in. When R. Ada realized how he had been used, he became angry.

(What R. Ada did to be so eminently favored will be related in Tract Megilla.)

Rabha asked Raphram bar Papa: "Canst thou not relate to me the good things which R. Huna did?" And he replied: "I do not remember anything of his youth; but when he was of mature age, I know that whenever there was a storm in the city where he lived, which caused any damage to the buildings, he would have himself carried about in a golden palanquin and examine the city, and wherever he noticed an unsafe wall, would order its demolition. Wherever the owner of that building could not afford to have it rebuilt, R. Huna would have it done at his own expense. On every eve of Sabbath he would send his servants to the markets with instructions to purchase all the vegetables, which the marketers had left on their hands, and throw them into the stream, in order that they might not be put on sale again the following week in an unwholesome condition." [Why did he not rather distribute them among the poor than throw them into the stream? Because the poor would depend upon receiving them free the second time, and would not buy any at all. Then why did he not use them as food for the animals? Because R. Huna held that articles which a man can use as food should not be purchased as fodder for cattle to com-

mence with.] "Whenever the sickness of Shaibatha* occurred in his city, he would examine it and give the sufferers relief; outside of his house he placed a jar of water for the use of all who desired him to relieve them. When sitting down to a meal, he would order a servant to throw open the doors and call out: 'Whoever desires to eat, let him come in and do so.'"

Said Rabha: "I could accomplish all that R. Huna did, with the exception of throwing open my doors and inviting everybody to eat; for there are a great many poor people in Mehuzza, and I could not feed them all." (According to another version, he said that he could not do this on account of the many soldiers and Persians stationed in Mehuzza, who would take advantage of such an invitation and eat him out of house and home.)

Ilpha and R. Johanan studied the Law together. They were in very poor circumstances and were in want of food. So they said: "We will lay aside our studies and engage in some remunerative occupation, thereby carrying out what is written [Deut. xv. 4]: 'Indeed, there should be no needy man among thee.'" In the meantime they sat down to eat beneath an unsafe wall. So two angels appeared, and R. Johanan heard one of them say to the other: "Let us throw this wall down upon them, for they are about to leave the pursuit of the future life in order to obtain a worldly livelihood." But the other angel replied: "Let them be; for there is one of them whom the time will succor and who will shortly become great." R. Johanan heard this, but Ilpha did not, and the former asked: "Did Master hear anything?" And Ilpha replied: "Nay; I heard nothing." So R. Johanan thought: "Because I heard it and Ilpha did not, in all probability I am the one who is referred to as shortly to become great." And he said to Ilpha: "I have reconsidered it and will return to the study of the Law, thus fulfilling what is written in another passage [ibid. 11]: 'For the needy will not cease out of the land.'" Thus R. Johanan returned to his studies and Ilpha engaged in business. By the time Ilpha returned, R. Johanan became the chief of the college. The schoolmen after-

*Concerning the sickness of Shaibatha there is a lengthy discussion among the commentators of the Talmud. Some say that it was a muscular disease peculiar to children between the age of two months and seven years. Others say that it was a disease produced by evil spirits, etc. No definite term for the word can be found. The Aruch devotes two whole pages to the different opinions regarding this disease.

wards said to Ilpha: If thou hadst stayed here with us, we would have made thee the chief of the college.*

It was said of Nahum the man of Gim-Zu—who was blind in both eyes, crippled in both hands, both of whose legs were crushed and whose whole body was covered with sores, and who was lying on a bed the feet of which stood in buckets of water so as to prevent worms from reaching his body, and his bed stood in a house which was in a tottering condition—that his disciples at one time wished to remove his bed from that house and then remove all the other vessels contained therein. So he said to them: “My children! First take out everything contained in this house and then remove my bed; for ye can rest assured that as long as I am in this house it will not fall.” They did so, and after removing his bed the house fell in. Said the disciples to him: “As we can perceive, Master, thou art a truly upright man. Why, then, art thou so terribly afflicted?” And he replied: “My children! I myself am the cause of it. I was at one time on my way to the house of my father-in-law and had with me three asses, one laden with food, another with drink, and the third with delicacies. In the course of my journey a poor man came to me and said: ‘Master, give me some food,’ and I answered: ‘Wait until I can unload my asses.’ But before I had done so, the poor man expired. So I fell on his face and said: ‘My eyes, which had no compassion on thy eyes, may they become blind! My hands, which had no mercy upon thy hands, may they become crippled! My feet, which had not pity with thy feet, may they be crushed!’ And I could not assuage my grief until I had said: ‘May my whole body become covered with sores.’” Said the disciples to him: “Woe is unto us that we must see thee in this condition.” And he replied: “Woe would be unto me if ye did not see me in this condition.”

Why was he called Nahum the man of Gim-Zu?† Because whenever something happened to him he would say: “Gam Zu Le-Toboh” (This also is for good).

It once happened that the Israelites had to send a present to the imperial house, and Nahum was selected to carry out the mission, because it was quite usual for miracles to be performed

* Here follow the questions put to and answered by Ilpha, which are, however, not essential in this tract, and which will appear in Tract Kethuboth.

† According to Zach. Frankel, in his work about the generations of the Tanaim and Amoraim, and also according to Dr. I. M. Wise, Dr. H. Strack, and Mielziner, Nahum was a resident of Gimzo, a town in southwestern Judea.

on his account. They intrusted to him a casket containing precious stones and pearls. When he arrived at his quarters for the night, thieves became aware of his treasure, and they removed the valuables contained in the casket, substituting therefor dry earth. When he arrived at the imperial palace, the casket was opened, and it being observed that it contained nothing but earth, the emperor became very wroth and determined to destroy all the Jews, thinking that they had merely mocked him. Nahum, however, said to himself: "Even this will lead to good." When a conference was held as to the manner in which the Jews were to be destroyed, Elijah appeared disguised as one of the councillors, and after the conference said: "Perhaps this earth is of the greatest value, as it may be the same earth which Abraham their father had within his domain, and which possessed the merit of turning into swords which would cut down the enemy when thrown at a hostile army. The coarser pieces would turn into arrows when thrown at the enemy, as it is written [Isaiah, xli. 2]: 'He rendered as earth his sword, as driven stubble his bow.' " *

His advice was taken, and they said: "There is one land which we cannot conquer, let us try this earth and test its powers." This was done, and the land was conquered. The earth was thereupon deposited in the treasury, and the casket filled with precious stones and pearls. Nahum (who had been kept a prisoner in the meantime) was sent away with an escort and laden with great honors. On the return, it happened that Nahum and his escort had to pass the night in the same quarters where the precious stones had previously been stolen. When it was observed with what honors Nahum returned, he was asked what gifts he had brought the emperor, to be thus honored. He replied: "I brought the same casket there that I took away with me from this place." The men then, thinking that their earth was so valuable, tore down their houses, gathered up the earth, and sent it to the emperor, saying: "The earth which Nahum brought thee was our earth and not that of the Jews, for we took out the precious stones contained in his casket when he spent the night here and substituted this earth." The earth was examined and found to be unlike the other, so the senders were all put to death.

"What is considered a pestilence? If in a city capable of fur-

* This is a literal and not a figurative translation of that verse.

nishing five hundred able-bodied men," etc. The rabbis taught: A town that can furnish fifteen hundred able-bodied men—as, *e.g.*, the village of Ako—and nine deaths occurred in three days, *i.e.*, three deaths each on three consecutive days, is said to be afflicted with pestilence. If, however, all the nine died in one day or in four days, it is not considered a pestilence. A town that has not more than five hundred able-bodied persons—*e.g.*, the village of Amigo—and three deaths occurred in three days, *i.e.*, one on each consecutive day, can be said to be afflicted with a pestilence. If, however, all three died in one day or in four days, no pestilence can be said to exist (for it is considered as only an accident).

In the town of Darograth, which had five hundred able-bodied persons, three deaths occurred in one day, and R. Na'hman the son of R. Hisda ordered a fast-day. Said R. Na'hman bar Itz'hak to him: "Thou art presumably of the opinion of R. Meir, who regards a bull as vicious if he had gored three men in one day (as explained in Tract Baba Kamma)."

R. Na'hman bar Hisda requested R. Na'hman bar Itz'hak to remove to his (the former's) city (so that they could study together). Said the latter: We have learned in a Boraitha: R. Jose said: Not the place where he lives makes the man distinguished, but the man makes the place distinguished. And so we find with respect to Mount Sinai, that so long as the Shekhina rested there, cattle were not allowed to graze even near the mountain, as it is written [Exod. xxxiv. 3]: "Neither let flocks or herds feed near the mount," and after the Shekhina had withdrawn from the mount, it is written [Exod. xix. 13]: "They may come up to the mount." A similar instance can be found with respect to the Tabernacle, near which the leprous could not come (as well be explained in Tract Menachoth).

Said R. Na'hman bar Hisda to him: "If this be so, then will I go to the place where thou, Master, dwellest." And he answered: "Nay, that would not be right; for thou art a rabbi and a son of a rabbi, while I am the son of one who was not among the scholars; therefore it would be more fitting that I should come to thee."

It happened that pestilence raged in Sura, but in the neighborhood where Rabh resided the pestilence was not prevalent. The townsmen concluded that this was due to the especial merits of Rabh; but in a dream they were told that this would be but a small object wherewith to demonstrate Rabh's merits, and that

this was so in consideration of the merits of a man who lends his hoe and other digging-tools used for burials, without compensation.

In Darograth there was a great conflagration, but in the neighborhood where R. Huna lived the fire did not reach, and it was thought that it was on account of the merits of R. Huna that it was spared; but they were also told in a dream that this would be but a small recognition of R. Huna's merits, and that it was merely in consideration of a certain woman who would heat her oven and then place it at the disposal of such as desired to bake their bread, without remuneration.

R. Jehudah was apprised of the fact that locusts had made their appearance, and he ordered a fast-day. Subsequently he was told that the locusts were not doing any damage, and he replied: "Did the locusts then bring their food with them?"

R. Jehudah was also advised that a pest had broken out among the swine, and he ordered a fast-day. Does then R. Jehudah hold that if a pest break out among one kind of animals it affects all others? Nay; but with swine it is different, for the entrails of a swine are similar to those of a human being (and the pest may prove contagious).

Samuel was told that a pest had broken out in Huzai, so he ordered a fast-day. He was reminded, however, that the place was a great distance off, and he replied: "Is there then a partition between here and there that would prevent the entrance of the pest in this place?"

R. Na'hman was told that a pest had broken out in Palestine, so he ordered a fast-day, saying: "If the princess is stricken, surely the slaves are affected." Is it only when a princess is stricken that a slave is affected? What about slave and slave? Did not Samuel order a fast-day in Neherdai when Huzai was stricken? From Huzai to Neherdai there was a regular caravan traffic, and Samuel apprehended lest one of the caravans should carry the pest from Huzai into Neherdai.

Abba the (expert) bleeder received greetings every day from the heavenly college; Abayi received such a greeting only once every eve of Sabbath; and Rabha would receive such a greeting only once every eve of the Day of Atonement. Abayi was grieved because of the greater distinction conferred upon Abba, and he was told: "The things that Abba does, thou canst not do." [What did Abba do that was so inimitable? First of all, he had a separate place for bleeding men and a separate place for

women. Then he had a certain garment for women with which he would clothe them, and which was split so that he could insert the lancet at any place without looking at the woman. Then he had a certain place where his fee for bleeding was deposited, and which was so arranged that as soon as it was touched a ring was heard; but he never looked at the amount deposited, and those that had not the necessary amount would merely touch the place and depart. If a young scholar came to him to be bled, he would not alone refuse to accept money, but would give him money, saying: "Take this and become well, for after bleeding a good meal should be eaten."]

One day Abayi sent two of his disciples to Abba to examine into his actions. Abba entertained them with meat and drink, and even made for them couches of fine wool to use as beds. On the morrow the disciples folded up their woollen couches and carried them into the market in order to sell them. They there encountered Abba. Said they to him: "Let Master estimate the worth of these." And he said: "So much." And they rejoined: "Perhaps they are worth more." And he answered: "For so much money I can purchase them." Said they to him: "These couches are thine; we took them from thee." And they continued: "What didst thou suspect us of?" And he replied: "I thought that perhaps some prisoners had to be ransomed, and ye did not wish to tell me what amount that would require last night. So ye took the couches, and probably thought to tell me this day." They then said: "Then take them back; they are thine." But he answered: "Nay; I have already made up my mind to devote them to charitable purposes, and hence I cannot take them back."

Rabha was grieved over the greater distinction conferred upon Abayi, who was greeted on the eve of every Sabbath, while he only received the heavenly greeting on the eve of every Day of Atonement; so he was told that it was sufficient for him that the entire town where he lived profited by his merits.

To R. Beroka of Huzaah, Elijah would frequently appear, when he (R. Beroka) would be standing in the market of Be-Lepht. One day he asked Elijah whether there was any one in the market who would have a share in the world to come, and Elijah answered: "Nay." Suddenly Elijah perceived a man wearing black shoes, and the garments of that man had no show-threads. So he pointed him out to R. Beroka, and said: "That man will have a share in the world to come." R. Beroka ran up

to the man and asked him his occupation, and the man answered: "I have not time to-day. Come on the morrow." On the morrow R. Beroka again approached him and asked to know his occupation. The man replied: "I am a warden of a prison; I keep the men and women prisoners in separate compartments, and my own bed stands between the two compartments. There I sleep alone, and take care that no evil acts are perpetrated. If there is a daughter of Israel upon whom evil eyes have been cast (by the higher officials), I do my utmost, even at a personal sacrifice, to save her. One day it happened that a betrothed girl, upon whom the higher officials had cast an eye, was brought to my prison; so I took lees of wine, spread them over her couch, and said to the officials that she was suffering from her menstruation and could not be approached."

R. Beroka then asked the warden why he wore black shoes and garments without show-threads, and he replied: "In order that I should not be recognized as a Jew; for thus, if I hear of any plots that are formed against the welfare of my co-religionists, I can immediately advise the rabbis that they may pray to God to avert the impending calamity. And yesterday, when thou didst approach me, I told thee to come on the morrow, because I had heard a discussion pertaining to action to be taken against the Jews and I hastened to learn the true facts of the case."

Again it happened that two brothers were passing by, and Elijah said to R. Beroka: "These two brothers shall also have a share in the world to come." R. Beroka approached them and asked to know their occupations, and they replied: "Our occupation is to cheer and comfort all those who are downcast, and when we see two men quarrelling, to make peace between them."

"*An alarm should be sounded in all places for the following plagues,*" etc. The rabbis taught: For a corn-blast, mildew, locusts, crickets, and attacks of wild beasts an alarm must be sounded wherever they make their appearance. And R. Aqiba said: "For the first two, as soon as they make their appearance ever so slightly in any place, an alarm must be sounded; but for locusts, as soon as the wing of one single locust is perceived in Palestine, an alarm must be immediately sounded."

"*Attacks of wild beasts.*" The rabbis taught: "For attacks of wild beasts an alarm should be sounded only if it is obvious that the attacks are in the nature of a curse, but otherwise no alarm need be sounded. How can the distinction be made? If the wild beasts are seen in a city, then it is to be considered in

the nature of a curse; but if they are seen in the field, it is nothing unusual. If seen in the day it is a curse, at night it is not. If the wild beast saw and pursued two men together, then it is a curse; but if it slunk away and sought to hide, it is not. If the wild beast killed two men and only devoured one, it is to be considered a curse; but if it devoured both (then it was simply hungry, and) it is not considered a curse. If the beast climbed up on a roof and snatched a child from the cradle, it is most assuredly a curse."

"Hosts of armed men." The rabbis taught: Even if hosts of armed men are seen, who have no intention of attacking the place, but merely desire to pass through to make war upon others, an alarm must nevertheless be sounded; for there can be no more friendly intentions in a host of armed men than in that which was sent by Necho, King of Egypt, to Josiah, King of Judah, and still Josiah lost his life on their account, as it is written [II Chron. xxxv. 21]: "But he (Necho, King of Egypt) sent ambassadors to him (Josiah), saying: What have I to do with thee, thou King of Judah? I come not against thee this day, but against the house wherewith I have war, and God hath commanded me to make haste: forbear thee from meddling with God who is with me, that He may not destroy thee." What is meant by "God who is with me"? What God could Necho have had with him? Said R. Jehudah in the name of Rabh: "It was an idol, and for the reason that Necho had confidence in the idol, Josiah thought that he could surely vanquish him in battle."

Further it says [ibid. 23]: "And the archers shot at King Josiah; and the king said to his servants: Carry me away; for I am sorely wounded." What is meant by "sorely wounded"? Said R. Jehudah in the name of Rabh: "From that it may be inferred that his whole body was perforated by the arrows like a sieve." Before Josiah died, Jeremiah the prophet noticed that his lips were moving, and thinking that, God forbid, he was saying something blasphemous on account of the terrible pain he was suffering, Jeremiah stooped down and heard Josiah justifying the judgment which had befallen him, saying the passage [Lament. i. 18]: "Righteous is the Lord; for against his orders have I rebelled." Whereupon Jeremiah lamented his death with the words [ibid. iv. 20]: "The breath of our nostrils, the anointed of our Lord, was caught in their pits."

"Should be sounded even on Sabbath." The rabbis taught:

On account of a city surrounded by foes, a ship that was wrecked at sea, or even on account of an individual pursued by foes, robbers, or evil spirits, a man may keep a fast-day himself (without waiting for the order instituting it). R. Jose, however, said: "A man is not allowed to do this by himself, lest he become weak through fasting and unable to work, when he would become dependent upon others who might have no pity for him, because he himself was the one responsible for his condition." Said R. Jehudah in the name of Rabh: "What reason has R. Jose for this assertion? Because it is written [Genesis, ii. 7]: 'And the man became a living being,' which implies, that man should let the living soul, given him by the Creator, live and not wilfully kill it."

"*Simeon the Temanite says,*" etc. We have learned in a Boraitha: For a pest an alarm should be sounded on a Sabbath, and so much the more on a week-day; but R. Hanan bar Pitom, the disciple of R. Aqiba, said in the name of his Master that for a pest no alarm need be sounded even on a week-day.

"*On account of every plague,*" etc. The rabbis taught: On account of every plague—with which may the community never be visited—an alarm should be sounded, except on account of an excess of rain. What is the reason? Said R. Johanan: "Because it is not permitted to pray for the cessation of too much good." Said Rami bar R. Jod: "In the land of exile (Babylon) an alarm should be sounded for an excess of rain." We have also learned in a Boraitha that in a year when there is an excess of rain the priests of the weekly watch would send word to the standing men: "Take care of your brethren in exile, that their houses may not become their graves."

The rabbis taught: It is written [Lev. xxvi. 4]: "Then will I give you rains in their due season," which means, that the earth shall not become too full of water nor that it shall be thirsty, but have just sufficient; for if there is too much rain, the earth becomes too sodden and fruit cannot grow. Another explanation of the term "in their due season" is, that the rains will fall on the night of the fourth day of the week and on the night of Sabbath, when men do not go out; for so do we find, that in the days of Simeon ben Sheta'h rain fell only on those nights, and grain prospered so that wheat-grains became as testicles, barley-corns as the kernels of olives, and lentils as golden Dinars; and part of these fruits of the earth were preserved to show to future generations, in order to demonstrate to them that the only reason

why crops were not as prosperous as they formerly were was because of the transgressions of the people, as it is written [Jeremiah, v. 25]: "Your iniquities have turned away these things, and your sins have withholden what is good from you."

So it was also at the time when Herod built the new Temple. It would rain only at night, and in the morning the wind would disperse the clouds, the sun would commence to shine, and the people would go to their work in peace, so that all men knew that they were engaged in a heavenly undertaking.

"It once happened that Honi Hama'gel," etc. The rabbis taught: It once happened the greater part of the month of Adar had passed, and no rain had yet fallen. Honi Hama'gel was thereupon requested to pray for rain. He prayed, but no rain descended. So he marked out a circle around him, the same as Habakkuk did, as it is written [Habakkuk, ii. 1]: "Upon my watch will I stand, and place myself upon the tower," placed himself in the midst of it, and said: "Creator of the universe! Thy children have always looked up towards me as being like a son of Thy house before Thee. I swear therefore, by Thy great Name, that I shall not move from this place until Thou shalt have compassion upon Thy children." Whereupon the rain commenced to drop down gently. Said the disciples to him: "May it be that we may see thee and not die; for we think that the rain is merely dropping in order to release thee from thy vow." And he replied: "It was not for this I prayed, but for rain sufficient to fill the wells, cisterns, and caves." The rain then fell in torrents, each drop being as large as the mouth of a barrel, and the sages opined that each drop contained no less than a lug of water. The disciples again said to him: "Rabbi, may we see thee and not die! We believe that the rain is falling in order to destroy the world." He again said: "Not for such rains have I prayed; but for mild, felicitous, and liberal showers." The rain then descended in the usual manner, until the Israelites of Jerusalem were obliged to seek refuge from the city to the Temple mount on account of the rain. They then came to him and said: "Rabbi, even as thou didst pray that the rain might descend, thus pray now that it may cease." And he replied: "I have a tradition that it is not permitted to pray for a cessation of too much good. Still, bring me a praise-offering." It was accordingly brought to him, and putting both hands upon it, he said: "Creator of the universe! Thy people which Thou hast brought out of Egypt cannot be sustained either with too much evil or too

much good. When Thou becamest angry with them, they could no longer bear it; and now that Thou hast showered too much good (rain) upon them, they cannot bear it either. Let it be Thy will that the rains may cease and the world become happy." Thereupon a wind came up, dispersed the clouds, the sun commenced to shine, and the people went out into the fields and brought back mushrooms.

Simeon ben Sheta'h then sent him word, saying: If thou wert not Honi, I would order that thou be anathematized; for were these years as those when Elijah said that no rain should fall and when he had the key to the rain, thou wouldst have merely desecrated the Holy Name; but what shall I do with thee, since thou art petulant towards God, and yet He forgiveth and indulgeth thee like a petted child who is petulant towards its father, and says: "Father, bathe me in hot water, bathe me in cold water, give me nuts, almonds, apricots, and pomegranates," and is nevertheless forgiven and indulged? To thee may be applied the passage [Prov. xxiii. 25]: "Let thy father and thy mother rejoice, and let her that hath born thee be glad."

The rabbis taught: What was the word which the Sanhedrin sitting in the chamber of marble sent to Honi Hama'gel after the occurrence? They cited the passage [Job, xxii. 28]: "And if thou decree a thing, it will be fulfilled unto thee; and upon thy ways the light will shine," and said: "Thou hast decreed below, and the Holy One, blessed be He, ratified it above, and the generation which was in darkness thou hast enlightened with thy prayer."

R. Johanan said: All the days of this righteous man (Honi), he troubled himself concerning the meaning of the passage [Psalms, cxxvi. 1]: "When the Lord bringeth back again the captivity of Zion, then shall we be like dreamers." Honi would constantly say: "How can a man sleep or be like a dreamer for seventy years?" Once he was travelling on the road, and he noticed a man planting a carob-tree. He asked him how many years it would take before the tree would bear fruit, and the man answered: "Seventy years." Honi then asked: "Art thou, then, sure that thou wilt live seventy years?" And the man replied: "I found carob-trees in existence when I came into the world, consequently my ancestors must have planted them. Why should I not also plant them for my children?" About that time Honi became hungry, and sat down to eat near the newly

planted tree. After the meal he fell asleep, and a bay * formed about him so that he could not be noticed, and thus he slept for seventy years. When he awoke, he observed a man gathering the fruit from the carob-tree; and he asked the man: "Didst thou plant this tree?" The man replied: "Nay; I am the grandson of the man that planted it." Honi then realized that he must have slept for seventy years, and when he looked around for his ass, he noticed that there were many smaller asses. He then went to his home, and inquired whether the son of Honi Hama'gel was still alive. He was told that the son was no longer living, but that a son of the son was alive. He then said: "I am Honi Hama'gel"; but they would not believe him. He went to the house of learning and heard them say: "To-day the Halakhoth are as clear as in the days of Honi Hama'gel, who would immediately render a clear decision when any questions whatever were put to him by the rabbis." He went in and said to them: "I am that Honi"; but they would not believe him, nor would they accord him due respect. This caused him to become downcast and despondent, and he prayed to God that he might die, and so he died. Said Rabha: "This illustrates the saying: 'Give me the glory due me, or give me death.'"

Abba Helkyah was a grandson of Honi Hama'gel. When the country was in need of rain the rabbis would send to him, and he would pray for rain, which thereupon commenced to fall. One day the country was in need of rain, and the rabbis sent a committee of two younger rabbis to him, with the request that he pray for rain. They came to his house, but did not find him. They went to his field, and found him weeding it. They greeted him, but he made no reply. On his way back to his home, he placed some wood and the hoe on one shoulder and a garment on the other shoulder. The entire way he did not wear shoes, but whenever he came to water which he had to ford he would put them on. When he came to a thorny path, he would raise his garments. When he came to the city, his wife met him dressed in fine apparel. When he reached his house, his wife entered first, then he, and finally the two young rabbis entered. He sat down to his meal, but extended no invitation to the rabbis to join him. When dealing out bread to his children, he gave the elder one loaf and the younger two. Afterwards he

* The Hebrew term is "Meshunitha." Rashi explains it to mean a rock, while the dictionaries define it as given in our text.

said to his wife in a low voice: "I know that these rabbis came on account of rain. Come, let us go up into the attic and pray for rain, and should the Lord have mercy on His children and cause it to rain, it will not appear as if it came about through us." They went up into the attic, and he stood in one corner, while she stood in another. The rain-cloud appeared in the direction where the wife was standing.

When he went down again, he said to the rabbis: "What hath brought the rabbis here?" And they replied: "The rabbis have sent us to Master that he may pray for rain." And he answered: "Blessed be the Lord, that ye no longer need Abba Helkyah's favor." Said they to him: "We well know that this rain is come only on account of Master, still we should like to know the reason for several actions on his part which appear to us surprising. Why, when we greeted the Master, did he not turn his face towards us?" He replied: "I hired myself out for the day and my time was not my own, hence I did not wish to waste any." "Why did the Master carry the wood on one shoulder and the garment on the other?" "Because the garment was borrowed by me to wear, but not to use as a pad for wood." "Why did the Master go barefooted all the way, and put on his shoes when coming to water?" "Because the entire way I could see what I was stepping on, but in water I could not." "Why did the Master raise his dress when walking in a thorny path?" "Because if my flesh should receive a scratch, it will heal; but if the garment should become torn it cannot be mended." "Why, when the Master came to the city, did his wife come forth to meet him, dressed in her best apparel?" "In order that I may not look at any other woman." "Why did she enter first, then the Master, and then we?" "Because I know nothing about you." "Why, when the Master sat down to eat, did he not invite us to partake also?" "Because there was not sufficient bread for all, and I did not wish to invite you merely to receive your thanks in vain." "Why did the Master give the elder child one loaf and the younger two?" "Because the elder was at home all day and probably helped himself previously, but the younger was at school all day and more hungry." "Why did the rain-cloud appear first in thy wife's corner?" "Because my wife is always at home, and when a poor man begs for a meal she always gives it to him readily, while I can but give him a Zuz and he must first go and purchase food for it. Thus her charity is more effective than mine."

Hanan the Hidden was a son of the daughter of Honi Hama'gel. When the country was in need of rain, the rabbis would send the school-children to him, who would surround him, take hold of his garments, and cry: "Father, father, give us rain!" And he would say to the Holy One, blessed be He: "Creator of the universe! Cause rain to descend, for the sake of those who cannot distinguish between a father capable of giving rain and one who is not." Why was he called Hanan the Hidden? Because whenever he would do some good, he would hide himself so as not to be observed.

Said R. Z'reiqa to R. Saphra: "Come and see the difference between the pious of Babylon and the righteous of Palestine. The pious of Babylon—*e.g.*, R. Huna and R. Hisda—when the country was in need of rain, would say: "Let us combine and pray to God, perhaps we shall find favor in His eyes, and He will give us rain"; and the righteous of Palestine—*e.g.*, R. Jonah the father of R. Mani—when the country was needing rain, would go to his house, ask for a sack, and say: "I will go to the market and buy a Zuz' worth of grain." When going out he would seek a deep place, as it is written [Psalms, cxxx. 1]: "Out of the depths have I called to thee, O Lord," and he would station himself in a hidden place, cover himself with the sack, and offer up a prayer for rain to the Lord, and forthwith rain would descend. When returning home, he would be asked: "Didst thou buy the grain for a Zuz?" And he would reply: "I noticed that it commenced to rain, and hence thought it unnecessary to go to the market for it, as it can be had now anywhere."

Again it happened that R. Mani the son of Jonah was sorely troubled by the members of the house of the Nassi (prince); so he went and threw himself on his father's grave, exclaiming: "Father, father, the men of the house of the Nassi are troubling me." One day the retainers of the Nassi were riding by the burial ground where Jonah was interred, and their horses could not proceed until they vowed not to trouble R. Mani any more.

R. Mani would frequently come to the house of R. Itz'hak ben Aliashib, and he once told R. Itz'hak that the members of his father-in-law's family were giving him much trouble. Said R. Itz'hak: "May they become poor!" and they really did become poor. R. Mani then came again, and complained that now his relatives were poor they were compelling him to support them. Said R. Itz'hak: "May they then become rich again!" and accordingly they became rich.

At another time R. Mani complained to R. Itz'hak that his wife was too ill-favored. Said R. Itz'hak: "What is her name?" And R. Mani replied: "Hannah." Said R. Itz'hak: "May Hannah become handsome!" and accordingly she became handsome. Subsequently R. Mani came again, and complained that now his wife had become handsome she made life a burden to him by her vanity, and R. Itz'hak said: "May Hannah again become ugly!" and Hannah again became ugly.

Some time later, two disciples of R. Itz'hak ben Aliashib begged him to pray to the Lord for them, that they might become wiser and more capable for study. Said he to them: "I used to do that at one time and would succeed; but I have stopped that practice and shall not do it again."

Elazar the man of Birtha would be shunned by the men who were sent out to collect money for charitable purposes, because he would give away everything he had. One day he went out into the market to buy the articles necessary for the proper celebration of his daughter's marriage. The collectors of alms perceived him, and hid themselves. He, however, pursued and overtook them, and said: "I adjure you, tell me for what purpose ye are sent out now and what ye need." And they answered: "We are collecting money for two orphans who are about to be married." Said he: "I vow they have precedence over my daughter." And he gave them everything he had, with the exception of one Zuz, for which he bought some wheat and deposited it in his storehouse. The mother (Elazar's wife) said to the daughter: "What did your father bring?" And the daughter replied: "All that he brought he deposited in the storehouse." She then went to the storehouse, but could not open the door, as the wheat was piled up so high and the storehouse was so full that the wheat forced its way through the cracks in the walls. Thereupon she betook herself to the house of learning, where Elazar her husband was studying, and calling him out, said: "Come and see what thy friend did for thee." Arriving at the storehouse, Elazar said: "I vow that all this wheat is devoted to the poor, and thou hast but a share in it equal to the other poor."

R. Jehudah Hanassi (the Second) once ordered a fast-day and prayed for rain, but without success. Said he: "What a difference there is between Samuel the prophet and Jehudah the son of Gamaliel! Woe is to the generation that has retrograded to such an extent and woe to the Nassi (prince) who hath witnessed

it." He became very despondent, and forthwith rain began to fall.

A fast-day was ordered from the house of the Nassi, and no previous notice thereof was given to R. Johanan and Resh Lakish. Said R. Johanan to Resh Lakish: "What shall we do? We did not take it upon ourselves to fast to-day or yesterday?" Replied Resh Lakish: "We are dependent upon the Nassi; hence it is not necessary for us to take it upon ourselves a day in advance."

Again it happened that the house of the Nassi ordered a fast-day; but no rain descended. So Oshiya, the youngest of the colleagues, taught: It is written [Numb. xv. 24]: "Then shall it be, if through inadvertence of the congregation it was committed by ignorance," which is a simile to a bride in the house of her father—if she have beautiful eyes, there is no need of examining her body, but if her eyes be bad her entire body should be examined (*i.e.*, if the prince of the congregation be a righteous man, the congregation need not be tried, but if he be wicked the congregation itself must be examined). So the servants of the Nassi came to Oshiya, threw a cloth over his neck, and tortured him. Said the townsfolk to the servants: "Let him be, for though he often offends us with his sayings, still, as we see that he means well and does so for our good, we let him have his own way."

Rabbi once ordered a fast-day, but no rain descended. So Ilpha, others say R. Ilphi, went up to the reading-desk to pray. As soon as he came to the sentence, "He causeth the wind to blow," a wind sprang up; and when he said, "He causeth the rain to descend," rain began to fall. So Rabbi asked Ilpha: "What are thy merits?" And he answered: "I live in a very small town, where it is almost impossible to obtain any wine for the Kiddush and the Habdalah on the Sabbath; but I go to great trouble to procure it and distribute among my townsmen, and when reciting the Kiddush prayer I also include my townsmen in the prayer."

Rabh came to a certain place and ordered a fast-day, but no rain descended. The minister of the congregation went up to the reading-desk and commenced to pray. Arriving at the sentence, "He causeth the wind to blow," a wind sprang up; and as soon as he said, "He causeth the rain to descend," rain began to fall. Said Rabh to him: "What are thy merits?" And he answered: "I teach little children, and treat the children of the

poor like the children of the rich. Those that cannot afford to pay, I teach without remuneration; and being also a fisherman, I persuade those who do not wish to come and learn, to do so by giving them fish to take home with them."

R. Na'hman ordered a communal fast. He prayed for rain, which, however, did not come. And he said to the people: "Take ye Na'hman and throw him from the roof to the ground." He became downcast, and rain commenced to fall. Rabba ordered a fast, he prayed, and no rain came. And they said to him: "But when R. Jehudah orders a fast, then rain comes." He replied: "What can I do? In point of learning we are better than they; for in the years of R. Jehudah all their studies were confined to the Section of Damages, while we study now all the six sections. And when R. Jehudah came to the Section of Taharath (Purification), Tract Uqtsin, and the Halakha, 'When a woman put herbs in a pot,' or, according to others, to the Halakha, 'If olives were soaked with their leaves, they are clean,'* R. Jehudah used to say: 'I find it as deep as would befit the times of Rabh and Samuel.' But we have thirteen colleges which are studying the Tract Uqtsin, and nevertheless when R. Jehudah would put off one shoe, the rain would come; and we are crying the whole day, and there is nobody to look at us. And if one might say, R. Jehudah was better than we by his deeds, then if there is any one here that knows we have not acted rightly, let him say so; but the true reason is, what can the leaders of the generation do, when the generation itself is not good?"

R. Jehudah saw once two men throwing bread at each other, and he said: "I see from this that there is plenty in the world." He cast an evil eye, and a famine began. Said the rabbis to R. Kahna the son of R. Nahuniah: "We have heard that the Master frequents the house of R. Jehudah: cause him to go into the market (he should become aware that a famine reigns)." He did so, and took him out into the market. He saw a crowd of men. He asked: "What is the matter?" He was answered: "There is a measure of dates for sale, and each is eager to obtain it." Said he: "I perceive from this that there is famine in the world." He said to his servant: "Take off my shoes." He had taken off but one of his shoes, when it began to rain.

R. Mari the son of the daughter of Samuel said: "At that time, when R. Jehudah had his shoes taken off, I stood on the

* This will be explained in its place in Tract Uqtsin.

bank of the River Papa. I saw angels clad like sailors, who took sand, filled the ships therewith, and it was turned to fine flour, and the whole world came to buy it. I said to the persons of my household: 'Do not buy of it, for it is only through a miracle, and I wish to derive no benefit from miracles.' I waited till the morrow, when ships laden with wheat actually arrived from Parzina."

It happened once that Rabha came to the city of Hagrunita, and he ordered a fast, but no rain came. Said he to the people: "Fast over night." On the morrow morning he said to them: "If any one saw something in a dream, he should come to tell what he saw in the dream." R. Elazar of the same city related that he had been told in a dream the following words: "Good peace to the good master who received his knowledge from a good master, and who with his goodness is doing good to his people." Said Rabha: "I infer from this that it is a favorable time." He prayed again, and rain came.

It happened once that a man had committed a crime for which he had to receive stripes in a court where Rabha was the chief judge. Rabha had the penalty inflicted on him. He could not endure it, and died. When the government of Sabbor the king heard of this, they wanted to cause trouble to Rabha. Said Iphra Harmyz, the king Sabbor's mother, to her son: "I advise you to have nothing to do with the Jews, for all that they request of their God, He grants to them." Said he: "What, for example?" Said she: "Whenever they pray to God for rain, it rains." Said he to them: "That is only because they pray in the season when it has to rain. Now, when it is Tamuz [July], when it ought not to rain, let them pray for rain, and you shall see that it will not come." So she sent for Rabha, and said to him: "Fix your mind on it, and pray to God to send rain." He prayed, and no rain came. Said he: "Before the Lord of the universe [Ps. xlv. 2] God, with our ears have we heard, our fathers have told us . . . in times of old, but *we* with our eyes do *not* see it." Then it rained so much that all the canals of Me'huza overflowed and the water spread in the streets into the River Tigris. His father appeared to him in a dream and told him: "Is there any other man who gives so many pains to Heaven? Go and change the place of your couch." On the morrow he found marks of a knife with which his bed had been slashed.

R. Papa also ordered a fast: no rain came. Meanwhile he

felt too weak from fasting. He took a spoonful of *daiitha* [a kind of dish], and went on praying. Still, however, no rain came. R. Na'hman, his fellow-lodger in the inn,* said to him: "If the Master would partake of another spoon of *daiitha*, then rain would surely come" (ironically). He felt shame, he became downcast, and rain came. (See Yomah, p. 76: "R. Hanina b. Dosa," etc.)

Said R. Jehudah in the name of Rabh: "Every day a heavenly Voice goes forth and says: 'The whole world is nourished merely by the merits of Hanina my son, and for Hanina alone one Kabh of carobs is sufficient from one Sabbath-eve to the other.'"

The wife of Hanina would make a fire in her oven on the eve of every Sabbath in order not to be ashamed before her neighbors. She had, however, one bad neighbor who said: "I know that Hanina and his wife have nothing to cook for the Sabbath, why does she make fire in her oven? I shall go and see." She went and knocked at the threshold, and Hanina's wife became ashamed and went into another room. In the meantime a miracle happened, and the oven became filled with bread. The neighbor, noticing the bread in the oven, called to Hanina's wife: "Bring the bread-shovel, or the bread will be burned!" And she replied: "I just went in for that purpose." We have learned in a Boraitha: Hanina's wife really did go into the next room for a shovel, because she was accustomed to have miracles happen to her.

One day the wife of R. Hanina said to him: "How long shall we yet be troubled with the want of our daily bread?" And he replied: "What can I do?" Said she: "Pray to God that He should give thee something." He accordingly went and prayed. A hand came forth and gave him a leg of a golden table. Subsequently his wife saw in a dream that all the righteous in heaven ate on golden tables having three legs, while her table only had two. Said she to Hanina: "Wouldst thou then like it, that all should eat at a table having three legs, while we should eat at one only having two? Pray to God that the golden leg may be taken back." He prayed, and the leg was taken back. We have learned in a Boraitha that this latter miracle was even greater than the former; for we have a tradition, that it is usual for heaven to bestow but not to take back.

* According to the Aruch the text should read, "Bar-Ushpirti," i.e., the son of Ushpirti, who was the mother of R. Papa, and he said to him thus: "You, son of Ushpirti," etc.

One eve of Sabbath Hanina noticed his daughter in a despondent mood. Upon asking her what the trouble was, she replied: "I got the two vessels containing oil and vinegar mixed, and poured the latter into the Sabbath lamp and lit it." Said he: "My daughter! why should that trouble thee? He who hath ordained that oil should burn can also ordain that vinegar should burn." We have learned in a Boraitha that the vinegar in that lamp burned all night and all day, till some of it was used for the Habdalah prayer.

R. Hanina ben Dosa had a few goats, and he was told that his goats caused damage to others. Said he: "If my goats do damage, may wolves devour them; but if they do not, may they each bring a bear impaled upon their horns." That same evening, each goat really brought in a bear mounted on its horns.

How did Hanina happen to have goats? Was he not a poor man? Said R. Pinchas: "It once happened that a man left a few chickens at the house of Hanina, and the latter said to his wife: 'Do not use the eggs, for the chickens do not belong to us.'" Accordingly the eggs were left untouched, and in the course of time quite a number of chickens were produced, so that they became too troublesome, and Hanina sold them and with the proceeds purchased goats. Subsequently the man who left the chickens returned to claim them. He was asked for a description of his property, which he gave correctly, whereupon Hanina turned over the goats to him, and these are the goats that brought bears upon their horns.*

The same Hanina had a neighbor who was building a house, and the beams were too short. So she came to him, and said: "I have built my house, but my beams do not reach far enough." And he asked her her name. And she answered: "Aikho." He then said: "Aikho, may thy beams become longer." We have learned in a Boraitha that they really became so long that they protruded an ell on each side, while others say that pieces were conjoined with the beams so that they attained the required length. We have learned in another Boraitha: "Plimo said: 'I saw that house and noticed that the beams protruded an ell on each side. And I was told that the house was the one for which Hanina prayed to have the beams become longer.'"

R. Hama bar Hanina ordered a fast-day, but no rain de-

* According to Hananel and other commentaries the whole paragraph was inserted here from other sources than the Gemara. In the Ain Jacob this is not to be found.

scended, and he was told: "Why, R. Jehoshua ben Levi would order a fast-day, and rain would commence to fall!" Said he: "That was the son of Levi, and not I!" And they said: "We meant to say, that we should again congregate, and perhaps, if we prove contrite of heart, the rain will descend." They did so, and still no rain descended. Said he to them: "Think ye that ye deserve rain to descend for you?" And they answered: "Yea." Said he to the sky: "Cover thy countenance." No results, however, were produced, and he exclaimed: "How impudent are the skies!" Whereupon they became covered, and rain commenced to fall.

Levi ordered a fast-day, but no rain descended. Said he: "Creator of the universe! Thou didst ascend to the heavens, and didst sit down, but hast no compassion upon thy children." Whereupon rain descended, but Levi fell and became lame.

R. Hyya bar Lolaini heard one cloud say to another: "Come, let us go and deposit our waters in the lands of Ammon and Moab." Said R. Hyya: "Creator of the universe! when thou gavest Thy Law to Israel, Thou hadst gone to other nations, offering it to them, and they would not accept it; and now Thou wouldst allow the clouds to pour forth their waters on their lands!" and turning to the clouds, he exclaimed: "Pour forth your waters on this spot," and they did so.

The same R. Hyya preached: "It is written [Psalms, xcii. 13]: 'The righteous shall spring up like the palm-tree; like a cedar in Lebanon shall he grow high.' Why are both the palm-tree and the cedar mentioned? If the palm-tree only were mentioned, I would say that as a branch of the palm-tree which is broken off does not grow out again, so it will be with the righteous—if he dies, he will leave no one in his stead; therefore a cedar is also mentioned, for with a cedar it is not so. And if a cedar only were mentioned, I might say that as the cedar does not bear fruit, so will it also be with the righteous (which may God forbid). Hence the palm-tree is also mentioned."

The rabbis taught: It once happened that R. Eliezer ordered thirteen fast-days, but no rain descended. When the congregation dispersed after the thirteenth fast-day, he asked them if they had already ordered their graves, and they commenced to weep aloud, whereupon rain commenced to fall.

Another time it happened that R. Eliezer recited the twenty-four benedictions at prayer, but he was not answered. R. Aqiba followed him at the reading-desk, and said: "Father and

King! we have no other king but Thee. Only for Thy sake have mercy upon us!" And his prayer was answered. The people then began to murmur (and say that R. Aqiba was a greater man than R. Eliezer). A heavenly Voice went forth and said: "Not because R. Aqiba is a greater man than R. Eliezer was his prayer answered, but because he always gives in to another, while R. Eliezer never did that."

The rabbis taught: How much rain should fall in order that the congregation may stop fasting? When the rain fills up a furrow made with a plough. So said R. Meir, but the sages say: If the water is a span deep on dry land, two spans on moist earth, and three spans on ploughed soil.

"If while the people are fasting rain should fall before sunrise." The rabbis taught: "If while the people are fasting rain should fall before sunrise they may stop fasting, but if after sunrise they must not. Such is the dictum of R. Meir. But R. Jehudah said: If it fell before noon they may stop fasting, but if after noon they should not. R. Jose, however, said: They may stop if rain fell before the end of the ninth hour (3 P. M.), but not if it fell after that hour. And so we find in the case of Achab, King of Israel, who fasted from the ninth hour on, and further, as it is written [I Kings, xxii. 29]: "Hast thou seen how Achab hath humbled himself before me?" (It is explained elsewhere that kings used to eat their meal at the ninth hour.)

R. Jehudah Nesseah (the Second) ordered a fast-day, and rain commenced to fall after sunrise. He thereupon desired to stop fasting, but R. Ami said to him: "We have learned that if rain falls before noon or after noon there is a difference of opinion, but after sunrise all agree that fasting may be stopped."

Samuel the Little ordered a fast-day, and rain descended before sunrise. The people wanted to infer therefrom that it was in praise of the congregation; for as soon as a fast was ordered, rain commenced to fall. Said Samuel to them: "This can be compared to a case of where a slave begs for something of his master, and the master says: 'Give it to him! I do not care even to hear his voice.'"

Again it happened that the same Samuel ordered a fast-day, and rain fell after sunset. Then said the people: "Surely this is in praise of the congregation that after fasting and praying rain came." Said he to them again: "Nay, this is not to be considered; for it can be compared to a slave begging of his master, who says: 'Let him pray and trouble himself for some time be-

fore I will give it to him.' " What, then, does Samuel consider as praise for the congregation? If when the sentence is read, " He causeth the wind to blow," a wind springs up, and when the sentence, " He causeth the rain to descend," is read, rain commences to fall.

"In the evening they returned and sang the great Hallel." Why should they return in the evening and say the Hallel? Let them say it beforehand? Abayi and Rabha both say: " Hallel is not sung except with a satisfied soul and a well-filled stomach." This is not so! For did it not happen that R. Papa ordered a fast-day in the synagogue of Abi Gober, and rain descended before noon, when they sang the Hallel, and then ate and drank? With the inhabitants of Me'huza it is different, for they are generally drunkards.

CHAPTER IV.

REGULATIONS CONCERNING THE PRIESTS' BLESSING OF THE PEOPLE,
THE INSTITUTION OF THE STANDING MEN—THEIR FASTS AND
PRAYERS. THE FAST OF THE SEVENTEENTH DAY OF TAMUZ
AND THE NINTH OF ABH, AND THE CELEBRATION OF THE FIF-
TEENTH DAY OF ABH.

MISHNA : At three periods of the year the priests shall raise their hands (to bless the people) at each prayer, (*i.e.*) four times on each day ; viz., during the morning, additional, afternoon, and closing prayer. (The three periods mentioned are :) On the fast-days, on the fast of the standing men, and on the Day of Atonement.

(The reason for the institution of) these standing men is because it is written [Numb. xxviii. 2] : "Command the children of Israel, and say unto them : My offering, my bread for my sacrifices . . . shall ye observe," etc. How can an offering be brought for a person without his being present (at the time when it is sacrificed)? Therefore did the elder prophets institute twenty-four watches (divisions): each watch always had a section of standing men, composed of priests, Levites, and Israelites, stationed at Jerusalem. When the turn of each watch came around to go up (from their cities to the Temple), the priests and Levites went up to Jerusalem, and the Israelites who belonged to that watch assembled in (the synagogues of) their cities to read the history of the creation (*i.e.*, the first chapter of Genesis).

The standing men used to fast four times in the week ; viz., from Monday until Thursday (inclusive), but they did not fast on Friday, on account of the honor due the Sabbath, nor on Sunday, that they might not (too suddenly) pass over from rest and pleasure to weariness and fasting—for that might endanger their lives. On Sunday the standing men read (the sections commencing) : "In the beginning," etc. [Genesis, i. 1 to 5], and, "Let there be an expansion," etc. [*ibid.* 6, etc.] ; on Monday they read : "Let there be an expansion," and, "Let the waters," etc. [*ibid.* 9, etc.] ; on Tuesday : "Let the waters," and, "Let there be

lights," etc. [ibid. 14, etc.]; on Wednesday: "Let there be lights," and, "Let the waters bring forth," etc. [ibid. 20, etc.]; on Thursday: "Let the waters bring forth," and, "Let the earth bring forth," etc. [ibid. 24, etc.]; on Friday: "Let the earth bring forth," and, "Thus were finished," etc. [ibid. ii. 1 to 4]. The long section of the day was read by two persons and the short by one; this was done, however, during the morning and additional prayers; but at the afternoon prayers they entered (the Synagogue) and recited the sections mentioned by heart, even as the Shema' is recited. On Friday afternoon they did not go to the synagogue at all, in honor of the Sabbath.

On the days on which the Hallel was sung, the standing men would not attend during the morning prayer (in Jerusalem). When there was an additional offering, they did not assemble at the time of the closing prayer. When a wood-offering was brought, they did not assemble during the afternoon prayer. Such is the dictum of R. Aqiba; but Ben Azai said to him: "R. Jehoshua taught as follows: 'When there was an additional offering, the standing men did not assemble during the afternoon prayer; and when a wood-offering was brought, they did not assemble at the time of the closing prayer.'" Thereupon R. Aqiba changed (his opinion) and taught like Ben Azai.

The times when the delivery of wood (for the altar) was made by priests and people were on nine appointed days: viz., on the 1st day of Nisan, the family of Arah ben Jehudah (made the delivery); on the 20th of Tamuz, the family of David ben Jehudah; on the 5th of Abh, the family of Par'os ben Jehudah; on the 7th of that month, the family of Jonadab ben Rekhab; on the 10th of the same month, the family of Sinaha ben Benjamin; on the 15th of that month, the family of Zathoo ben Jehudah, and with them priests and Levites, and all those who did not know from which tribe they were descended—also the family of Gonebe Eli and the family of Kotze'li Ketzi'oth; and on the 20th, the family of Pa'hath Moab ben Jehudah; on the 20th of Elul, the family of Adin ben Jehudah; and on the 1st of Tebeth, the family of Par'os for the second time.

There was no meeting of the standing men on the 1st of Tebeth; because Hallel was sung and additional sacrifice and wood-offering were brought on that day.

Five calamities happened to our ancestors on the 17th of Tamuz, and five on the 9th of Abh: viz., on the 17th of Tamuz the tables of the Holy Law were broken; on that day the

continual daily offerings ceased, and the city of Jerusalem was stormed; on the same date Apostamos burned the Holy Scrolls and placed an idol in the Temple;—on the 9th of Abh it was decreed that our ancestors should not enter the Holy Land; on that day the first and second Temples were destroyed, the city of Bethar was taken, and the site (of Jerusalem) was ploughed up (like a field). From the 1st of Abh it is incumbent upon a person to lessen his participation in joyful events (until after the 9th of that month).

During the week in which the 9th of Abh occurs, it is prohibited to a person to shave himself, or to wash (his clothes), but on Thursday this is allowed in honor of the Sabbath. On the day before the 9th of Abh a person should not partake of two different kinds of dishes of meat, nor may he drink any wine. Rabbon Simeon ben Gamaliel says: "He should change" (his ordinary mode of living). R. Jehudah considers it obligatory for a person to turn over the bed places,* but the sages do not coincide with him.

Rabbon Simeon ben Gamaliel said: Never were there any more joyous festivals in Israel than the 15th of Abh and the Day of Atonement, for on them the maidens of Jerusalem used to go out dressed in white garments—borrowed ones, however, in order not to cause shame to those who had none of their own. These clothes were also to be previously immersed, and thus the maidens went out and danced in the vineyards, saying: Young men, look and observe well whom you are about to choose (as a spouse); regard not beauty alone, but rather look to a virtuous family, for "false is grace, and vain is beauty: a woman only that feareth the Lord shall indeed be praised" [Proverbs, xxxi. 30]; and it is also said [ibid. 31]: "Give her of the fruit of her hands, and let her own works praise her in her gates." Thus also is it written (alluding to that custom): "Go forth and look, O ye daughters of Zion, on King Solomon, with the crown wherewith his mother hath crowned him on the day of his espousals, and on the day of the joy of his heart" [Solomon's Song, iii. 11]. "The day of the espousals" refers to the day on which the Law was given, and "the day of the joy of his heart" was that when the building of the Temple was completed. May it soon be rebuilt in our days!

* It was the general custom among the Israelites of that day to turn over the couches on which they sate during the day, and slept during the night, on any occasion of mourning and also as a sign of their being in actual mourning.

GEMARA: "*At three periods of the year,*" etc. Is there then an additional prayer on fast-days and for the standing men? The Mishna is not complete, and should read thus: "At three periods of the year the priests shall raise their hands (to bless the people) at each prayer, and among such periods there are days when this is done four times during the day: viz., during the morning, the additional, the afternoon, and the closing prayers; and the three periods of the year are on fast-days, on the fast of the standing men, and on the Day of Atonement." Said R. Na'hman in the name of Rabba bar Abbahu: "Such is the dictum of R. Meir. But the sages maintain that during the morning and additional prayers the priests raise their hands; but not during the afternoon and closing prayers." Whose opinion is that attributed to the sages? That is the opinion of R. Jehudah, as we have learned in the following Boraitha: "In all the four prayers mentioned above, the priests are to raise their hands. This is the dictum of R. Meir, but R. Jehudah said that this is not done in the afternoon and closing prayers, while R. Jose maintains that it is not done in the afternoon prayer, but it *is* done in the closing prayer." Said R. Na'hman: "The Halakha prevails according to the opinion of R. Jose." And so it remains.

Why is it, then, the custom at present that the priests raise their hands in the afternoon prayer of a fast-day? Because the afternoon prayer is said very near to the time of sunset, it is regarded the same as the closing prayer.

"*These standing men,*" etc. How is the Mishna to be understood? The Mishna means to say: "These are the standing men, and the reason of their institution is because it is written," etc.

The rabbis taught: "There are twenty-four watches in the Land of Israel, and of these there are twelve in Jericho. When the watches were to go up to the Temple, half went up from all parts of the Land of Israel to Jerusalem, and the other half from Jericho." Why were half of them in Jericho? Because they had to prepare food and drink for their brethren in Jerusalem.

R. Jehudah said in the name of Samuel: Priests, Levites, and Israelites that compose the division of the standing men prevent, in the event of their absence, the offering of the sacrifices. In a Boraitha we have learned: R. Simeon ben Elazar said: "The priests, Levites, and the musical instruments prevent, by their absence, the offering of the sacrifices," because he

holds that the chanting at the offering of the sacrifices must be accomplished mainly through the musical instruments, and not vocally.

R. Hama bar Guria said in the name of Rabh: Moses established for the Israelites only eight watches; viz., four for the descendants of Elazar the priest and four for those of Ithamar. Subsequently Samuel the prophet increased the number to sixteen, and finally David further increased them to twenty-four, as it is written [I Chronicles, vi. 26]: "In the fortieth year of David were they inquired into, and there were found among them mighty men of valor at Ya'zer and Gil'ad."

The rabbis taught: "Four watches went up out of exile, and they are: Yida'yah, Harim, Pash'hor, and Imar. And the prophets who went with them increased them to twenty-four." How was this done? They threw lots into an urn, and Yida'yah came and drew lots for himself and companions to the number of six. Then came Harim, and drew lots for himself and for his companions to the number of six. Likewise did Pash'hor, and thus also Imar; and the prophets also enacted that, even should Jehoyoreb, the chief of the watches, come up out of exile, he should not displace Yid'ayah, but Yid'ayah should be first, and Jehoyoreb act merely as an additional (to Yid'ayah).

The rabbis taught: The men of the watch would pray that the sacrifices of their brethren should be favorably accepted; and the standing men would congregate in the synagogues and fast four fast-days; viz., from Monday until Thursday, inclusive. On the first fast-day they would fast for those who plied the seas; on the second, for those who traverse the desert; the third, that the children might be saved from the disease of croup; and the last day, for pregnant women and for those suckling their babes—that the former might be happily delivered and the latter retain their strength. On the day preceding the Sabbath they would not fast, in honor of the Sabbath, and most assuredly not on the Sabbath itself. Why did they not fast on Sunday? Said R. Samuel ben Na'hmeni: "Because that is the third day (after man was created)"; and Resh Lakish said: "Because of the second soul that is given to man on the Sabbath, and which leaves him at the close of the Sabbath day" (hence he would be too weak to fast on the following day).

"On Sunday the standing men read, 'In the beginning,' etc. We have learned in a Boraitha: The first section, i.e., from the

passage commencing, "In the beginning," until that commencing, "Let there be an expansion," was read by two men, while the second section, commencing, "Let there be an expansion," until, "Let the waters," etc., was read by one man only.

"*The long section of the day was read by two persons,*" etc. We have learned in a Boraitha: During the morning and additional prayers they would enter into the synagogues and read the sections from the Scrolls as usual; but during the afternoon prayer one man would recite the section by heart. Said R. Jose: "May, then, an individual recite a section of the Scriptures by heart in the presence of the entire congregation?" "Therefore," said he, "the entire congregation went in and recited the section by heart, just as they do the Shema' prayer."

"*On the days on which the Hallel was sung, the standing men would not attend,*" etc. What is the difference? (*i.e.*, why, when a wood-offering was brought, was the closing prayer omitted and the afternoon prayer retained?). Because the closing prayer was a rabbinical institution, while the afternoon prayer was a biblical ordinance.

"*The times when the delivery of wood was made by priests and people.*" The rabbis taught: Why did the Mishna have to mention both the times when the priests and when the people made the delivery of wood? Because it was said that when the children of Israel returned from exile they found no wood in the wood-chamber, and the priests contributed the wood of their own accord. In consideration of this fact, the prophets at that time made the enactment that even when the wood-chamber was filled with wood, the priests be allowed to furnish wood of their own accord (and from their own means), as it is written [Nehemiah, x. 35]: "And we—the priests, the Levites, and the people—cast lots concerning the procuring of the wood, to bring it into the house of our God, unto the house of our fathers, at fixed times, year by year, to burn upon the altar of the Lord our God, as it is written in the Law."

"*And with them priests and Levites,*" etc. The rabbis taught: Who were those Gonebe Eli and Kotze Ketzi'oth? It was said that at one time the government decreed that the Israelites should not bring any wood for the altar, nor the firstfruit-offerings to Jerusalem, and guards were appointed to watch the wagons in the same manner as Jeroboam ben Nebat appointed guards to prevent the Israelites from going to Jerusalem for the festivals. What did the pious and those who were

afraid of transgressing do? They would place a basket containing the firstfruits at the bottom of the wagon, and cover it with dried fruits. In addition to that they would carry a pestle, and when stopped by the guards would tell them that they were on their way to a place where they desired to pound the fruit; and after having safely passed the guards, they would ornament the basket containing the firstfruits and bring it into the Temple. And we have learned in a Boraitha, in addition to this, that the Gonebe Eli and the Kotze Ketzi'oth are the same who are called elsewhere the family of Salmai Hanthophathai. Who were the Salmai Hanthophathai? The rabbis taught that when it was decreed that no wood should be brought for the altar they would construct ladders, which they would carry past the guards appointed to watch for any men who would violate the decree, and when stopped would claim that they were about to take down some doves from their dovecots. Having safely eluded the guards and arrived at the Temple, they would take the ladders apart and carry in the wood for the altar.* To these men and those emulating their example the passage may be applied [Proverbs, x. 7]: "The memory of the just is to be blessed."

"On the 20th, the family Pa'hath Moab ben Jehudah," etc. In a Boraitha we have learned: By "the family Pa'hath Moab ben Jehudah" is meant the family of David ben Jehudah (meaning David the King of the tribe of Judah). Such is the opinion of R. Meir; but R. Jose said that they were of the children of Joab ben Tzeruyah.

"On the 20th of Elul, the family of Adin ben Jehudah," etc. The rabbis taught: By "the family of Adin ben Jehudah" is meant the family of David ben Jehudah. Such is the opinion of R. Jehudah; but R. Jose said that they were of the children of Joab ben Tzeruyah.

"There was no meeting of the standing men on the 1st of Tebeth." Said Rabha: The Hallel which is sung on the feast of new moon is not based upon a biblical ordinance, because R. Johanan said in the name of R. Simeon ben Jehozadok: "Eighteen times during the year an individual may recite the

* The names Gonebe Eli, Kotze Ketzi'oth, and Salmai Hanthophathai were not in reality proper names, but signified the following: Gonebe Eli means those who stole the pestle; Ketzi'oth means dry figs or cinnamon, from the Arabic cassia; and Salmai is derived from the word Sulam, a ladder. The connection is easily established, as alluding to the means employed by those pious men safely to elude the guards appointed to watch for the firstfruits and the wood for the altar.

whole Hallel, and they are: On the eight days of the Feast of Tabernacles, on the eight days of the Feast of Dedication (Hanukah), on the first day of the Passover, and on the day of Pentecost. While in exile, however, one may recite it twenty-one times during the year, namely: On the nine days of the festival of Tabernacles, on the eight days of Hanukah, on the first two days of Passover, and on the two days of Pentecost."

Rabh happened to be in Babylon (*i.e.*, before he removed there permanently) and he saw the people reading the Hallel on the first day of the month. He first intended to interrupt them, but seeing that they read only portions of it, he said: I understand they follow the customs of their ancestors, and it does not matter. In a Boraitha we have learned that an individual shall not start, but if he had already started he may conclude it.

"*Five calamities happened to our ancestors*," etc. Whence do we know that on the 17th day of Tamuz the tables of the Holy Law were broken? Because we have learned in a Boraitha as follows: On the sixth day of Sivan the ten commandments were given, and on the seventh day Moses ascended unto heaven. R. Jose says: "On the seventh day the ten commandments were given." All agree, however, that on the seventh day of Sivan Moses ascended unto heaven, because it is written [Exodus, xxiv. 16]: "And he called unto Moses on the seventh day out of the midst of the cloud"; and further, it is said [ibid. 18]: "And Moses went into the midst of the cloud, and ascended the mount; and Moses was on the mount forty days and forty nights." Thus Moses was there twenty-four days in Sivan and sixteen days in Tamuz, and on the 17th he descended and broke the tables, as it is written [ibid. xxxii. 19]: "And it came to pass, when he (Moses) came nigh unto the camp, and he saw the calf and the dancing, that the anger of Moses waxed hot, and he cast from his hands the tables, and broke them at the foot of the mount."

That the continual daily offerings ceased on the 17th of Tamuz is traditional; and the statement that the city was stormed on that day refers to the second destruction. That the other two calamities occurred on that day is also traditional.

"*On the 9th of Abh it was decreed*," etc. Whence do we know that? From the following Boraitha: We have learned that on the twenty-ninth day of Sivan Moses sent out the spies, as it is written [Numb. xiii. 25]: "And they returned from spying out the land at the end of forty days," and those forty

days (included the day of their return, that is) were in reality forty less one, and Abayi said that in that year the month of Tamuz was a full month of thirty days, as it is written [Lam. i. 15]: "He hath called an assembly against me to crush my young men." *

Further, it is written [Numb. xiv. 1]: "And all the congregation lifted up their voice, and cried aloud, and the people wept that night." Said Rabba in the name of R. Johanan: "That night was the eve preceding the ninth of Abh, and the Holy One, blessed be He, said: 'Ye have cried on this night in vain, and I shall ordain it that your generations shall lament on this day forever.'"

"On that day the first and second Temples were destroyed." It is written [II Kings, xxv. 8]: "And in the fifth month, on the seventh day of the month," etc., and [Jeremiah, lii. 12]: "And in the fifth month, on the tenth day of the month." It cannot be said that on the seventh day the calamity occurred, because it is also written "on the tenth." Neither can it be said that it happened "on the tenth," because it says "on the seventh"—hence it must be assumed that entrance to the Temple was gained by the enemy on the seventh, and they ate and did damage therein on the seventh, on the eighth, and on the ninth. Toward the evening of the ninth they set it on fire, and it continued to burn all day on the tenth, as it is written [ibid. vi. 4]: "Wo unto us! for the day waneth, for the shadows of the evening are stretched out." And this bears out the statement of R. Johanan, who said as follows: "Were I living in those days, I would have ordained the fast for the 10th of Abh; for on that day the greater part of the temple was burned." The sages of that day, however, held that the day when the calamity began should be observed as a fast-day.

Whence do we know that the second Temple was also destroyed on the 9th of Abh? We have learned in a Boraitha: "A happy event is credited to the day on which another happy event happened, while a calamity is ascribed to the day when another calamity occurred; and it was said that when the first Temple was destroyed it was on the eve preceding the 9th of Abh, which was also the night at the close of the Sabbath and also the close of the Sabbatical year. The watch at the time

* How it is inferred from the passage is not understood by us, nor explained by any commentary.

was that of Jehoyoreb, and the Levites were chanting in their proper places, at that moment reciting the passage [Psalms, xciv. 23]: "And he will bring back upon them their own injustice, and in their own wickedness will he destroy them"; and they did not have time to end the passage, which concludes, "yea, he will destroy them—the Lord our God," before the enemy entered and took possession of the Temple. This happened also at the destruction of the second Temple.

That the city of Bethar was taken on the 9th of Abh is traditional.

"*And the site was ploughed up like a field.*" We have learned in a Boraitha: When Torosnopos the Wicked destroyed the Temple, a decree was promulgated that Rabbon Gamaliel (the First) should be executed. A certain master came into the house of learning, and said that the man of the nose* was being looked for (*i.e.*, the most prominent member of the community). R. Gamaliel understood that he was meant thereby, and hid himself. The same master surreptitiously came to the place where R. Gamaliel was concealed and asked him if, should he (the master) be instrumental in saving his (R. Gamaliel's) life, he would assure him a share in the world to come, and R. Gamaliel answered that he would. The master then demanded that he swear to it, and R. Gamaliel swore. Thereupon the master ascended to an attic, threw himself down, and died. The tradition goes on to say that if one of the signers of a death-warrant or any other unfavorable decree died, the decree became null and void. Thus was Rabbon Gamaliel saved. A heavenly Voice then came forth, and declared that the master would have a share in the world to come.

The rabbis taught: When the first Temple was destroyed, groups of young priests, who had the keys of the Temple, went up to the roof and said: "Creator of the Universe! it being that we were not destined to live and be trustworthy keepers of thy treasure, we herewith return the keys." With that they threw the keys up into the air, and something like a hand was seen to come forth and grasp them, whereupon the priests immediately threw themselves down into the fire beneath. They were mourned by Isaiah the prophet in the verses [Isaiah, xxii. 1 and

* The expression in the original is 'Hotam, meaning *nose*; but Abraham Krochmal asserts that 'Hotam should read 'Hotham, meaning a *seal*, and thus the passage would read "the man of the seal," *i.e.*, the prince of the community.

2]: "The doom of the valley of vision. What aileth thee now, that thou art wholly gone up to the roofs? O noiseful, tumultuous city, joyous town! thy slain ones are not slain with the sword, and not those that die in battle."

"From the 1st of Abh it is incumbent upon a person to lessen his participation in joyful events." Said R. Jehudah, the son of R. Samuel bar Shilath, in the name of Rabh: "As from the 1st of Abh participation in joyful events must be lessened, so, as soon as the month of Adar enters, joyous festivities should be increased."

"During the week in which the 9th of Abh occurs," etc. Said R. Na'hman: "The washing of clothes is prohibited only when they are washed for the purpose of immediate wear, but it is allowed to wash clothes and put them away for future wear." R. Shesheth, however, said that even washing for future wear is also not allowed, and the proof is that the laundresses of Rabh would stop work on that entire week. It was taught also that R. Benjamin said in the name of R. Elazar: "Washing for immediate wear is prohibited during that week, but for future wear it is permitted."

An objection was raised: We have learned: "It is not allowed to wash clothes before the 9th of Abh, even if they be intended for use after the 9th. In those days the washing of the clothes was similar to our laundrying, and as for linen garments the prohibition is not effective (only for silk garments)?" The objection remains.

R. Itz'hak bar Giuri in the name of R. Johanan sent word, saying: "Although the prohibition against washing does not apply to linen garments, still it is not allowed to put on such garments during the week in which the 9th of Abh occurs." Said Rabh: "This applies only to the days preceding the 9th of Abh, but not to those succeeding it," while Samuel said that even on the days following the 9th of Abh it is also not allowed.

This constitutes a difference of opinion among Tanaim, as we learn in the following Boraitha: "If the ninth day of Abh falls on a Sabbath, or even if the eighth falls on a Sabbath, one may eat and drink whatever he chooses, and may place on his table even such viands as were eaten by Solomon while he was yet king. He must not shave or wash (his clothes) from the day of the new moon until after the fast of the 9th of Abh. Such is the dictum of R. Meir. R. Jehudah, however, says that it is

not allowed to do this the entire month of Abh; but R. Simeon ben Gamaliel maintains that the prohibition applies only to the week in which the 9th of Abh occurs."

In another Boraitha we have learned: "A man should be in a state of mourning from the first day of Abh until after the fast-day. Such is the dictum of R. Meir. R. Jehudah, however, says that during the entire month one is not allowed to do things prohibited for a mourner; but R. Simeon ben Gamaliel maintains that one must be in such a state only during the week in which the 9th of Abh occurs." (Hence the difference of opinion between Rabh and Samuel arises from the fact that Rabh holds with R. Meir, while Samuel holds with the other Tanaim.)

Said R. Johanan: "All the three Tanaim of the Boraitha quoted derived their teachings from the following passage [Hosea, ii. 13]: 'And I will cause to cease all her mirth, her festival, her new moon, and her Sabbath,' etc. The Tana who teaches that one should be in a state of mourning from the 1st of Abh on, derives his teaching from the word 'festival' in the passage, because the 1st, being New Moon, is a festival. The Tana who applies his teaching to the whole month derives it from the words 'new moon,' and infers that it means the entire month; and the Tana who applies his teaching only to the week in which the 9th of Abh occurs, derives it from the word 'Sabbath,' and infers that it means the week of that Sabbath."

Said Rabha: "The Halakha prevails according to R. Meir," and on another occasion he said: "It prevails according to R. Simeon ben Gamaliel"; and by both statements he meant to render the more lenient construction of the ordinance. Thus it was necessary to make both statements. For had he said that the Halakha prevails only according to R. Meir, the state of mourning would extend for the nine days from the 1st to the 9th of Abh inclusive; and had he said that the Halakha prevails only according to R. Simeon ben Gamaliel, the state of mourning would extend over the days following the 9th of Abh in the same week. By citing both decrees, however, the ordinance is made more lenient, in that the state of mourning commences only with the first day of the week in which the 9th occurs and ends with the 9th itself.

"On the day before the 9th of Abh a person should not partake of two dishes." Said R. Jehudah: "This applies only to the time from the sixth hour on (12 M.), but previous to that time

it may be done." And again he said: This applies only to the concluding meal, but during the other meals he may eat what he chooses, and both statements are intended for the more lenient construction of the ordinance (*i.e.*, if one eats his last meal before noon, or if he eats a meal after noon but intends to eat again before the fast commences, he may in either case eat as many dishes as he chooses). We have learned in a Boraitha: On the eve of the 9th of Abh one must not eat two dishes, nor eat meat nor drink wine. R. Simeon b. Gamaliel, however, said: "He shall make a change." Said R. Jehudah: "What is meant by making a change? *E.g.*, if he usually eats two dishes, he shall now eat one; if he usually eats in the company of ten men, he shall now eat in the company of five; if his custom is to drink ten cups of wine, he shall now drink five. But all this applies to the time from the sixth hour on; but previously to the sixth hour, everything is permitted." In another Boraitha we have learned: On the eve of the 9th of Abh one should not eat two dishes, nor eat meat, nor drink wine. So is the decree of R. Meir. The sages, however, said: "He shall make a change, and shall use less meat and wine. How so? If his custom had been to eat a *littre* of meat, he shall now eat one-half of it; if his custom had been to drink a *lug* of wine, he shall now drink one-half of a *lug*; but if his custom had been to drink no wine at all, he must not drink it at all—even a drop." R. Simeon b. Gamaliel said: "If his custom had been to eat radishes or something salt, after his meal, he may continue to do it." In yet another Boraitha we have learned: "In case of the concluding meal before the 9th of Abh he must not eat meat, neither drink wine, nor wash himself; but if this meal is not the concluding meal, he may eat meat and drink wine, but must not wash." R. Ishmael, the son of R. Jose, however, said in the name of his father: "As long as it is allowed to eat meat, it is allowed to wash one's self also."

The rabbis taught: All ordinances applicable to a mourner are effective for all (Israelites) on the 9th of Abh; *viz.*, one must not eat, drink, anoint himself, wear shoes, or have sexual intercourse. The Pentateuch, the Prophets, and the Hagiographa must not be read. The Mishna, Gemara, and Midrash must not be studied, nor Halakhoth or Haggadoth discussed; but something which one has not previously read he may read, and may study something which he had never before studied. The school-children must not learn on that day, because it is written

[Psalms, xix. 9]: "The precepts of the Lord are upright, rejoicing the heart." R. Jehudah, however, says that one must not even read something new to him nor study anything which is new to him; but all agree that one may read Job, Lamentations, and the evil prophecies of Jeremiah, and the school-children must be idle on that day.

"*Nor drink any wine.*" We have learned in a Boraitha: One may eat salt meat and drink wine still in a state of fermentation (on the day before the 9th). How long must the meat lie in salt in order to be classed as salt meat which may be eaten? Said R. Hinana bar Kahana in the name of Samuel: As long as the time during which a peace-offering may be eaten; *i.e.*, if meat lie in salt two days and one night it is not yet salt meat, but if it lie longer it may be eaten on that day. The prohibition concerning drinking wine that has been standing uncovered does not apply to wine in a state of fermentation, and how long is wine in such a state? Three days.

R. Jehudah said in the name of Rabh: "Such was the custom of R. Jehudah bar R. Ilayi: On the night preceding the 9th of Abh, dry bread with salt and a jug of water were brought to him; he would sit behind the oven and eat the bread and drink the water, and his manner was the same as if the dead body of a near relative were lying before him." In a Boraitha we have learned: To him who eats meat and drinks wine on the 9th of Abh is applied the passage [Ezekiel, xxxii. 27]: "And their iniquities were upon their bones."

"*But the sages do not coincide with him.*" Said Rabha: "The Halakha prevails according to the sages."

"*On the 15th of Abh and on the Day of Atonement,*" etc. It is right that the Day of Atonement should be a day of rejoicing, because that is a day of forgiveness, and on that day the second tables of the Law were given to Moses; but why should the 15th of Abh be a day of rejoicing? Said R. Jehudah in the name of Samuel: "On that day it was permitted to the members of the different tribes to intermarry." Whence is this deduced? Because it is written [Numb. xxxvi. 6]: "This is the thing which the Lord hath commanded concerning the daughters of Zelophehad," etc., they claim that "this is the thing" implies that only for that generation was it decreed, but for later generations the decree does not apply.

R. Joseph in the name of R. Na'hman said: On that day the members of the tribe of Benjamin were permitted to intermarry

with the other tribes, as it is written [Judges, xxi. 1]: "Now the men of Israel had sworn in Mizpah, saying: Not any one of us shall give his daughter unto Benjamin for wife." Whence was it deduced that subsequently permission might be given to intermarry with the tribe of Benjamin? Because the quoted passage says "Any one of us," and Rabh said that their descendants were not included in the vow.

Rabba bar bar Hana said in the name of R. Johanan: On that day the last of those who were destined to die in the desert died, and the destiny was thus fulfilled; for the Master said that so long as the destiny was still unfulfilled, the Lord did not speak to Moses for his particular sake, as it is written [Deut. ii. 16 and 17]: "So it came to pass, when all the men of war were spent by dying from the midst of the people, that the Lord spoke unto me, saying"; and "unto me" signifies that the Lord spoke unto Moses in particular.

Ula said: "On that day the guards appointed by Jeroboam to prevent the Israelites from coming to Jerusalem were abolished by Hoshea the son of Elah, and he said: 'Let them go wherever they choose.'"

R. Mathnah said: "On that day permission was given to bury the dead who were killed in battle at the city of Bethar." And R. Mathnah said again: "On that day, when it was permitted to bury those killed at Bethar, the assembly at Yamnia ordained the benediction reading: 'Blessed art thou, God the good, that doth good.' What is meant thereby? By 'good' is meant that the bodies were not left to putrefy, and by 'doth good' that burial was permitted."

Rabba and R. Joseph both said: On that day they ceased to cut wood for the altar, as we have learned in a Boraitha: R. Eliezer the Great said: "From the fifteenth day of Abh the heat of the sun was lessened and the timber was no longer dry, so they ceased to cut wood for the altar." [Said R. Menassch: "That day was called the day on which the saws were broken"], and from that day on, he who adds the night to his time for study may have years and days added to his life.

"*In white garments—borrowed ones,*" etc. The rabbis taught: The king's daughter borrowed from the daughter of the high-priest; the daughter of the latter would borrow from the daughter of the Segan (assistant); the Segan's daughter would borrow from the daughter of the priest who was anointed for the war [see Deut. xx. 2]; and she in turn would borrow

from the daughter of an ordinary priest. The daughters of the ordinary Israelites would borrow one from the other, in order not to put to shame those who had none of their own.

"*These clothes were also to be immersed.*" Said R. Eliezer: "Even if the clothes were folded and laid in a chest, they must also be immersed."

"*The maidens went out and danced,*" etc. We have learned in a Boraitha: Those that had no wives would go there to procure a spouse.

"*Saying: 'Young men, look and observe,'*" etc. The rabbis taught: The pretty ones among the maidens would say: "Regard but beauty alone, because a woman is made only for beauty." Those among them who were of good family would say: "Rather look to a good family," for women are but made to bear children (and those of good family produce good children). The ill-favored ones among them would say: "Make your selections only for the glory of Heaven, but provide liberally for us."

Said Ula Biraah in the name of R. Elazar: "In the future the Holy One, blessed be He, will make a ring of the righteous, and He will sit among them in the garden of Eden, and they everyone will point to Him with their fingers, as it is written [Isaiah, xxv. 9]: 'And men will say on that day, Lo, this is our God, for whom we have waited that He would help us: this is the Lord, for whom we have waited; we will be glad and we will rejoice in His salvation.'"

END OF TRACT TAANITH.

TRACT MEGILLA (BOOK OF ESTHER).

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TRACT MEGILLA.

CHAPTER I.

REGULATIONS CONCERNING THE TIME WHEN THE BOOK OF ESTHER
MUST BE READ ON THE RABBINICAL FEAST OF PURIM IN OPEN
TOWNS AND WALLED CITIES, ETC.

MISHNA: The Megilla is read sometimes on the 11th, 12th, 13th, 14th, or on the 15th of the month Adar, neither earlier nor later. Cities which, from the time of Joshua the son of Nun, were surrounded with walls, read it on the 15th. Villages and large open towns should read it on the 14th, and inhabitants of villages may read it in advance on the day of assembly.* How is this to be understood? When the 14th fell on Monday, inhabitants of villages and of large open towns used to read it on that day, and those of walled cities on the day following. When it fell on Tuesday or Wednesday, the inhabitants of villages used to read it in advance (the preceding Monday) on the day of assembly, those of large open towns on that day (the 14th), and those of walled towns on the morrow. When it fell on Thursday, inhabitants of villages and large open towns used to read it on that day, and of walled towns on the following day. If it fell on the eve of Sabbath, inhabitants of villages read it in advance on the preceding or day of assembly, and those of large open towns and of walled towns on that day (14th). When it fell on Sabbath, inhabitants of villages and large open towns read it in advance on the preceding Thursday, the day of assembly; and of walled towns on the morrow (the Sunday). When it fell on Sunday, in villages they read it on the preceding day of assembly (Thursday), and in large open towns on that day (14th), and in walled cities on the morrow.

* In the time of the Mishna the tribunals of justice kept the courts open on Mondays or Thursdays for the sake of the men who came to the markets, which were usually on these days. The reading of the Holy Scrolls in the synagogues was also on these days, and therefore they were called "days of assembly."

GEMARA: The Megilla was read on the 11th day. Whence do we deduce this? Whence do we deduce this! (Is this, then, a biblical commandment, which you want to deduce from the passages of the Bible? This is only rabbinical), and as it will be explained further on, the sages made it easier for the inhabitants of villages, who usually came to the towns on Mondays and Thursdays, that they should read then the Book of Esther, and should have time to provide their brethren of the towns with water and with food? We meant to say so: let us see. The reading of the Megilla the men of the Great Assembly have ordained. Now, at the first glance, if the men of the Great Assembly had ordained it should be on the 14th and 15th, have then the sages the power to abolish the ordinances of the Great Assembly? Have we not learned in a Mishna that a Beth Din is not able to abolish the ordinances of its colleagues unless they are greater than they in wisdom and in members? Therefore we must say that all the mentioned days were ordained by the Great Assembly. Where, then, is the hint in the Bible for it? Said R. Shamen bar Abba in the name of R. Johanan: It is written [Esther, ix. 31]: "To confirm these days of Purim in their times." In their *times*: this signifies that many times are to be ordained. But if so, say even the 16th and 17th? Nay, it is written [ibid. 27]: "So that no one should trespass it." That means, it must never be after the appointed time. R. Samuel bar Na'hmani, however, said: It is written [ibid. 22]: "like those days whereon the Jews had rest from their enemies." And those "days" are plural, meaning two; "like the days" means to add also the 11th and the 12th. But perhaps it is the 12th and the 13th? Said R. Samuel bar Itz'hak: The 13th day was the time when all Israel in all places were assembled to take revenge on their enemies, and it is certain that such a day must not be added from the verse, because this day was the day of the main miracle; and therefore if you add something, it can be only the 11th and the 12th. But again, perhaps it is the 16th and 17th? That is already explained by the verse: "He shall not trespass." Said Rabba bar bar Hanah in the name of R. Johanan: This is only according to R. Aqiba, according to whom are many anonymous Mishnas; but the sages say that in our time, (when the messengers are no longer sent) and the people look to the reading of the Megilla as to a sign of the coming feast-day (of Passover), therefore it must be read only in its main time (14th). And so we have learned also in a Boraitha:

R. Jehudah said: The old ordinance was only when the years were fixed (by the court in Palestine), and Israel dwelt on its own land; but in our time, when they look to make the feast only when the Megilla is read, it must be read only in its time. Did R. Jehudah say so? Did not we learn in another Boraitha that *R. Jehudah* said that the ordinance was only in those places where the people from the villages came to the towns on Mondays and Thursdays; but in the places where they do not come, it must be read only in its main time? From this we see that where they come, even in our time, they can read it not in its appointed time, and this contradicts his teaching above. This contradiction was made by R. Ashi, and he answered it: That one Boraitha is not according to R. Jehudah, but according to R. Jose his son.

"Cities which, from the time of Joshua b. Nun," etc. How do we deduce this from the Book of Esther? Said Rabba: It is written [ibid. ix. 19]: "Therefore do the Jews of the villages that dwell in the unwalled towns," etc. Now, when the inhabitants of the unwalled towns read on the 14th, it is self-evident that the inhabitants of the walled towns read on the 15th. But perhaps the inhabitants of unwalled towns read on the 14th, but of walled towns do not read at all? Do not read at all! Are they not Israelites? And furthermore, it is written [ibid. 30]: "And he sent letters unto all the Jews, to the hundred and twenty-seven provinces of the kingdom of Ahasuerus,"* and that means all Israel? But perhaps it means the inhabitants of open towns should read on the 14th only, and those of walled towns should read on both the 14th and 15th, as it is written [ibid. 21]: "To take it on themselves as a duty that they should celebrate the fourteenth day of the month Adar, and the fifteenth day of the same, in each and every year." If it would read, "the fourteenth *and* the fifteenth," it would be right as you said; but when it is written, "the fourteenth day," separately, and "the fifteenth," separately, that means that the inhabitants of open towns should celebrate on the fourteenth, and those of walled towns on the fifteenth. But this is only about the celebration, which means the eating and the drinking; but the reading of the Megilla, which is only a memorial, whence do we deduce that this is also different? It is written [ibid. 28]:

* The text says it is written "from India to Ethiopia" and refers to verse 9, chap. viii., but as there it is written not about the Book of Esther, we have cited the other verse.

"And these days are remembered *and* celebrated." And we compare the celebration to the remembering; as the celebration is different, so is the remembering.

But what is the reason of the Tana of our Mishna, who says "walled towns from the time of Joshua b. Nun"? He makes an analogy of expression: it is written here, "therefore the Jews of the unwall'd towns"; and it is written [Deut. iii. 5], "besides the unwall'd towns." As thereby unwall'd towns are meant those from the time of Joshua, so also is it meant here.

Our Mishna will not be in accordance with R. Joshua b. Kor'ha of the following Boraitha: R. Joshua b. Kor'ha said: The inhabitants of towns surrounded with walls from the times of Ahasuerus should read on the 15th. What is his reason? It shall be as in Shushan? As in Shushan they read on the 15th, so all towns surrounded with a wall shall read on the 15th. But the inhabitants of Shushan itself act according to whom? It is certainly not in accordance with the sages, because it was not surrounded with a wall in the time of Joshua b. Nun? Said Rabha, and according to others Kdi: The case with Shushan is different, for there was the miracle, and they feasted on the 15th. R. Joshua b. Levi said: A large city, and its neighborhood, and all the places around that can be seen with it, must be considered like the large city itself. But how much distance is meant? Said R. Jeremiah, according to others R. Hyya bar Abba, as the distance from Hamtn to Tiberia, which was a mile. The same says again: The double letters in the Hebrew alphabet—Mem, Nun, Zadik, Pe, Kaph—the prophets have added. Is this possible? Is it not written [Lev. xxvii. 34]: "*These* are the commandments"; from which we infer *these* are the commandments, and no prophet has the power to make new ones from that time? And furthermore, did not R. Hisda say that the Mem (when it is the last letter of the word) and Samekh (which is round), which were chased through the tables of Moses, were held in only by a miracle? This is so, but it was not before known which letter must be in the middle of the word and which at the end; and the prophets ordained that the open one should be at the middle and the closed one final.* But even that much had they then the right to do? Therefore we must say that it was forgotten and the prophets only restored them. The same

* The open one, e.g., ם; the closed one, as ך. So also with the other letters.

authority says again: The Targum (translation) of the Pentateuch was made by Unkelas the Proselyte under the supervision of R. Eliezer and R. Joshua; the Targum of the Prophets—by Jonathan b. Uziel under the supervision of the three prophets Haggai, Zechariah, and Malachi. Then the ground of Palestine trembled (as if shaken by an earthquake) four hundred Parsaoth square, and a heavenly voice was heard: Who are these who have revealed My Mystery to man? Then Jonathan b. Uziel arose and said: "I am the one who hath revealed Thy Mystery to man, but it is known unto Thee that not to my honor, nor in honor of the house of my father I did this, but for Thy glory, to prevent controversies in Israel." He intended to do the same with the Hagiographa, when a heavenly voice was heard: "Refrain from doing this." Why so? Because in the Hagiographa the time of Messiah's arrival would be known if it should be translated (and this must be hidden).

Why at the translation of the Pentateuch did not the ground tremble, and at the translation of the Prophets it trembled? Because the Pentateuch is almost all explained; but in the Prophets there are many things not explained at all. As it is written [Zechariah, xii. 11]: "On that day will the lamentation be great in Jerusalem, like the lamentation at Hadad-rimman in the valley of Megiddon." And R. Joseph said, but for the translation of this verse, I would not know at all what it means. The translation is: "On this day will the mourning in Jerusalem be as it was over Ahab b. Amri, that was killed by Hadad-rimman b. Tabrimon in the city of Ramoth Gilead, and as they mourned over Josiah b. Aman, who was killed by Pharaoh Necho (the lame one) in the valley of Megiddon."

It is written [Dan. x. 7]: "And I, Daniel, saw alone this appearance, but the men that were with me did not see the appearance; nevertheless a great terror fell upon them, so that they fled to hide themselves." Who were these men? Said R. Jeremiah, according to others R. Hyya b. Abba: They were Haggai, Zechariah, and Malachi. They were better than he, because they were prophets, and he, Daniel, was not a prophet. And he was better than they because he saw it, and they did not see it. But if they did not see, why fell a terror upon them? Although they did not see literally, they saw it clairvoyantly. Said Rabbina: From this we may infer that whoso is terrified, although he does not himself see, he sees clairvoyantly.

We have learned in a Boraitha: The priests during their ser-

vice, Levites from their balcony, and the Israelites standing around, all must leave their places to go and hear the reading of the Book of Esther. And so also said R. Jehudah in the name of Rabh. This the houses of learning took as their support when they stopped the learning of the Law, and went to hear the reading of the Megilla. They draw an *à fortiori* conclusion from the Temple service: as the Temple service, which was very vigorous, they stopped for the sake of the Megilla, the learning of the Law so much the more. But did not R. Samuel bar Unia say that the learning of the Law is greater than the daily sacrifices? It presents no difficulty; the learning of an individual is not greater than Temple service, but the learning of a congregation together is greater.

Rabha said: It is certain to me that of the Temple service and the reading of the Megilla the latter has the preference, as it is said above. Between the studying of the Law and the reading of the Megilla the latter has the preference, as did the houses of learning. Between the studying of the Law and the burying of a dead man who has no friends the latter has the preference. Between the Temple service and the burying of a dead man the latter has the preference. But what is doubtful to me is, if a man has to read the Megilla and to bury a man who has no friends, which has the preference? Shall we assume the Megilla has the preference, because it proclaims the miracle; or the burying has preference, for the honor of man? After he had considered, he himself decided that the burying has preference, as the Master said (Sabbath, p. 85): Great is the honor of man, which supersedes even a negative commandment of the Torah. The text says: R. Joshua b. Levi said that "a large city and its neighborhood," etc., are considered as the city itself. We have learned in a Boraitha, in addition to this: If it is in the neighborhood, even if it cannot be seen from a distance together with the city; and when it can be seen with the city, although it is not near the city. (This is explained, when the city is in a valley or on a mountain.)

R. Joshua b. Levi says again: A city where the inhabitants had resided before, and later it was surrounded with a wall, must be considered as a village. Why so? Because it is written [Lev. xxv. 29]: "And if a man sell a dwelling-house in a walled city." Whence we may infer that the city was walled before he dwelt in it, but not if he had dwelt in it and afterward it was walled. He says again: A city where there are not ten

unemployed men * who devote all their time to the study of the Law must be considered as a village. What does he come to teach us? Did we not learn this in the following Mishna: What is called a great city? If there are ten unemployed men and less than this it is a village? His teaching is needed to tell us that, even if it was a great city and men came thither from the whole world, if there are fewer than ten men unemployed there, it is considered as a village. The same says again: A large city that was destroyed, and afterward was rebuilt, must be considered as a large city. What is meant by destroying? Shall we assume it is meant that the walls were destroyed? Then if they were only rebuilt it is considered a large city, and not otherwise? Did we not learn in a Boraitha, R. Eliezer b. R. Jose said: It is written [ibid. 30]: "The house in the city which has a wall," from which we infer, which has had a wall previously, even though it has not now? Nay, what is meant by the expression "destroyed" is, that it has not now ten unemployed men (who learn the Law). R. Joshua b. Levi says again: It is obligatory for women to hear the reading of the Megilla, because they benefited also by the same miracle. He says again: If the Feast of Purim falls on Sabbath, it may be lectured about the duties of this day (Purim). Why only the Feast of Esther? Is this not a rule for all festivals? Did we not learn in a Boraitha: Moses ordained that the Israelites should lecture on the duties of each day: the Halakhoth of Passover on Passover, those of Pentecost on Pentecost, and those of Tabernacles on the Feast of Tabernacles? One might say, we shall take a precautionary measure not to lecture about the Megilla, lest one carry it four ells in public ground. As Rabha explains further on, he comes to teach us that such a precautionary measure is not taken about lecturing. The same says again: So also said R. Helbu in the name of Ulla: One is obliged to read the Megilla in the evening, and to repeat it in the daytime, as it is written [Ps. xxx. 13]: "To the end that my glorious soul may sing praise to thee, and never be silent. O Lord my God! forever will I give thanks unto thee." (As this psalm in the Pesiqtha is interpreted to refer to Mordecai and Esther, he explains "may sing praise to thee" means to read the Megilla in the night, and "never be silent" means to read it in the day.)

* The Hebrew term for this is "Bationim." The true meaning is that every city must hire ten persons who shall do nothing but study and pray.

"*Inhabitants of villages shall read,*" etc. R. Hanina said: The sages made it easier for the inhabitants of villages to read on the days of assembly, because they usually supply with water and food the inhabitants of towns on those days.

"*How is to be understood? 'If it falls on Monday,'*" etc. Why, in the first part of the Mishna, does it begin with the order of the days of the month and when it comes to explain it, it begins with the order of the days of the week? (It does not say "read on the 15th," but "on the morrow.") Because confusion between the numbers of the days in the month and in the week would have arisen, therefore it begins with the dates of the month alone.

"*If it fell on the eve of Sabbath,*" etc. According to whom is this Mishna? According to Rabbi, or according to R. Jose? Which Rabbi and R. Jose? Of the following Boraitha: If it falls on the eve of Sabbath, villages and large open cities used to read it on the day of assembly, and inhabitants of walled towns read it on that same day. Said Rabbi: I say that the large open towns must not have the appointed time postponed, and must be equal to walled towns, and both read the same day. And which R. Jose? From the following Tosephtha: If it falls on the eve of Sabbath, the inhabitants of walled towns and villages read on the day of assembly, and the large open cities read on the appointed day. R. Jose, however, said: The inhabitants of walled towns do not read in advance of those of the large cities, but both read on the appointed day. But does Rabbi hold that for the inhabitants of large cities we do not change for the day of assembly? Did we not learn in another Boraitha: If the Feast of Purim falls on Sabbath, the inhabitants of villages read in advance on the previous assembly day, and the inhabitants of large open cities read on the eve of Sabbath, and those of walled towns on the day following? As the appointed day has already been changed for the inhabitants of large cities for the previous day, (I say) it shall be fixed on a day before, which is the assembly day? What comparison is this? In case of the above Boraitha the right-time was on Sabbath, and as they had it changed it was set two days before; but in the previous Boraitha the right-time was the eve of Sabbath, why should it be changed? According to whom is what R. Helbu said in the name of R. Huna, as follows: If the Feast of Purim fall on Sabbath all is postponed for the day of assembly (Thursday). [What is meant by "all"? Is it possible, "all"? Do not the inhab-

itants of a walled town read it on the Sabbath itself? It means, for those for whom it has to be postponed, it shall be set on the assembly day.] This will be according to Rabbi.

We see, however, that all agree that the Megilla must not be read on the Sabbath. Why so? Said Rabha: All are obliged to read the Megilla, but not all are able to read it; and this is a precautionary measure, lest one take the Megilla in his hand and go with it to an expert to learn to read it, and at the same time he will carry four ells in public ground. (Therefore it must not be read on Sabbath at all.) And the same is the reason why we do not blow the cornet on the New Year's day when it falls on Sabbath, and do not use the Lulab on the first day of the Feast of Tabernacles when it falls on Sabbath. R. Jose said: Here is another reason: It is because the poor hope only for the day when the Megilla is read to receive gifts, a thing which cannot be done on Sabbath. We have learned the same also in the following Boraitha: Because it was said that the inhabitants of villages read in advance on the day of assembly, the charity that must be given on that feast shall be collected and distributed on the same day, because the poor hope only for the day when the Megilla is read. The enjoyment of eating and drinking, however, must be only on the appointed time.

Rabh said: If the Megilla is read in the right-time, it may be read even by an individual; but if not on the right-time, then only when ten men are together. R. Assi, however, said: In both instances it must be read only when ten men are together. It happened once that Rabh had not ten men: he took the trouble to assemble ten men because of R. Assi's decision.

MISHNA: What must be considered as a large town? Any town in which there are ten *Batlonim*. Should there be less than that number, it is legally considered a village. It was said with respect to these, that "it may be done sooner, but not later"; but the day of the delivery of wood for the priests, the fast on the 9th of Abh, the festive sacrifices, and the day of assembly (to fast and pray for rain) are to be postponed to a later day, but must not be kept before their proper time.

Although it was said in respect to the reading of the Megilla that it may be done earlier but not later, it is yet permitted on these days to pronounce funeral orations and to fast, also to give the gifts to the poor. Said R. Jehudah: When is it allowed to read the Megilla before its proper time? In places where it is customary for the country people to assemble in the towns on

Mondays and Thursdays; but where that does not take place, the Megilla may only be read on its proper day.

GEMARA: We have learned in a Boraitha: By the ten *Batlonim* are meant those who are always in the house of prayer (and must be supported by the congregation, so that at the prayer should never be less than ten men, as is explained in Tract Berachoth).

"*It may be done sooner, but not later.*" Why so? Said Samuel: Because in the Book of Esther it was said, "shall not trespass."

"*Delivery of wood for the priests, the 9th of Abh,*" etc. The 9th of Abh shall not be made sooner, because calamities are not lamented in advance; and concerning the festive sacrifice and the assembly, it cannot be done earlier, because that duty has not arrived yet. And a Boraitha taught: "The festive sacrifice, and all the time appointed for it (if it was not brought in its right time), can be postponed, but not made earlier." It is right, the festive sacrifice itself; if the festival falls on Sabbath, we postpone it till after Sabbath. But what is meant by "its time shall be postponed"? Said R. Ushia: The Boraitha meant to say thus: The feast-offering, when the festival falls on Sabbath, and the burnt-offering which must be brought when the pilgrims visit Jerusalem [see Deut. xvi. 16, 17], even when the festival did not fall on Sabbath, the offering had to be postponed for the time during the seven days after it. And this is according only to Beth Shammai (Betzah, Chap. II., Mishna 3). Rabha, however, said: What is meant by "the time of the feast-offering may be postponed"? Only for the seven days it can be postponed, not later.

R. Eleazar said in the name of R. Hanina: Rabbi used to set out a plant on Purim, and washed himself in the market of Ziporith (publicly) on the 17th day of Tamuz (which is a fast-day), and intended to abolish the fast of the 9th of Abh. But the sages did not agree with him. Said to him R. Abba bar Zabda: Rabbi, this was not so, for it once happened when the 9th of Abh fell on Sabbath, and it was postponed to Sunday, and Rabbi declared: When it has been postponed, it shall not be kept at all. And the sages did not agree with him. And the former then read the verse [in Ecc. iv. 9]: "Two are better than one." (Rashi explains this, that he means to say the second statement was better than the first; but it seems to us the explanation is different. He means to say that if so, both happened twice, and

Rabbi did not intend to abolish the 9th of Abh, but *did* abolish.)

Hezekiah used to read the Megilla in Tiberia both days—the 14th and the 15th—because it was doubtful to him whether Tiberia had been surrounded with a wall from the time of Joshua b. Nun. But how can this be doubtful? Is it not written [Josh. xix. 35]: “And the fortified cities Ziddim, Zer and Chammath, Rakkath and Kinereth”? And we have a tradition that Rakkath is Tiberia. It was doubtful to him, because on one side the sea was its wall. If so, why is it doubtful? The sea is not a wall, and we have learned in a Boraitha that what is written [Lev. xxv. 30], “the city that has a wall,” means a wall, but not if the houses are built around like a wall—and that excludes Tiberia where the sea is the wall? He was not doubtful in respect to the law about houses in a walled town, but in respect to the Megilla, because the expression in the Megilla is “open towns,” and he doubted whether the city, having the sea as a wall, is called open or not.

R. Asi used to read the Megilla in the city of Hutzl also on both days, because he doubted whether it was surrounded in the time of Joshua with a wall or not. According to others, R. Asi said: This Hutzl, which was in the tribe of Benjamin, I am certain was walled in the time of Joshua b. Nun.

R. Johanan said: When I was a child I said a thing, and afterward the elders were asked, and it was found that I was right; namely, Hammath, that is, Tiberia. And why is it called in the Bible Hammath? Because of the hot springs that are in Tiberia.* Rakkath is Ziporith, but why is it called in the Bible Rakkath? Because it is situated on the summit of a mountain, as the banks of a river are more elevated than the river.† Kinereth, that is, Genoser; but why is it called Kinereth? Because the fruit of this city is agreeable as the sound of a violin.‡ Said Rabha: Is it possible a man exists who says that Rakkath is not Tiberia? It is known to us that if a great man dies here in Babylon, they in Tiberia, in the funeral oration, say thus: The man was great in Sheshakh (Babylon,—Rashi explains this because Sheshah is, by the alphabet of Athbash, Babel) and his name has reached Rakkath. And if the coffin is brought thither, they say in the funeral oration so: Ye lovers of Israel, inhab-

* *Ham* is in Hebrew *hot*.

† *Rakkath* in Aramaic means the bank of a river.

‡ *Kinor* is a violin.

itants of Rakkath, go and receive the man who was killed in the valley of Babylon. And when R. Zera died, in the lamentation was mentioned Rakkath (see Moed Katan, p. 44.) Therefore said Rabha : Hammath means Hammei-Grar, Rakkath is Tiberia, Kinereth is Genoser. And why is it called Rakkath ? Because even the common men there are full of religious merits as a pomegranate.*

R. Jose bar Hanina said : It is written [Zechariah, ix. 7] : " And I will remove their blood out of their mouth, and their abominations from between their teeth ; and their land also shall be left for our God." I will remove their blood out of their mouth,—that means, their *Beth Bamia* ; † " and their abominations from between their teeth "—that is, their *Beth Galia* ; † " and the land also will be left to our God " means, the houses of prayer and of learning which are in Edom (meaning Rome) ; " and it shall be as a prince's dwelling in Judah, and Ekron shall be like Jebusi"—that means the theatres and circuses which were in Edom, but in the future the princes of Judah will teach the Torah publicly in them. R. Itz'hak said : Leshem is Pamiyas, Ekron is Cesaria—why is it called the daughter of Edom ? Because it was the metropolis of kings. Same said because there kings were reared, and according to others because from the inhabitants of that city were made kings. Of Cesaria and Jerusalem—if one will say to thee, Both are destroyed, thou shalt not believe ; if one will say, Both are in their splendor, do not believe ; but if one will say, Cesaria was destroyed and Jerusalem is in its glory, or *vice versa*, you may believe, as it is written [in Ezek. xxvi. 2] : " I shall be made full, now she is in ruins"—that means, if one is full the other is destroyed, and if one is destroyed the other is full. R. Na'hman bar Itz'hak says, we infer it from the following passage [Gen. xxv. 23] : " one people shall be stronger than the other " (Israel and Edom, *i.e.*, Rome). And R. Itz'hak said : It is written [Is. xxvi. 10] : " If favor be shown to the wicked, he will not learn righteousness." Isaac our father said before the Holy One, blessed be He : Creator of the Universe ! let Esau be favored. And He said : " He is wicked." Said Isaac again : " It is because he has not learned righteousness." And the Lord said again : " (It is known before me that even) in the land of

* *Rak* is in Hebrew *empty, idle*.

† Places for the worship of idols in Rome.

uprightness he will deal unjustly." Rejoined Isaac: "If it is so, (then) he shall not regard the majesty of the Lord." R. Itz'hak says again: It is written [Ps. cxi. 9]: "Grant not, O Lord, the longings of the wicked: suffer not his wicked device to succeed: lest they exalt themselves. Selah." Said Jacob before the Holy One, blessed be He: Creator of the Universe! do not grant to Esau the wicked longing of his heart; "his wicked device to succeed," meaning Germamia of Edom, for if they would go out they would destroy the whole world. He says again: If one will say to you: I have exerted myself, and not found, do not believe him; if one will say, I have not exerted myself, and have found, do not believe him. But if he will say, I have exerted myself, and have found, then believe him. This is all in the studying of the Law, but in business it is a matter of fortune sent from Heaven. And even in studying the Law you must not believe in his sagacity; but if he says what he has learned he has retained without much trouble, you may believe him, because this can be a help from Heaven. He says again: If you have seen a wicked man on whom fortune smiles, do not provoke him, as it is written [Ps. xxxvii. 7]: "Do not fret thyself because of the evil-doers"; so much the more when in his ways he is successful, as it is written [ibid. x. 5]: "Prosperous are his ways at all times." And not only this, but he always wins in a lawsuit, as it is written [ibid., ibid.]: "Far in the height remain thy punishments from him;" and not this only, but he sees vengeance on his enemies, as it is written [ibid.]: "All his assailants, he puffeth at them." This is not so? Did not R. Johanan say in the name of R. Simeon b. Yochi, that one may provoke the wicked in this world? As it is written [Prov. xxviii. 4]: "They that forsake the law praise the wicked; but such as observe the law contend with them." And we have learned also in a Boraita: R. Dusthai bar Mathun said: A man may provoke the wicked in this world? [And lest one say: "Do not fret thyself because of the evil-doers, neither be thou envious against the workers of iniquity," this can be said only about him whose heart trembles. But the interpretation of this passage is thus: "Do not strive to be like the wicked, neither be thou envious to be like the workers of iniquity," as it is written [Prov. xxiii. 17]: "Let not thy heart be envious against sinners."] (Hence we see that the wicked may be provoked?) It presents no difficulty, for if it is in his own interest he shall not do so; but if in heavenly things, he may. And if you like, I can say: Both are

in his own interest; yet when he is a really upright man he may do so, but when he is not really upright he shall not do so. As R. Huna said: It is written [Habakkuk, i. 13]: "Wherefore wilt thou look upon those that deal treacherously; and be silent when the wicked swalloweth up him that is more righteous than he?" From this we may infer that the wicked swallows him who is more righteous than he, but him who is really upright he cannot swallow. And if you wish, I can say: with him whom fortune favors it is different.

MISHNA: If the Megilla had been read in the first Adar, and the year declared (by the Sanhedrin) to be intercalary, it must be again read in the second Adar. There is no difference between the first Adar and second, but in the reading of the Megilla and the gifts to the poor.

GEMARA: The Mishna says that the two Adars do not differ; that is to say, in the order of the portions that must be read from the Bible on the Sabbaths of the four weeks of Adar, the two Adars are equal. According to whom is the Mishna?

Not according to the first Tana, and not according to R. Eliezer b. R. Jose, and not according to R. Simeon b. Gamaliel of the following Boraitha: If they have read only the Megilla in the first Adar, and the year becomes intercalary, it must be read again in the second Adar, because all the duties that are obligatory in the second Adar are so also on the first Adar, except the reading of the Megilla. R. Eliezer b. R. Jose said: It must not be read in the second Adar, because all the duties customary in the second are so also in the first. R. Simeon b. Gamaliel in the name of R. Jose said: It must be read also in the second Adar, because all the duties obligatory in the second must *not* be done in the first. And we asked there, is R. Simeon b. Gamaliel not saying the same as the first Tana? And R. Papa answered: The order of the portions is different between them. Hence our Mishna is not in accordance with the first Tana, because of the gifts to the poor, which according to the Tana of the Boraitha must be given in the first Adar also; and not in accordance with R. Eliezer, who says the Megilla must not be repeated at all in the second Adar; and not in accordance with R. Simeon b. Gamaliel, as according to him there is a difference in the order of the portions (as R. Papa explained). The Mishna is in accordance with R. Simeon b. Gamaliel, but is not completed, and must read thus: There is no difference between the fourteenth day of the first Adar and the fourteenth day of

the second Adar, except in the reading of the Megilla and gifts to the poor. But the next day, in respect to mourning and fasting, they are equal. Concerning the order of the portions, the Mishna does not speak about it. Said R. Hyya bar Abin in the name of R. Johanan: The Halakha prevails according to what Rabban Simeon b. Gamaliel said in the name of R. Jose. Said R. Tabi: The reason why R. Simeon b. Gamaliel declares so is, that one redemption (from Haman) should be near to another redemption (from Egypt, Passover). R. Elazar said: The reason of R. Simeon b. Gamaliel is, because it is written in Esther [ix. 29]: "To confirm this letter of Purim the second time." "The second" means in the second Adar.

R. Samuel bar Jehudah said: Esther sent to the sages the request: "Establish me for the later generations." And they answered: "You want to excite the envy of other nations against us." She rejoined: "My history is already written in the chronicle of the kings of Media and Persia." Rabh and R. Hanina, R. Johanan and R. Habiba (see Sukka, page 5), taught: Esther sent to the sages: "Write about me for later generations." And they answered to her: It is written [Prov. xxii. 20]: "Have I not written for thee thrice?"* (thrice means, three times shall be mentioned in the Torah the war with Amalek—in Exodus, in Deuteronomy, and in I. Samuel): only thrice, and not four times. Finally, they found a passage in the Pentateuch [Ex. xvii. 14]: "Write this for a memorial in the book"; and they interpreted the passage thus: "Write this"—what is written here and in Deuteronomy; "for a memorial"—*i.e.*, what is written in the Prophets (Samuel); "in the book"—*i.e.*, what is written in the Book of Esther. We have learned in a Boraitha: R. Eliezer said: The Book of Esther was dictated by the Holy Spirit, as it is written [Esther, v. 16]: "And Haman said in his heart"; and if it were not by the Holy Spirit, how could we know what he said in his heart? R. Aqiba said: "Esther" was dictated by the Holy Spirit because it is written [ibid. ii. 15]: "And Esther found favor in the eyes of *all* those that beheld her" (this also could not be known, but for the Holy Spirit). R. Meir said: "Esther" was dictated by the Holy Spirit, because it is written [ibid. 22]: "And the thing became known to Mordecai" (and who told him? We must say that it

* The expression is *Shalishim*, which the Talmud translates literally, "thrice"—though in Leaser it is different.

was the Holy Spirit). R. Jose b. Durmaskes said: From this passage [ix. 10]: "But to the spoil did they not stretch forth their hands" (and it could not be known what was done in the one hundred and twenty-seven provinces by everyone). Said Samuel: If I had been there, I would have said a thing better than all these sayings: It is written [ibid., ibid. 27]: "The Jews confirmed it as a duty, and took it upon themselves." That means, they confirmed in Heaven what they took upon themselves below. Said Rabha: To all the above sayings I have objections, except to Samuel, to whom it cannot be objected. What R. Eliezer said—that was common sense. Haman knew there was not a man in the king's court that was so respected as he himself, and it is self-evident that thus he thought. What R. Aqiba said—perhaps it was as R. Elazar explains farther on, that every nation thought Esther was of its race; and what R. Meir said—perhaps it was as R. Hyya bar Abbi will explain farther on, that Mordecai understood the language of Righthau and Theres; and what R. Jose b. Durmaskes said—perhaps they may have sent messengers to the king; but to what Samuel said there is no objection. Said Rabbina: That is as people say, it is better to have one pungent pepper-grain than a full basket of cucumbers. R. Joseph said: From this passage [ix. 28]: "And these days of Purim will not pass away" (and how can this be known? Only from the Holy Spirit). And R. Na'hman b. Itz'hak said (from the end of the verse): "Nor will their memorial cease from their seed."

"*Gifts to the poor.*" R. Joseph taught: It is written [ix. 22]: "Sending portions one to another." "Portions" in plural—two portions should be sent to one man; "and gifts to the needy"—needy is in plural: that means, no less than two portions to two men. R. Jehudah the Second* sent to R. Oshyia a leg of a third-born calf and a pitcher of wine, and the latter sent to him the message: "The Master has confirmed both duties—to send portions one to another; and to give gifts to the needy." Rabha sent to Mari bar Mar through Abayi a bag of dates and a goblet full of flour of dried wheat. Said Abayi to him: Now Mari will say: When a countryman becomes a king, he is still unable to remove the basket from his shoulder. And it is the same with you: now you are the Head of the College, and send

* We doubt whether it was the second or the third, as there were also two Oshyias, one in the time of the second and one in the time of the third. See Seder Hadoroth, parag. Oshyia.

to him commonplace articles. R. Mari bar Mar returned to Rabha through Abayi a pouch (*tasca*, Lat.) of ginger and a goblet full of long pepper. Said Abayi: Now the Master will say: I had sent him sweets, and he has sent to me pungent things. Said Abayi again: When I went out from the house of my Master, I was sated. When I arrived there, they furnished the table with sixty diverse dishes, and they ate all; and the last dishes were called "roast of Kedar," and it was so good that I wanted to eat up the dish with it. And this is what people say: "The poor does not know even when he is hungry." Or, as people say: "The stomach is wide enough for sweet things."

Abayi bar Abbin and R. Hanina bar Abbin used to change their meals on Purim. Said Rabha: A man is obliged to intoxicate himself on Purim, till he cannot distinguish between "cursed be Haman" and "blessed be Mordecai." Rabha said again: If one has eaten the festive meal in the night, he has not fulfilled his duty, because it is written, "*days* of entertainment and joy."

R. Ashi was sitting in the presence of R. Kahana. It became dark, and the rabbis had not yet come. Said R. Kahana to him: Why have not the rabbis come yet? And he answered him: Perhaps they are engaged with the festive meal? And he rejoined: Could they not have the festive meal in the evening? Said R. Ashi: Has the Master not heard what Rabha said, that if one has eaten the meal of Purim in the night, he has not fulfilled his duty. And he rejoined: Did Rabha indeed say so? And he answered: Yea. And he learned it from him forty times, and afterward it was as if he had put it into his pocket.

MISHNA: There is no difference between Sabbath and festivals, except in the preparation of food. There is no difference between the Sabbath and the Day of Atonement, excepting that those who knowingly and wilfully profane the Sabbath are punished by man, while those who wilfully profane the Day of Atonement are punished with *Karoṭh* (by Heaven).

There is no difference between one who by a vow has interdicted himself from receiving a benefit from another man and one whose vow was confined to the interdiction of accepting any food from another, except that it is not lawful for the first to set his foot in the house (or property) of the other and to borrow vessels (of the other) which are not used for the preparation of food. There is no difference between vows and voluntary offer-

ings, except that in the case of the first-mentioned the person who thus vows is liable for the risk, but he is not liable for the last-mentioned.

GEMARA: "*Except in the preparation of food.*" But in the preparations for the preparing of food, they are equal.

"*He is punished with Karoth.*" But in paying of damages, both are equal. And the Mishna is in accordance with R. Nehunia b. Hakana of the following Boraitha: He decided that the Day of Atonement is equal to Sabbath with regard to damages: as on Sabbath, because it is a capital punishment, no damages are to be paid, so on the Day of Atonement, as the punishment is *Karoth*, he is exempt from damages.

"*Vessels which are not used,*" etc. But in regard to vessels which are used for the preparation of food, they are equal.

"*He is not liable for the last-mentioned.*" But with regard to the commandment, "Thou shalt not delay," they are equal. (This is explained in Tract Rosh Hashana, page 5.)

MISHNA: There is no difference between a person laboring under an involuntary emission of semen who has experienced it twice (on the same day, or on the two following days) and one who has experienced it thrice (in the same time, or within three days), excepting that the last-mentioned must bring a sacrifice. There is no difference between a leprous person who has only been shut up and one whom the priest has declared as leprous, excepting that the latter must go with rent clothes, and suffer the hair of his head to grow wild. There is no difference between the leper declared clean after being shut up and one who has been cured of that disease, excepting that the latter must be shaved, and bring offerings of birds.

There is no difference between the Holy Books and Thephilin and Mezuzoth, except that the first-mentioned may be written in any language, but the latter in Assyrian characters only. Rabban Simeon b. Gamaliel says: The permission to write the Holy Books in another language was limited to the Greek language only.

There is no difference between a high-priest anointed with the sacred oil and one whose dignity was marked by additional sacerdotal vestments only, except the bull which the first-mentioned is to offer, in case he gave a wrong decision which led to a transgression of a precept. There is no difference between an officiating high-priest and his late substitute, except the bull offered on the Day of Atonement, and the

tenth of the ephah of flour (which the real high-priest alone might offer).

There is no difference between a large high place * and a small one, except the Paschal offering. This is the rule: All offerings which are brought in consequence of vows, and all peace-offerings, may be offered on a small high place, but not sacrifices of another kind.

There was no difference between the Tabernacle of Shiloh and the Temple of Jerusalem, except that at the former place it was lawful to eat of sacrifices having a minor degree of holiness, and of the second tithe, in any place from whence Shiloh might be seen; but in Jerusalem it was lawful to eat these within the walls only. In both places, however, sacrifices which were most holy might be only eaten within the hangings (of the court of the sanctuary). The holiness of Shiloh had subsequently a period in which it became lawful (to offer sacrifices elsewhere), but the holiness of Jerusalem has no such period.

GEMARA: "*Excepting that the last-mentioned must bring a sacrifice.*" But in respect to their lying, sitting, and the seven days which they have to wait till it is allowed to take a legal bath, both are equal (all this will be explained in Tract Zabim).

"*There is no difference between a leprous person,*" etc. But in regard to sending him away outside of the assembly and in respect to defilement they are both equal (as will be explained in Tract Negaim).

"*There is no difference between the Holy Books,*" etc. But to sew it with dried veins of a clean animal and to make unclean the hand (see Appendix, Sabbath) both are equal.

"*May be written in any language.*" There is a contradiction to the following Boraitha: If one wrote a Targum instead of portions of the Holy Book (in the original); or, *vice versa*, if he wrote the translation in characters of the original, and also if he wrote it not in Assyrian but ancient Hebrew (square) characters, it is not holy to make unclean the hand, until it should be written in Assyrian characters, in a book and with ink (and there it has been said the *Holy Books* can be written in all languages). It presents no difficulty: the Boraitha meant, not Holy Books, but the Thephilin and Mezuzoth, and the Mishna means Scripture. What is the reason that Thephilin and Mezuzoth if written in

* High places are the public altars on which they used to sacrifice before the erection of the Temple at Jerusalem. Small places are altars of private persons.

another tongue are not holy? Because it is written [Deut. vi. 8]: "*They shall be* as frontlets between thy eyes." They shall be as originally.

What is meant, if the Targum was written in the original characters? If in the Torah, it is right. The words "Yegar Sahadutha" [Gen. xxxi. 47] are Aramaic; but what Aramaic words are in the Thephilin? Therefore we must answer the contradiction thus: The Boraitha refers to the Book of Esther. Why must it not be written in other languages? Because it is written [Esther, viii. 9]: "According to their writing, and according to their language." But what Aramaic words are in the Book of Esther? Said R. Papa [in Chapter I., verse 20], "The king's *decree*" (Pithgam), which is not a Hebrew word, but Aramaic. R. Na'hman bar Itz'hak said [ibid., ibid.]: The last word, "will show *respect*" (Yekar), is not Hebrew. R. Ashi, however, said: That the Boraitha means, not the Holy Scrolls (Pentateuch), but the Prophets and Hagiographa. And this is in accordance with R. Jehudah of the following Boraitha: Thephilin and Mezuzoth must be written only in Assyrian characters; and our sages have not allowed they shall be written in any language, only in Greek. And in addition to this Boraitha it is stated: Said R. Jehudah: The sages allowed to write in Greek only the Pentateuch, but not anything else. And this was also allowed only because of what occurred with Ptolemy the king, as follows: It happened to Ptolemy the king that he took seventy-two elders from Jerusalem, and placed them in seventy-two separate chambers, and did not inform them to what purpose he had brought them. And afterward he entered to each of them, and said to them: Translate me the Torah of Moses from memory. And the Holy One, blessed be He, sent into the heart of each of them a counsel, and they all agreed to have one mind, and changed as follows: Instead of "In the beginning God created the world," they wrote, "God created the world in the beginning"; instead of Gen. i. 26 they wrote, "I will make a man in an image"; instead of Gen. ii. 2 they wrote, "And God finished on the sixth day, and rested on the seventh day"; instead of Gen. v. 2 they wrote, "created *him*"; instead of Gen. xi. 7 they wrote, "Let *me* go down"; [xviii. 12]: "And Sarah laughed among her relatives"; instead of xlix. 6, "In their anger they slew an ox, and their self-will lamed a fattened ox." And instead of Ex. iv. 20, "Set them on a porter (man-carrier)"; instead of ibid. xii. 40, "Dwelt in Egypt and in *other lands*"; and ibid. xxiv. as ibid.,

"Against the *respectable* men of Israel." Instead of Num. xvi. 15, "Not one precious thing I took away"; and instead of Deut. iv. 19 they wrote, "assigned to light for all nations"; instead of ibid. xvii. 3, "which I have not commanded to worship"; and instead of Lev. xi. 6, "the hare," which is expressed in the Bible "Arnebeth," as Ptolemy's wife was named so they wrote, "and the beast that has small feet."

"*Rabban Simeon b. Gamaliel says,*" etc. Said R. Abahu in the name of R. Johanan: The Halakha prevails according to R. Simeon b. Gamaliel. And he says again: What is the reason of R. Simeon b. Gamaliel? Because it is written [Gen. ix. 27]: "May God enlarge the boundaries of Japheth, and may he dwell in the tents of Shem." That means to say, the most beautiful thing which Japheth has—that is, the Greek language—shall dwell in the tents of Shem.

"*There is no difference between a high-priest,*" etc. But in respect to the bullock of the Day of Atonement, and the tenth of an ephah, which the high-priest must bring, both are equal.

"*There is no difference between Shiloh and Jerusalem.*" Said R. Itz'hak: I have heard that one may sacrifice in the Temple of Honin in Egypt, even at this time. He holds that the Temple of Honin is not a temple for idolatry, but for God, and also that the sanctitude of Jerusalem was only while the Temple existed, but is not so for the future, since its destruction. As it is written [Deut. xii. 9]: "For ye are not as yet come to the rest and to the inheritance." "To the rest," *i.e.*, the Tabernacle of Shiloh; "to the inheritance," *i.e.*, the Temple of Jerusalem: and we see that the Tabernacle of Shiloh is compared to the Temple of Jerusalem, as Shiloh, after the Tabernacle was destroyed, ceased to be holy, and it was lawful to sacrifice elsewhere, the same was with Jerusalem. The sages then said to R. Itz'hak: Do you say so? And he answered: No. Said Rabha: I swear by God that he has said so, and I have learned it from him. But what is the reason that he himself receded from this? Because R. Mari objected to this, from a Boraitha which states that the sanctitude of Shiloh was gone after the Tabernacle was destroyed, but of Jerusalem the sanctitude was not gone even after the Temple's destruction.

It is written: "And it came to pass in the days of Ahasuerus." R. Levi, according to others R. Jonathan, said: This is a tradition among us from our ancestors—the men of the Great Assembly—that wherever it is written וְיָרִי (it came to pass),

was some disaster. Here there was Haman. In Ruth: "And it came to pass in the days of the judges." There was hunger. Genesis, vi. 1: "And it came to pass when men began to multiply," and soon after is written: "And God saw that the wickedness of man was great"; [ibid. xi. 2]: "And it came to pass as they journeyed toward the east." And there was the dispersion. And ibid. xiv. 1: "And it came to pass in the days of Amrophel." There was a war. In Joshua, v. 13: "It came to pass when Joshua was by Jericho," it is written he saw a man with a drawn sword in his hand; ibid. vi. 27: "And the Lord *was* with Joshua" (the Hebrew expression is the same); and soon it is written: "And the children of Israel committed a trespass"; I Samuel: "There *was* a certain man"; and afterward it is written: "Hannah he loved, but the Lord had shut her womb." Ibid. viii. 1: "It came to pass when Samuel was old." His sons walked not in his way. Ibid. xviii. 14: "And David *was* successful in all his ways," and soon comes: "Saul was in dread of him." II Samuel, vii. 1: "And it came to pass when the king dwelt in his house." And he was not allowed to build the Temple. But is it not written [Gen. xxix. 16]: "When Jacob saw Rachel," and in Genesis [i. 5]: "And it was evening, and it was morning, the first day"—and so in many other instances, and no disaster happened? Wherever it is said, "it came to pass," there may or may not be a calamity; but whenever it is said, "and it came to pass in the days," there surely happened a misfortune. There are five expressions, "it came to pass in the days"; viz., in the days of Ahasuerus, the Judges, Amrophel, Ahaz [Is. vii.], and Yoiakim [Jerem. i.], and in all instances there were troubles.

R. Levi says again: We have a tradition from our ancestors that Amuz and Amaziah were brothers. What does he come to teach us? It is similar to what R. Samuel b. Nahmani said in the name of R. Jonathan: A bride who is chaste in the house of her husband's parents deserves that kings and prophets should descend from her, and this we infer from Tamar, as it is written [Gen. xxxviii. 15]: "And Judah saw her and thought her to be a harlot, because she had covered her face." Because she had covered her face he took her for a harlot? That means, she had covered her face when she had been in his house, so that he did not know her. Therefore she was rewarded that from her descended kings and prophets—kings from David; and prophets, as R. Levi said above. Amuz

and Amaziah were brothers, and Isaiah the son of Amuz was a prophet.

R. Jonathan, when he came to lecture about the Book of Esther, began with this passage [Is. xiv. 22]: "I will rise up against them," etc., "and I will cut from Babylon name and remnant, and son and grandson, saith the Lord." Name, *i.e.*, they will not have their own writing; "remnant," they will not have their own language; "son," they will not have any kingdom; "grandchild," that means Vashti.

R. Simeon b. Nahmani, when he came to lecture, began his lecture with the passage [Is. lv. 13]: "Instead of the thorn shall come up the fir-tree, and instead of the nettle shall come up the myrtle." "Instead of the thorn," *i.e.*, instead of Haman the wicked, who made himself an idol, as it is written [ibid. vii. 19]. "All thorn-hedges"; "shall come up the fir-tree," *i.e.*, Mor-decai, who was the essence to all the spices, as it is written [Ex. xxx. 23]: "And thou, take unto thyself principal spices, of pure myrrh"—this is translated in the Aramaic Mor-decai; "instead of the nettle," *i.e.*, Vashti the wicked, who was granddaughter of Nebuchadnezzar the wicked, who had burnt the house of God, shall rise Esther the upright, who was called Hadassa (Myrtle), as it is written: "And he had brought up Hadassah—that is, Esther" [Esther, ii. 7]; "And it shall be unto the Lord for a name," *i.e.*, the reading of the Megilla; "for a sign of everlasting that shall not be cut off," *i.e.*, the Days of Purim.

R. Joshua b. Levi began his lecture from this passage [Deut. xxviii. 63]: "And it shall come to pass that as the Lord rejoiced over you to do you good, and to multiply you, so will the Lord rejoice over you to bring you to nought, and to destroy you." Let us see. Does the Holy One, blessed be He, rejoice when the wicked are in misfortune? It is written [II Chron. xx. 21]: "As they went out before the armed array, and said: Give thanks unto the Lord; for unto everlasting endureth his kindness." Said R. Johanan: Why is it not here said, as usually, "for He is good"? Because the Holy One, blessed be He, rejoices not at the misfortunes of the wicked. And R. Johanan said again: It is written [Ex. xiv. 20]: "And the one came not unto the other all the night." That means, the angels of heaven wanted to sing the usual song, and the Holy One, blessed be He, said to them: My creatures are drowning in the sea, and you want to sing songs! Said R. Elazar: He Himself does not rejoice, but He makes others rejoice. And it seems to be

so, because it is not written: "As *he* rejoiced," etc., "so will he rejoice" (others).*

R. Abba bar Kahana began his lecture with this passage [Ecc. ii. 26]: "For to a man who is good in His presence He giveth wisdom and knowledge and joy"—this means Mordecai the Upright; "but to the sinner he giveth employment to gather up and to bring together"—that means Haman; "that he may give it to him that is good before God," *i.e.*, Mordecai and Esther, as it is written afterward [Esther, viii. 2]: "And Esther appointed Mordecai over the house of Haman."

Rabba bar Upbron began his lecture with the following passage [Jerem. xlix. 38]: "And I will set up my throne in Elam, and I will destroy thence kings and princes." By kings is meant Vashti, and by princes Haman and his ten sons.

And R. Dimi b. Itz'hak begins to lecture from this passage [Ezra, ix. 9]: "For we are bondmen; yet in our bondage hath our God not forsaken us, but hath extended unto us kindness before the kings of Persia." And that was in the time of Mordecai.

R. Hanina bar Papa begins his lecture from this passage [Ps. lxvi. 12]: "Thou hast caused men to ride on our heads: we entered into fire and into water." "Into fire," in the time of Nebuchadnezzar; "into water," in the time of Pharaoh. "But thou broughtest us to the enjoyment of overflowing plenty." That was in the time of Haman.

R. Johanan began his lecture from this passage [Ps. xcvi. 3]: "He hath remembered his kindness and his truth to the house of Israel: all the ends of the earth have seen the salvation of our God." When did all the ends of the earth see it? In the time of Mordecai and Esther.

Resh Lakish began his lecture with this passage [Prov. xxviii. 15]: "As a roaring lion and greedy bear, so is a wicked ruler over an indigent people." "The roaring lion"—that is, Nebuchadnezzar, as it is written [Jeremiah, iv. 7]: "The lion is come up from his thicket." "A greedy bear" is Ahasuerus, about whom it is written [Daniel, vii. 5]: "And behold, there was another, a second beast, like a bear." And R. Joseph said: The Persians are meant, who eat and drink like a bear, and are corpulent like a bear, and let their hair grow like a bear, and

* The Hebrew is *וַיִּשְׂמַח*, "he will make rejoice." "He will rejoice himself" should have been *וַיִּשְׂמַח*.

have no repose, like a bear. "Wicked ruler," *i.e.*, Haman; "indigent people," *i.e.*, Israel, who are poor in merits.

R. Elazar begins his lecture with this passage [Ecc. x. 18]: "Through slothful hands the rafters will sink, and through idleness of the hands the house will become leaky." That means to say, because Israel became idle, and did not observe the Law, the enemy of the Holy One, blessed be He (meaning Him), becomes sunk, *i.e.*, poor.

R. Na'hman b. Itz'hak begins his lecture with this passage [Ps. cxxiv. 2]: "If it had not been the Lord who was for us, when men rose up against us." Men, and not a king (that is Haman).

Rabha begins his lecture with [Prov. xxix. 2]: "When the righteous are in authority, the people will rejoice; but when the wicked beareth rule, the people groan." When the righteous rule, *i.e.*, Mordecai and Esther, the people rejoice, as it is written [Esther, viii. 15]: "And the city of Shushan was glad and joyful." And when the wicked rule, *i.e.*, Haman, the people groan, as it is written [ibid. iv. 15]: "But the city of Shushan was perplexed."

R. Mathna begins with the following passage [Deut. iv. 7]: "For what great nation is there that hath God so nigh unto it?"

R. Ashi begins with the following passage [ibid., ibid. 34]: "Or hath God essayed to go to take to himself a nation from the midst of a nation?" (What they lectured is not written.)

"*And it came to pass in the time of Ahasuerus.*" Said Rabh: Woe! woe! This is what is written [ibid. xxviii. 68]: "And there ye will offer yourselves for sale unto your enemies for bondmen and bondwomen without anyone to buy you." Samuel said: It is written [Lev. xxvi. 44]: "I will not cast them away, neither will I loathe them, to destroy them utterly." I have not cast them away—in the times of the Greek, and I have not loathed them—in the time of Nebuchadnezzar; "to destroy them"—in the time of Haman; "to break my covenant with them"—in the time of the Persians; "for I am the Lord their God"—in the time of Gog and Magog. A Boraitha stated: "I will not cast away"—in the times of the Chaldeans, as in that time I raised for them Daniel, Hananiah, Mishael, and Azariah; and have not loathed men in the times of the Greeks, when I gave them Simeon the Upright and the Maccabees; "to destroy them"—in the time of Haman I gave them Mordecai

and Esther; "to break my covenant"—in the time of Rome I gave them the House of Rabbi and the sages of that generation; "for I am the Lord their God"—in the future no nation or tongue will dominate over them.

R. Levi said: From this verse [Num. xxxiii. 55], and R. Hyya from *ibid.* 56. (What they lectured is unknown.)

"*Ahasuerus*." Said Rabh: He was the brother of a head* and the companion of a head. "The brother of a head," *i.e.*, brother of Nebuchadnezzar the wicked, who was called "head," as it is written [Daniel, ii. 38]: "Thou art the head of gold." "And the companion of a head"—what Nebuchadnezzar did, *he* intended to do. Nebuchadnezzar killed, *he* intended; Nebuchadnezzar destroyed, *he* had the intention. As it is written [Ezra, iv.]: "In the beginning of the reign of Ahasuerus, they wrote slanders on the inhabitants of Judea and Jerusalem." Samuel said: Ahasuerus signifies "black," † *i.e.*, in his time the faces of the Jews were black as the bottoms of pots. R. Johanan says: Ahasuerus signifies "woe to his head" (*ah, rosh*); and R. Hanina says it signifies "poor" (*rash*)—his taxes were so heavy that men became poor.

It is written [Esther, i. 1]: "The same Ahasuerus"—he was the same in his wickedness from beginning to end. (Similarly) it is written [in Gen. xxxvi. 43]: "This is Esau," *i.e.*, the same in wickedness from beginning to end; and [Num. xxxvi. 9]: "These are Dathan and Abiram," *i.e.*, they were the same in wickedness always; and [II Chron. xxviii. 22]: "He, King Ahaz," *i.e.*, the same in wickedness always; and on the contrary, also [I Chron. i. 27]: "Abram—the same is Abraham," *i.e.*, Abraham was the same in his righteousness from beginning to end; [Ex. vi. 26]: "These are Aaron and Moses," *i.e.*, were the same in righteousness from beginning to end; [I Samuel, xvii. 14]: "And David was the youngest," that means, he was as in his youth from beginning to end: as in his youth he humbled himself before one greater than he, so also when he was a king he was modest before a man superior to him in wisdom.

"*Who reigned*." Said Rabh: He was a self-made king. Some say, it was in his praise, there was none so fit to be a king as he; and some say it is to his disgrace—he was not fit to be a king, but he had much money, and the money made him king.

* *Ah* is brother and *Ras* is head, and it is considered as composed of two words.

† *Ska'kor* is "black."

The rabbis taught: Three kings reigned over the whole world—Ahab, Ahasuerus, and Nebuchadnezzar. Ahab, as it is written [I Kings, xviii. 10]: "As the Lord thy God liveth . . . he caused that kingdom and nation to take an oath . . ."; and if they would not be under his dominion, how could he cause them to take an oath? Nebuchadnezzar, as it is written [Jerem. xxvii. 8]: "And it will come to pass that the nation or kingdom which shall not serve Nebuchadnezzar, king of Babylon, and not place its neck under the yoke of the king of Babylonia." Ahasuerus, as stated in Sanhedrin, was king of the whole world. Are these all? Was not Solomon also king of the whole world? Solomon was not a king to the end of his life.

This is right, according to those who hold he was first a king and then a common man; but according to those who say he was a king, a common man, and then again a king, what can be said? Solomon is different. He reigned over the beings above* and below, as it is written [I Chron. xxix. 23]: "Solomon sat on the throne of the Lord." (He is not reckoned with them.) But there is Sennacherib? As it is written [Is. xxxvi. 19]: "Which of all the gods of the lands have saved their countries from my hand?" There was Jerusalem, which was not subject to him. But there is Darius? As it is written [Dan. vi. 26]: "Darius the king wrote to all peoples, nations, and tongues that live on the whole earth: Your peace shall be great." There were seven countries not under his dominion; as it is written [ibid. 2]: "It pleased Darius, and he raised over his kingdom 120 satraps" (while Ahasuerus reigned over 127). But there is Cyrus? As it is written [Ezra, i.]: "So said Cyrus, king of Persia: All the kingdoms of the earth the Lord hath given unto me." He only vaunted.

"When the king sat," and, "in the third year of his reign." That is a contradiction? Nay, it is when he became firmly seated on the throne.

R. Na'hman b. Hisda lectured: It is written [Is. xlv. 7]: "Thus hath said the Lord to his anointed, to Cyrus, 'Whom I have taken hold of by his right hand.'" Was then Cyrus a Messiah? It is meant that God had said to Messiah: I complain of Cyrus; I have thought he would build my House, and gather all my people that were in exile, and he only says [Ezra,

* According to Rashi—"the demons."

i. 3]: "Whoever among you that is of all his people, may his God be with him, and let him go up to Jerusalem" [but did not command all to return].

It is written in the first chapter: "The army of Persia and Media"; and [x. 2] "The kings of Media and Persia." Why is Media here mentioned first, and in the other verse Persia? Said Rabha: They made this agreement between them: When one of our nation will be king, the governors will be of your nation, and *vice versa*; [ibid. i. 5]: "And when these days were completed." Rabh and Samuel say, one that he was a wise king, and the other that he was a foolish king. One says he was a wise king, because he made the feast first for the remote subjects, because for his townsmen he could make it at any time; and the other says he was a fool, for he should have made it first for his townsmen, so that if those would rebel, these at least would defend him.

The disciples of R. Simeon b. Yochi asked their Master: By what sins had the Israelites incurred the decree of Haman in that age? Answered he: What is your opinion? They said: Because they enjoyed the feast which Ahasuerus the wicked man made. If so, only those of Shushan should have suffered. Why did those of all provinces? They said to him: Let the Master explain. So he answered: Because they kneeled to the image. Said the disciples to him: If so, they were guilty, and why were they not killed? And he answered: They bowed to the image not because they wanted, but only for appearance; so the decree against them was also for appearance not carried out. And this is what is written [Lam. iii. 33]: "He doth not afflict of his own will."

"In the court of the garden of the king's palace." Rabh and Samuel—one says every one was placed in the place he fitted: the court, garden, and king's palace; and one says he first tried to place them in the court, and it could not contain them; he then placed them in the garden, and it also could not contain them, until he placed them in the king's palace. A Boraitha, however, states that he placed them in the court from which two doors opened, one into the garden and another into the palace.

"And the royal wine was in abundance" [Esther, i. 7]. Said Rabh: We infer from this that he gave to each to drink wine that was older than he.

"And the drinking was according to the order" [ibid. 8]. What is meant by "according to the order"? R. Hanan said

in the name of R. Meir: It was according to the order of our Torah. As in our Law eating precedes drinking, so he gave more to eat than to drink.

"Without compulsion." Says R. Elazar: From this it can be learned that to each was given to drink wine that grew in his country.

"On the seventh day, when the heart of the king was merry with wine." And till then, what did he do? Was he not till then merry with wine? Said Rabha: The seventh day was Sabbath. When Israelites eat and drink on Sabbath, they begin with sayings of the Law and praises to God; but the nations, when they feast, speak about women. These said the Medians are beautiful, and those said the Persian women are more fair. And Ahasuerus said to them: The one that I have is neither Median nor Persian, but Chaldean, and she is fairer than they all; and if you wish you can see her. They said: Yea, we wish to see her, but she must be naked. And the same measure which one uses, is used against one: as Vashti used to take Israelite maidens, and make them work nude, on Sabbath, so also it was decreed that she should be brought nude. And this is what is written [Esther, ii. 1]: "After these events, as the king's fury was appeased, he remembered Vashti, and what she had done, and what had been decreed concerning her"; *i.e.*, the decree had been the same as what she had done. "And the king was very wroth." What was the cause? Said Rabh: She sent to him this message: Thou groom of my father, my father used to drink wine as a thousand persons, and never had he committed such follies when he was drunk as thou." And therefore he was so wroth.

"Then said Memuchan." We have learned in a Boraitha: Memuchan was Haman. Why was he called Memuchan? Because he was *destined** for the troubles that befell him afterwards. R. Kahana said: From this we see that usually an ignorant man comes forward first (as he is mentioned last in verse 14).

"That every man should bear rule in his own house." Said Rabha: But for the first letters, there would have been left no remnant of Israel; because the men laughed at such a decree, that every man should rule in his own house. For even a tanner is in his own house a prince, and therefore they did not pay so much attention to the second decree in the later letters.

* *Muchan* in Hebrew is "prepared," "designed."

"And let the king appoint officers." Said Rabb: It is written [Prov. xiii. 16]: "Every prudent man acteth with knowledge, but a fool spreadeth abroad his folly." "Every prudent man acteth with knowledge"—that was David, as it is written [I Kings, i. 2]: "Wherefore his servants said unto him, Let them seek out for my lord the king a young virgin." Everyone who had a daughter, brought her himself to the king. "But a fool spreadeth abroad his folly," *i.e.*, Ahasuerus, who had to appoint officers, for whoso had a beautiful daughter hid her from him.

"There was a certain Jew in Shushan the capital . . . a Benjamite." What is meant by "he was a Benjamite"? If it is meant to give his genealogy, let it have been traced to Benjamin; otherwise, why were the first three of his ancestors mentioned? In a Boraitha it is explained that all the three names are not those of his ancestors, but are his own. The son of Yair, *i.e.*, the man who made the eyes of the Jews *light** with his prayer; the son of Shimi, the man whose prayer God *heard*;* the son of Kish, *i.e.*, the man who *knocked* on the gates of *Mercy*, and *they* were opened to him.* Said R. Na'hman: Mordecai was crowned with these fair names. It is written, "a Judean man," and then, "a Benjamite." Which was he? Said Rabba bar bar Hana in the name of R. Joshua b. Levi: His father was a Benjamite and his mother was a Judean. The sages, however, said: The tribes disputed with each other. Judah said: Through me Mordecai was born, for if David had killed Shimi b. Gera, he could not have been born; and Benjamin said, he belongs to me, because he is of my tribe. Rabha says: On the contrary, the Kneseth (congregation) of Israel said: See what Jehudah did to me, and see what the Benjamites have done to me: Judah, because David did not kill Shimi, made possible the birth of Mordecai, of whom Haman became jealous; and because Saul had not killed Agag was born Haman, who caused troubles to Israel.

R. Johanan said: He was a Benjamite. Why is he called a Judean? Because he did not want to worship idols, and every Israelite who rejects idols is called a Judean, as it is written in Daniel x. 12: "There are certain *Judean* men," etc. "Thy gods they do not worship."

R. Simeon b. Pazzi, when he wanted to lecture about Chroni-

*Our is "light," *Shema* is "hear," *Kish* is "rap."

cles, began thus: All the names which are mentioned in the Chronicles without any explanation, we are nevertheless able to explain them. It is written [I Chronicles, iv. 18]: "And his wife the Judean bore Jered the father of Gedor, and Cheber the father of Socho, and Jekuthiel the father of Zanoach. And there are the sons of Bithya the daughter of Pharaoh, whom Mered had taken (for wife)." Why was she called "the Judean"? Because she denied idolatry, as it is written [Ex. ii. 5]: "And the daughter of Pharaoh went down to wash herself at the river." And R. Johanan said: She went to cleanse herself of the idolatries of her father's house.

"Bore Jered." Did she bear him—she only reared him? From this we may infer that whoso rears an orphan is the same as if she bore him. Jered—that is, Moses. Why is he called Jered? Because in his day manna *descended** from heaven to Israel. "Gedor,"* *i.e.*, he fenced up the breaches of Israel. "Cheber,"* *i.e.*, he *joined* the Israelites to their Heavenly Father. "Socho"*—he was to Israel as a tabernacle (protection). "Jekuthiel"—the Israelites *hoped* to God in his days.† Zanoach,* *i.e.*, he *abandoned*† or atoned for the sins of Israel in his days. It is written three times "Abi" (father), *i.e.*, he was the father of Torah, the father of Wisdom, and the father of Prophets. And these are the sons of Bithya the daughter of Pharaoh, whom Meret had taken. Was, then, his name Meret—it is known that his name was Kaleb? The Holy One, blessed be He, said: "Kaleb, who *rebelled*† against the advice of the spies, shall take the daughter of Pharaoh, who had rebelled against the idolatries of her father."

"Who had been carried away into exile from Jerusalem" [ii. 6]. Said Rabha: He had not been exiled, but came by his own will.

"And he had brought up Hadassah." Is she called Hadassah and called Esther? We have learned in a Boraitha, R. Meir said: Her right name was Esther, but she was called Hadassah, because the upright are called thus, as it is written [Zechariah, i. 8]: "He was standing among the *myrtle*-trees."† R. Jehudah said: Her right name was Hadassa. Why was she called Esther? Because she *concealed*† her words, as it is written [ii.

* *Jared* is "to descend"; *Geder*, "fence"; *Habor*, "join"; *Sukka*, a "protection."

† *Jekan*, "hopes"; *El*, "God"; *Zanoach*, "abandon"; *Marod*, "rebel"; *Hadas*, "myrtles"; *Haster*, "conceal."

10]: "Esther told nothing." R. Nehemiah said: Her right name was Hadassah. Why was she called Esther? Because the nations called her for her beauty "star" (αστηρ). B. Azzai said: Esther was not tall or short, but of moderate size, like a myrtle. R. Joshua b. Kar'ha said: Esther's complexion was yellow, but she had grace.

"For she had neither father nor mother. And when her father and mother were dead, Mordecai had taken her to himself as a daughter." Why this superfluous repetition? Said R. Aha: To tell us that when the mother became pregnant her father died, and when she was born the mother died.

"And the seven maidens who were selected to be given to her" [ibid. 9]. Says Rabha: By them she counted the days to know when Sabbath was.

"In the evening she went and in the morning she returned" [ibid. 14]. Said R. Johanan: Among the blameworthy actions of that wicked man, it can be said in his praise that he had intercourse with women only by night.

"And Esther found favor" [15]. Said R. Elazar: Every nation thought her to belong to itself.

"And the king made a great feast" [ibid. 18]. And Esther still did not tell her nation; he lightened the taxes of all nations, and she did not tell; he sent presents to his governors, and she still did not tell; so he asked the advice of Mordecai how to discover it; and he told him that a woman becomes jealous only of another woman, and when he will take other women she will tell (as a favor to him). But this availed not either, as it is written: "And Esther had not yet told of her descent or her people."

R. Elazar said: It is written [Job, xxxvi. 7]: "He withdraweth not his eyes from the righteous." In reward of the modesty of Rachel, King Saul descended from her; and in reward of Saul's modesty Esther descended from him. Wherein was Rachel modest? It is written [Gen. xxix. 12]: "And Jacob told Rachel that he was her father's brother." Was he her father's brother? He was the son of her father's sister! That means, he asked her: Will you marry me? And she answered: Yes, but my father is a trickster, and he will deceive you. To this he answered: I am his brother in trickery. And she asked him: May an upright man do it? And he answered: Yea, it is written in II Samuel, xxii. 27: "With the pure thou wilt show thyself pure, and with the perverse thou wilt wage a contest." And he asked Rachel: How can he cheat me? And

she replied: I have an elder sister, and he will not let me marry before her. So he confided to her some signs by which to distinguish her. And when Leah was brought in her stead, Rachel said: My sister will be put to shame. So she confided to her the signs. And this is what is written: "And it came to pass that in the morning, Behold, it is Leah." That means, till the morning he knew it not. And therefore she was rewarded by Saul's being descended from her.

And what was Saul's modesty? It is written [II Sam. x. 16]: "Of the matter of the kingdom, whereof Samuel had spoken, he told him not." For this he was rewarded by Esther's being descended from him. R. Elazar said again: When the Holy One, blessed be He, decrees greatness for a man, it is for him and his descendants to the end of ages; as it is written [Job, xxxvi. 7]: "He doth establish them forever, and they are exalted." But if they become proud, he humbles them, as it is written [ibid. 8.]: "If they be bound in fetters."

"In those days, while Mordecai was sitting in the king's gate, Bigthan and Theresh . . . became wroth" [Esther, ii. 21]. Said R. Hyya bar Abba in the name of R. Johanan: The Lord makes the masters wroth against their servants, in order to do good to the upright; as it was in the case of Joseph, as it is written [Gen. xli. 12]: "And there was with us a Hebrew lad," etc. And he makes slaves wroth against their masters, to perform a miracle for the good of the upright. And who is it? Mordecai, as it is written: "And the thing became known to Mordecai." R. Johanan said Bigthan and Theresh were *Tarsees*, and spoke their own language, and said among themselves: "Since Esther has come into the court, we know no sleep. Therefore let us put poison into the king's drink, in order that he should die." And they knew not that Mordecai was of the Great Sanhedrin, every one of whom knew seventy languages. Then Bigthan said to Theresh: Our watches are not the same. He answered: I will watch for you too (and say you are sick). "And the thing was inquired into, and found true." What was found? That he had not been at his post.

"After these events" [ibid. iii. 1]. What events? Said Rabha: After the Holy One, blessed be He, had created a cure to their woe. Because Resh Lakish said: The Holy One, blessed be He, afflicts not Israel before He has prepared the cure for them in advance. As it is written [Hosea, viii.]: "Should I desire to heal Israel, then would the iniquity of

Ephraim be laid open." But with idolatrous nations it is different. First He smites them, then He heals them, as it is written [Is. xix. 12]: "And the Lord will thus strike Egypt, striking and healing."

"But it appeared too contemptible in his eyes to lay his hand on Mordecai alone" [6]. Said Rabha: In the beginning he wanted to lay hand on Mordecai alone, and later on the people of Mordecai, *i.e.*, the scholars, and later on all the Jews.

"Some one cast the Tur, that is the lot" [7]. We have learned in a Boraitha: When the lots fell on the month of Adar, Haman rejoiced very much, for he said: It is the month in which Moses died. But he did not know that on the 7th of Adar Moses had died, and also had been born.

"There is one people" [ibid. 8]. Said Rabha: There was no man who could calumniate so well as Haman. He said to the king: Let them be destroyed. And he answered: I am afraid of their God, lest he act toward me as toward others that did evil to Israel. Then Haman replied: They no longer observe their God's commandments. Then the king said: But there are among them rabbis, who observe them. Then he rejoined: They are one people, all are the same, no one observes. And if thou shouldst think I shall leave a void in thy kingdom, thou must know that they are scattered among all nations, and their extermination will not be perceptible. And perhaps thou wilt say, thou derivate a benefit from them. Know that they are like mules,* that are unproductive. And if thou shouldst imagine there is one country in which they dwell together, know that they are scattered in *all* the provinces of thy kingdom.

"And their laws are different from those of every people," *i.e.*, they do not eat with us, and do not intermarry with us.

"They do not execute the laws of the king." The whole year they find excuses not to give the taxes, saying: Now is Sabbath, now is Passover.

"It is no profit for the king to tolerate them." Because they eat and drink in a manner to disgrace the king, for if a fly fall into a goblet of wine, they will take it out and drink it; but if the king should touch the goblet of wine, they will pour it out.

"If it be pleasing to the king, let it be written to destroy them, and ten thousand talents of silver will I weigh out." Said

* "Separated," מפורד; and פרד is "a mule."

Resh Lakish: It was known to Him who said one word, and the world was created, that in the future Haman would give talents of silver to buy Israel. Therefore He had commanded that in the same month they should give Shekalim of silver to the Lord, as we have learned in a Mishna that on the first day of Adar it was heralded that the Shekalim be given. And the king said to Haman: The silver is given to thee; that people also, to do therewith as it seemeth good in thy eyes.

Said R. Abba: The parable of Ahasuerus and Haman resembles what? Two men, one of whom had a hillock in his field and the other a valley (or pit); he who had the valley, when he saw the hillock, said: If one would sell it to me, I would buy it to fill up the valley. Then it happened they met, and he who had the valley said: Sell me the hill. And he answered: Take it for nothing, so that you remove it. (So Ahasuerus also had wanted to get rid of the Israelites, and when Haman came to him he gave them away for nothing.)

"And the king drew his signet ring from off his hand." Said R. Abba bar Kahana: The removal of this ring had a greater effect than forty-eight prophets and seven prophetesses, who preached that Israel should better its ways; but this made them really better.

The rabbis taught: Forty-eight prophets and seven prophetesses preached to Israel, and subtracted or added nothing, save the reading of the Megilla, which was instituted by the prophets alone. What basis had they for that? Said R. Hyya bar Abbin in the name of R. Joshua b. Kar'ha: They drew an *a fortiori* conclusion: if when Israel was delivered from slavery to freedom they sang, so much the more when they were saved from death to life. Why, then, do we not say Hallel on Purim? Because we do not say Hallel for the miracles that happened outside of Palestine. But the exodus from Egypt was also a miracle outside of Palestine? This is in accordance with the teaching of the following Boraitha: Till Israel entered Canaan, they said praises for all miracles, but since they occupied Palestine they sang praise only for miracles in Palestine. R. Na'hman, however, said: The reading of the Megilla, that is the same as Hallel. Rabha said: There, when they went out of Egypt, it was right to say Hallel, because it is said: "Praise, O ye servants of the Lord," and not Pharaoh's; but now, how could they say so on Purim, since they continued to be slaves of Ahasuerus?

Who were the seven prophetesses? Sarah, Miriam, Deborah, Hannah, Abigail, Huldah, Esther.

Sarah, as it is written [Gen. xi. 29]: "The father of Milcah and the father of Yiscah." And R. Itz'hak said: By Yiscah is meant Sarah. Why was she called Yiscah? Because that signifies *seeing*, and she was a *seer* through the Holy Spirit. Miriam, as it is written [Ex. xv. 26]: "Then took Miriam the prophetess, the sister of Aaron." Aaron's, and not Moses' sister? Said R. Na'hman in the name of Rabh: She had prophesied even when she had been yet but Aaron's sister, before Moses' birth, and she said: In the future my mother will give birth to a child that will deliver the Israelites. Finally, when Moses was born, the whole house was filled with light. And her father rose, and kissed her on her head, and said: Daughter, thy prophecy is fulfilled. Afterward, when he was cast into the river, the father asked: Daughter, what has become of thy prophecy? And this is what is written [ibid. ii. 4]: "And his sister placed herself afar off, to ascertain what would be done to him," *i.e.*, to know what would be the end of her prophecy.

Deborah, as it is written [Judges, ix. 4]: "And Deborah, a prophetess."

Hannah, as it is written [I Sam. ii. 1]: "And Hannah prayed and said, My heart is glad in the Lord, my horn is exalted through the Lord." My *horn* is exalted, and not my *flask*. David and Solomon, who were anointed with the horn, their dynasty endured; but Saul and Jehu, who were anointed with a flask, their dynasties did not last.

"There is none holy like the Lord, for there is none beside thee" [ibid. 2]. The expression for "none beside thee" is בלתיך. Said R. Jehudah b. Menassia: 'Do not read בלתיך, but לבלותיך, because not as a human being is the Holy One, blessed be He: a human being is survived by his own work, but God survives all His works.*

"There is not any rock like our God," *i.e.*, there is no sculptor like our God. Do not read צור (rock), but צייר:† a man makes a statue, and cannot endow it with a soul; but the Holy One, blessed be He, makes an image within an image, and endows it with a soul and life, entrails, etc.

* בלה is "to rot, fade, dwindle, wear out."

† Which means "painter, sculptor."

Abigail, as it is written [I Sam. xxv. 31]: "And when the Lord will do good unto my lord." She prophesied that he would be king.

Huldah, as it is said [II Kings, xxii. 14]: "Huldah the prophetess."

And Esther, because it is written [Esther, v. 7]: "Esther put on royalty." * It should be written, "royal apparel"? That means, she clothed herself in the Holy Spirit, and this is inferred from an analogy of expression; here it is written, "she put on," and in I Chron. xii. 18, "a spirit invested † Amassoï." As there the Holy Spirit is meant, so here.

Said R. Na'hman: Pride does not become women. Two women were proud, and they both had unlovely names: one was called Bee (Deborah) and one Cat (Huldah). Of Deborah it is written [Judges, iv. 6]: "And she sent and called Barak and went not herself"; and of Huldah it is said [II Kings, xxii. 15]: "Say unto the man that hath sent you to me"; and she did not say, "unto the king."

"And Mordecai ascertained all that had been done" [Esther, iv. 1]. What had been done? Said Rabh: That Haman had persuaded Ahasuerus.

"Then called Esther for Hathach" [5]. Said Rabh: Hathach is Daniel. Why was he called Hathach? Because he was *cut* from, or deprived of, his office. ‡ Samuel says: On the contrary, he had the office, but he was called Hathach because all laws were *decided* § by him.

"And they told Mordecai the words of Esther" [12]. But he went not himself to her? From this is inferred that an evil tiding must not be brought personally.

"And Mordecai went about" [17]. Said Rabh: What is meant by "went about"? He transgressed ¶ by fasting on the first day of Passover; he fasted three days, and the third was Pesach. And Samuel says: It means "be passed." There was a piece of water between the court and Shushan, and he crossed it.

"And it came to pass on the third day that Esther put on royalty" [iv. 1]. Said R. Elazar in the name of R. Hanina: From this we infer that she clothed herself in the Holy Spirit, as explained above [66].

The same says again: The blessing of a common man shall

* In Hebrew it is so. † In Hebrew it is the same expression. ‡ *Hathach*, "cut."

§ Which is in Hebrew expressed by *cutting*. ¶ *Abor* has all these meanings.

never be held light, because we find that two who were the greatest in their generations were blessed by two common men, and the blessings have been fulfilled, and they are David and Daniel. David, whom Araunah blessed, as it is written [II Samuel, xxiv. 23]: "And Araunah said unto the king, may the Lord thy God receive thee favorably." And Daniel, whom Darius blessed, as it is written [Dan. vi. 17]: "May thy God, whom thou worshippest, continually, truly deliver thee." The same authority says again: Do not hold light the curse of a common man. For Abimelech cursed Sarah, saying [Gen. xx. 16]: "This is to thee a covering to the eyes," and it happened to her children as is written: "And Isaac's eyes became dim" [Gen. xxvii. 1]. The same says again: He who repeats something said by another, in that person's name, brings salvation to the world, as it is written: "And Esther said it to the queen in the name of Mordecai." And thus Israel was saved. He says again: When an upright man is lost, he is lost to his generation; but not he himself. He is like to a pearl, which may be lost to the owner, but is and remains a pearl.

"Yet all this profiteth me nothing" [v. 13]. Said R. Elazar in the name of R. Hanina: That was because Mordecai once had a *πρεσβευται*, and Haman had sold himself to him as a slave, as said R. Hisda. The same said again: In the future, the Holy One, blessed be He, will be Himself a crown on the head of every upright man, as it is written [Is. xxviii. 5]: "On that day will the Lord of hosts be for a crown of glory and a diadem of beauty." What is meant by "a crown of glory and a diadem of beauty"? It is to those who do His will, and hope for His glory. But shall we assume, to all of them? Therefore it is written: "Unto the residue of his people." That means, to those who are so modest that they consider themselves like the remnant of the people.

"And for a spirit of judgment" [ibid. 6]. To those who judge their own resolutions. "To him that sitteth in judgment." It is the judge who does justice. "And for strength." It is to those who conquer their own desires. "To those that drive back the battle." That means, the disputing about the Law. "To the gate." That means, the scholars who come to the gate of the houses of prayer and learning in the morning and the evening. The Severity of Justice said to the Holy One, blessed be He: Creator of the world, what is the difference between the Israelites and other nations? And He answered:

Israel studied the Torah, and the idolaters did not. To this Justice replied [ibid. 7]: "But these also are now stumbling through wine, and reeling through strong drink."

"And placed herself in the inner court of the king's house" [Esther, v. 1]. Said R. Levi, as she came to the house of idols, the Shekhina left her; so she began to say [Ps. xxii. 2]: "'My God, my God, why hast thou forsaken me?' Canst thou hold guilty one who does a thing unintentionally as if she did it intentionally, and what she is forced to do as if she did it voluntarily?"

"And it happened when the king saw Esther the queen" [2]. Said R. Johanan: Three angels came to her help at the same time: one angel raised her head, that the king might see her; one, who gave her grace; and one who made longer the sceptre which the king stretched out to her. How much did it become longer? Says R. Jeremiah: It was two ells long, and became twelve ells long. And others say sixteen, and others say twenty-four; and in a Boraitha we have learned sixty. Rabba bar Uphran said in the name of R. Eliezer, who had heard it from his Master, and his Master from *his* Master: It became longer two hundred ells.

"Let the king and Haman come this day unto the banquet" [v. 5]. The rabbis taught: Why did Esther invite Haman to the feast? R. Elazar says: She spread for him a net, as it is written [Ps. lxix. 23]: "May their table become a snare before them." R. Joshua says: She learned it in her father's house, as it is written [Prov. xxv. 21]: "If thy enemy be hungry, give him bread." R. Meir said that at the time when Ahasuerus would be at the feast, Haman should not get wind of the matter, and rebel. R. Jehudah said: She did it that it should not be noticed she was a Jewess. R. Nehemiah said: That the Israelites say not, We have a sister in the king's court. Therefore we need not pray to God. And R. Jose said: He should be near, if she wanted him. R. Simeon b. Menassia said: That He above should see that she was so humbled as to be forced to flatter her enemy, and should perform a miracle. R. Joshua b. Korba said: She meant to make herself agreeable to Haman, that the king might become jealous, and should kill both him and her, whereby Israel would be saved. R. Gamaliel said: Because she knew Ahasuerus was very fickle (and if she told him to kill Haman, he might repent; but if he should be in her house, it would be executed immediately). Said R. Gamaliel:

After all, we must still hear what the Median has said. As we learn in the following Boraitha, R. Elazar of Media said: She had intended to make Haman jealous of Ahasuerus, and Ahasuerus jealous of Haman. Rabha said: As it is written [in Prov. xvi. 18]: "Before downfall goeth pride." Abayi and Rabha both said: She intended to do as is written [in Jeremiah, li. 39]: "When they are heated I will prepare their drinking feasts and will make them drunken." Rabba bar Abahu once found Elijah the prophet, and asked him: What did Esther intend to do? And he answered: As all the Tanaim and all the Amoraim opined.

"In that night sleep fled from the king" [vi.]. He thought, What could be the meaning of Esther's invitation of Haman? Perhaps they conspired against him to kill him? Then he considered that some friend of his would be found to inform him. But then he said: Perhaps there are men who have rendered me services, and I have not rewarded them. Therefore people do not care to do me a kindness. As soon as this struck him, he commanded to bring to him the Chronicles. "And they were read" by themselves; *i.e.*, that place in the Chronicles turned up accidentally.

Said R. Ashi: R. Shila of the village Tamratha lectured: If what is recorded about Israelites below is not erased, so much the more what is written about them in Heaven above.

"There hath nothing been done with him" [3]. Says Rabha: They said so, not because they loved Mordecai, but because they hated Haman.

"Do this to Mordecai" [10]. And Haman asked: Who is Mordecai? And the king answered: The Jew. And he said again: There are many Jews by the name of Mordecai. And he answered: The one that sits at the gate of the king. He said: For this man it will suffice if thou wilt give him a village, or the tolls of a river. And the king said: Give him this too. Therefore it is written: "Leave out nothing of all that thou hast spoken." "And Haman then took the apparel and the horse" [11]. As Mordecai saw that Haman came to him on the royal horse, he trembled, and said to the rabbis who sat near him: This man probably comes with an order to put me to death. Go away from here, that you may not get harmed through me. Mordecai wrapped himself, and stood up to pray. When Haman entered, he sat down and waited till Mordecai ended the prayer. Then Haman asked Mordecai: What was

your occupation when I entered? He replied: We studied the laws of a handful [Lev. vi. 8]. We deliberated what a handful should be. Haman answered: Your handful, which you have offered to God, has outweighed the ten thousand talents that I had proposed to the king, for your destruction. Then said he to him: Put on the royal apparel and mount the horse, for the king wants you. Mordecai said: I must not put on the royal garments before I wash myself. Haman took him himself to the bath, and washed him, and cut his hair. Thereafter, he bade him mount the horse. He replied: I cannot; I am too weak from fasting. So Haman bent himself, and helped him to climb the horse, by letting him step on his back.

"And proclaimed before him: Thus shall be done unto the man," etc. [11]. Haman's daughter heard this, and saw from a distance a man riding on a horse. She thought her father sat on the horse, and Mordecai led him. When they came nearer, and she perceived her mistake, she threw herself from the balcony, and died. And this is what is written: "Haman hastened to his house, mourning, and having his head covered"—mourning over his daughter, and his head covered, because of the disgrace.

"And Haman related to Zeres his wife and to all his friends" [13]. And afterward it is written: "Then said unto him his wise men and Zeres his wife." First they are called friends, and then wise men? Said R. Johanan: A man even of the nations who says an intelligent thing may be called wise.

"If Mordecai be of the seed of the Judeans." They said: If Mordecai is descended from other tribes, you will get the better of him; but if he be descended from one of these tribes—Jehudah, Benjamin, Ephraim, Menasseh, then you cannot overcome him. From Jehudah because it is written [Gen. xlix. 8]: "Thy hand shall be on the neck of thy enemies"; and the other three, because it is written [Ps. lxxx. 3]: "Before Ephraim, Benjamin, and Menasseh, awaken thy might."

"But thou wilt surely fall before him." R. Jehudah b. Ilai lectured: What is meant by "surely fall"? His wise men and wife said to him thus: This nation [Israel] resembles earth, and resembles stars; when they sink they sink to the dust, and when they rise they rise to the stars.

"When the king's chamberlains arrived" [Esther, vi. 14]; "and they hastened." From this we infer that they brought him in a hurry.

"For we have been sold, I and my people . . . for the adversary regardeth not the damage of the king." She said to him: This enemy is not worth the damage he causes to the king: when he became jealous of Vashti, he killed her; and now he becomes jealous of me, and wants to kill me too.

"And the king arose in his fury . . . and when the king returned" [vii. 7, 8]. From this we may infer that as he had gone out in fury, so he returned in fury. "Haman was fallen upon the couch." It is not written "fell," but "was fallen," from which we may infer that an angel came and pushed him. And the king said: Woe inside, and woe outside!

"Then said Harbanah" [9]. Said R. Elazar: Harbanah the wicked had been among those who had given the advice to make a gallows for Mordecai; but as he saw his plan not fulfilled, he deserted Haman and went over to Mordecai's friends, and this is written [Job, xxvii. 22]: "And will cast upon him, and have no pity; out of his hand will surely escape."

"And the fury of the king was appeased" [xii. 10]. The expression is שִׁכְנָה, which is plural. (What signifies the plural? His anger about Vashti and about Esther was appeased.)

It is written [Gen. xlv. 22]: "To all of them he gave to each changes of raiment; but to Benjamin he gave . . . five changes of raiment." Is it possible that what gave trouble to Joseph's father, as Rabba bar Me'hassia said in the name of Rabh (Sabbath, p. 19), *he* (Joseph), the righteous man, should do? Said R. Benjamin b. Jepheth: That was a hint that from him would descend a man who would wear five royal garments, as it is written [Esther, viii. 15]: "And Mordecai went out in a royal apparel of blue and white, and with a great crown of gold, and with a cloak of fine linen and purple."

"And he fell upon his brother Benjamin's neck" * . . . [Gen. xlv. 14]. How many necks had he—he had only one? He wept for the two Temples, that would be situated in Benjamin's land, and would be destroyed. "And Benjamin wept upon his neck." He wept for the Tabernacle of Shiloh, that would be in Joseph's part of the land, and would be destroyed. "And behold, your own eyes see, and the eyes of my brother Benjamin" [Gen. xlv. 12]. Said R. Elazar: Joseph said to them: Just as I have nothing in my heart against Benjamin, who took

* In the Hebrew text the plural is used.

no part in my sale, so I have nothing against you. "It is my mouth that speaketh unto you." What I speak with my mouth, I think in my heart. "And to his father he sent after this manner [ibid. 23] . . . with the best things of Egypt." What is meant by the best things of Egypt? Said R. Benjamin b. Jepheth in the name of R. Elazar: He sent him old wine, which when old men drink they have their minds invigorated. "And Israel bowed himself upon the head of the bed" [xxxvii. 31]. The same authority said: When the fox is at the head, the people bow to him. "And he comforted them, and spoke kindly unto them" [l. 21]. Said the same authority again: He told them such things as are agreeable to be heard; namely, ten lights could not extinguish one, much less could one light put out ten.

"For the Jews there was light, and joy and gladness and honor" [Esther, viii. 16]. Said R. Jehudah: By light is meant the Law, as it is written [Prov. vi. 23]: "For the commandment is a lamp, and the law is light." "Joy," that is, a holiday, as it is written [Deut. xvi. 14]: "And thou shalt rejoice on thy feast." "Gladness" means circumcision, as it is written [Ps. cxix. 162]: "I am rejoiced over thy promise." And by "honor" is meant Thephilin, as it is written [Deut. xxviii. 16]: "And all the nations of the earth shall see that thou art called by the name of the Lord, and they shall be afraid of thee." And we have learned in a Boraitha, R. Eliezer the Great said: By this are meant the Thephilin on the head.

"And Parshandatha" [Esther, ix. 7]. R. Adda, from the city of Jopha, said: The names of the sons of Haman and the phrase "and the ten" must be pronounced in one breath. Why? Because their souls left their bodies all at the same time. Said R. Johanan: The Vav of Vayzatha must be made longer, that it look like a gallows, for all ten were hanged on one gallows-tree.

"Words of peace and truth" [30]. Said R. Tanhum, and according to others R. Ashi: We may infer from this that it should be written like the Law of Truth; as that must be written on ruled parchment, so this.

"And the order of Esther confirmed" [32]. Said R. Johanan: Read together the former verse and this: "The matters of the fastings, the prayers, and the order of Esther confirmed."

"For Mordecai the Jew was the second in rank after King Ahasuerus, and great among the Jews, and acceptable to the

multitude of his brethren" [x. 3]. To the multitude, but not to all? From this we may infer that a part of the Sanhedrin turned away from him.

R. Joseph said: The study of the Law is greater than the saving of lives, for before Mordecai was mentioned the fifth, and later the sixth. It is written [Ezra, ii. 2]: "Who came with Zerubbabel, Jeshua, Nehemiah, Serayah, Reayah, Mordecai, Balshan;" and later, [in Nehemiah, vii. 7] he is mentioned the sixth. (Rashi explains this thus: From the return of Ezra to the return of Nehemiah twenty years elapsed, and meanwhile Mordecai became of high rank, but before he had been more of a scholar.)

Rabh, and according to others R. Samuel b. Martha, said: The study of the Law is of more importance than the building of the Temple; for so long as Barach b. Neriah lived, Ezra returned not to the land of Israel. Said Rabha in the name of R. Itz'hak b. Samuel the son of Martha: The study of the Law is more important than the honoring of the parents; for in all the years that Jacob passed with Shem and Eber and studied the Law, he was not chastised for failing during that time to honor his father and his mother.*

* The Gemara proceeds to prove this by certain calculations of the ages of Ishmael, Itz'hak, and Jacob, deduced from scriptural passages; the proof being very flimsy and complicated, we have omitted it.

CHAPTER II.

CONCERNING THE READING OF THE MEGILLA—BY WHOM, WHERE,
AND IN WHAT LANGUAGES.

MISHNA: Anyone who reads the Megilla in an irregular manner does not fulfil his duty; nor if he reads it by heart, or translated in any language which he does not understand. It is lawful, however, to read to those that know no Hebrew in a foreign language which they understand; if they have heard it in (the original language with) Assyrian characters, they have also done their duty (though they have not understood the Hebrew). Should anyone read it so as to make long pauses between the parts and slumber meanwhile, he will have fulfilled his duty. If anyone should read the Megilla while writing, expounding, or correcting it, with the intention of fulfilling his duty, it is fulfilled; but not, if he had no such intention. If the Megilla was written with paint, ruddle, gum, vitriol black, on papyrus, or on rough vellum, the duty is not fulfilled, but it must be written in Assyrian characters, in a book, on good parchment, and with ink.

GEMARA: Whence do we deduce this? Said Rabba: It is written [Esther, ix. 28]: "And these days are remembered and celebrated." The remembering is compared to the celebrating, as the celebration cannot be earlier, because the 15th day cannot precede the 14th; so in remembering, the second chapter cannot be read before the first. We have learned in a Tosephtha that the same is the case with the Hallel Prayer, and the saying of Shema. And whence is this deduced? Said Rabba: Because it is written [Ps. cxiii. 3]: "From the rising of the sun unto his going down, the name of the Lord is praised" (as the sun does not go backward, so the praises of the Lord). R. Joseph said: From the following passage [Ps. cxviii. 24]: "This is the day which the Lord has made" (as the day progresses without irregularity, so is to be the prayer). R. Ivia says: From the following passage [ibid. cxiii. 2]: "*Let* the name of the Lord be blessed" (*let* it be as it is). And R. Na'hman

bar Itz'hak, and according to others R. A'ha bar Jacob, says: From [ibid. 2]: "From this time forth and for evermore" (as time progresses regularly, so should the prayer be).

The rabbis taught: Whence do we deduce that we should mention the Patriarchs in the prayer? Because it is written [Ps. xxix. 1]: "Ascribe unto the Lord, ye sons of the mighty" (by mighty are meant the Patriarchs). And whence do we deduce that we should mention in the prayer the power of God? Because it is written [ibid.]: "Ascribe unto the Lord glory and *strength*." And whence do we deduce that His Holiness must be mentioned? Because it is written [ibid. 2]: "Ascribe unto the Lord the glory of his name; bow down to the Lord in the beauty of *holiness*." And from what did they see that we should pray for Wisdom after Holiness is mentioned? Because it is written [Is. xxix. 23]: "Then will they sanctify the Holy One of Jacob, and the God of Israel will they reverence"; and in the succeeding verse: "They also that were erring in spirit shall acquire understanding." And why do we mention Repentance after Wisdom? Because it is written [Is. vi. 10]: "Lest his heart understand, and he will repent, and be healed." If so, we ought to mention Healing after Repentance? It would not be proper, because it is written [ibid. lv. 7]: "And let him return unto the Lord, and he will have mercy upon him; and unto our God, for he will abundantly pardon." Pardon is therefore prayed for after Repentance. But why is preference given to this verse over that verse? There is another passage [Ps. ciii. 3]: "Who forgiveth all thy iniquities, who healeth all thy diseases. Who redeemeth from the pit thy life." Shall we assume that Redemption and Healing come after Forgiveness—in the verse above quoted it is written, "he will repent and be healed"? Not healing from disease is meant, but the forgiveness is a healing. And why did they mention Redemption in the seventh Benediction? Said Rabha: Because it is known they will be redeemed in the seventh year (in Sanhedrin it is said that in the last of the seven years before Messiah they will be redeemed). And why do they pray for Healing in the eighth Benediction? Said R. A'ha, because circumcision takes place on the eighth day, and requires a healing. And why do they pray for the Blessing of the Year in the ninth Benediction? Said R. Alexandri: That is for those who raise the prices, as it is written [Ps. x. 15]: "Break thou the arm of the wicked and of the bad man." And this the ninth psalm. (This whole psalm, Rashi

explains, speaks only of people buying up grain to raise its price, and he infers it from the verse: "He lieth in wait to snatch up the poor; he snatcheth up the poor as he draweth him into his net." And why is it considered the ninth psalm? Because they consider the first two psalms as one.) And why do we pray for Return from the Exile after the Benediction of the Year? Because it is written [Ezek. xxxvi. 8]: "But ye, O mountains of Israel, ye shall send forth your boughs, and your fruit shall ye bear for my people Israel; for they are near at hand to come." And as soon as there will be a Return from Exile, there will be the Punishment of the Wicked, as is written [Is. i. 25]: "I will turn my hand against thee, and purge away as with lye thy dross." And further [26]: "I will restore thy judges as at the first, and thy counsellors as at the beginning." After the Judgment of the Wicked there shall be no sinners, as is written [28]: "But destruction shall come over transgressors and sinners together." And those that forsake the Lord shall perish, and when sinners cease to exist, the horn of the righteous is exalted; as it is written [Ps. lxxv. 11]: "And all the horns of the wicked will I hew off, but the horns of the righteous shall be exalted." And righteous proselytes are included among them, as it is written [Lev. xix. 32]: "Before the hoary head shalt thou rise up, and honor the old man." And soon after: "If a stranger sojourn with thee, ye shall not vex him." And where will be exalted their horn? In Jerusalem. As it is written [Ps. cxxii. 6]: "Pray ye for the peace of Jerusalem: may those that love ye prosper." When Jerusalem will be rebuilt, David will come, as it is written [Hosea, iii. 5]: "After that will the children of Israel return and seek for the Lord their God and David their king." And with David will come Prayer, as it is written [Isaiah, lvi. 7]: "Even these will I bring to my holy mountain, and make them joyful in my house of prayer." And with Prayer comes Service in the Temple, as it is written further: "Their burnt-offerings and their sacrifices shall be accepted upon my altar." And after service comes a thanksgiving offering, as it is written [Ps. l. 23]: "Whoso offereth thanksgiving glorifieth me." (The order of the separate parts of the Eighteen Benedictions has already been laid down.) And why do they say the Blessing of the Priests after Thanksgiving? Because it is written [Lev. ix. 22]: "And Aaron lifted up his hands toward the people, and blessed them, and came down after he had offered the sin-offering and burnt-offering and peace-offer-

ing." And perhaps he blessed them *before* the service? Nay, we do not suppose so; for it is written, "he came down *after* he had offered"—not "to offer," but *after* offering. If so, let it be said before the Thanksgiving? It would not be proper, because it is written: "Whoso offereth the thanksgiving glori-fieth me." And why is this verse preferred to that? Because common sense tells that Service and Thanksgiving are the same thing. And why do we pray for Peace after the Blessing of Priests? Because it is written [Num. vi. 27]: "And they shall put my name upon the children of Israel, and I will bless them." And the blessing of the Holy One, blessed be He, is Peace, as it is written [Ps. xxix. 11]: "The Lord will bless his people with peace."

(Let us see:) If one hundred and twenty elders, and among them many prophets, have arranged the Eighteen Benedictions, why have we learned in another place that Simeon of Peculi had ordered them? They had been forgotten, so he reintroduced the order.

After these Eighteen Benedictions, it is not permitted to bless the name of the Lord more, as R. Elazar said: It is written [Ps. cvi. 2]: "Who can utter the mighty acts of the Lord? Who can publish all his praise?" *i.e.*, who is fit to utter? He who can publish *all* his praise (and as no one can do it, only the prayers that have been ordained should be said).

Rabba bar bar Hana said in the name of R. Johanan: He who speaks too much in praise of God is uprooted from the world, as it is written [Job, xxxvii. 20]: "Can all be related of him when I speak? Or if a man talk even till he be swallowed up?" R. Jehudah of the village Geborlah, according to others of Gibor-Hail, lectured: It is written [Ps. lxv. 2]: "For thee praise is silent." * Silence is the cure to everything: when R. Dima came from Palestine, he said that in the West they say: "A word is worth a *sela*, and silence two."

"*If he reads it by heart.*" Whence is this deduced? Said Rabha: There is an analogy of expression in the word "memo-rial." Here it is written [Esther, ix. 28]: "These days are remembered"; and there [Ex. xvii. 14]: "Write this for a memorial in a book." As there it is written "in a book" so here it should be read out of a book. How is it known that loud reading is meant—perhaps only looking through the book?

* So the Talmud translates זמיר.

It would not be reasonable; as a Boraitha states: It is written [Deut. xxv. 17]: "Remember"; and it cannot mean "in thy heart," because it is written again [ibid. 19]: "Thou shalt not forget." That means, certainly, in thy heart. Consequently "remember" must mean orally.

"*Or translated*," etc., *i.e.*, when both the language and the characters are foreign.

"*To those who know no Hebrew*," etc. But it is just stated that by hearing it read in a foreign language one has not fulfilled his duty. Rabbi and Samuel both said: By this Greek is meant. How is the case? If it was written in Assyrian (characters), and one read it in Greek, then he reads it by heart? Said R. A'ba in the name of R. Elazar: That means, when it is written in Greek, and he reads it in Greek.

The same authority says again: How is it known that God called Jacob "El" (one of the names of God)? Because it is written [Gen. xxx. 20]: "And called it El, the God of Israel," which he interprets, "who called him El, the God of Israel." For if the altar was meant, the verse would say, "and Jacob called *it*." An objection was raised: If one read the Megilla in Coptic, in Old Hebrew, Elamic, Median, or Greek, one has not fulfilled his duty? What is said above, that Greek is lawful, is like another Boraitha which says that if one has read in Coptic to Coptic, Hebrew to Hebrews, Elamic to Elamite, or Greek to Greek Israelites, they have done their duty. If so, why do Rabh and Samuel say the Mishna means only Greek: let them say it means all foreign languages may be read to those who understand them? Rabh and Samuel mean that even to those who do not comprehend it, it may be read in Greek. But in the Boraitha it is said, that only if Greek is read to Greek Israelites it is lawful? Rabh and Samuel are in accordance with Rabban Simeon Gamaliel, who says that even the Pentateuch was allowed to be written only in Greek, not in another tongue. If so, let them say, more briefly, the Halakha prevails according to R. Simeon b. Gamaliel? If they said so, we would think it bears reference only to other books; but as of the Megilla it is written, "according to its writing," we would think only in Assyrian characters it is allowed, and not Greek, therefore they come to teach us that even here Greek is proper.

"*One who has it read to him from Assyrian characters*." But he does not comprehend it? What is the use? It is like the case of women and common people, who do not understand

it either, yet they are fulfilling their duty. Rabbina opposed: Why do you compare him to women and common people, and we ourselves, do we understand what is meant by **האחשתרנים בני הרמכים** [viii. 10]? But as it does not matter, provided we understand the proclamation of the miracle, so it also matters not in their case.

"*Long pauses*," etc. (The term used in the Mishna is "Serugin.") The rabbis did not understand the expression of the Mishna, **סירוגין**, until they heard that the servant-maid of Rabbi, when she saw that the rabbis came to Rabbi's house in small detached parties, at intervals, said to them: Why do you come—Serugin, Serugin? * The rabbis taught: If one made pauses in his reading, he has fulfilled his duty; but if he read it irregularly, he has not; R. Muna says in the name of R. Jehudah: Even when one has made pauses he has done his duty, provided they were not long enough for the reading of the whole Megilla, but otherwise he must begin again from the beginning. Said R. Bibbi: Rabh said that the Halakha does not prevail according to R. Muna, and Samuel says that it does. Said R. Joseph: Hold in thy mind what R. Bibbi has said, for Samuel decides more vigorously. When a single authority holds vigorously, even when the majority differ from him (and it is an old rule, that where Samuel and Rabh disagree the Halakha prevails according to Rabh, when the laws are not about pecuniary matters).

The rabbis taught: When the scribe who had written the Megilla had omitted letters or sentences, but the reader read it like an interpreter, and supplied what was missing, the duty was done.

The rabbis taught: If the reader has omitted one verse, he should not say: When I shall have read the entire Megilla I shall then read the omitted verse; but he should commence with that verse, and read further. The same is it when one comes to the house of prayer, and finds the first half of it gone through by the congregation, he should not say: "I will read with the congregation to the end, and then read the first half"; but he should begin to read from the beginning, and read to the end.

"*And slumber*." What is meant by slumbering? It means not sleeping, but being drowsy, so that when he is called, he an-

* See Rosh-Hashana for other cases where the rabbis did not understand till they heard the explanation by Rabbi's maid.

swers; but to answer intelligently he is not able before he is called a second time.

"*If anyone should read whilst writing,*" etc. How was the case? If he had arranged the verses beforehand, and first read, then copied them, even if he had the intention, what is it? It is reading by heart. Shall we say, if he was writing verse by verse and reading them, he has not fulfilled his duty either, because by R. Helba in the name of R. Hama bar Guria, quoting Rabh, said: The Halakha prevails according to him who said that legally the whole Megilla must be written and be before him? This is meant: An entire Megilla lay before him, and he read each verse, and copied it.

Rabba bar bar Hana said in the name of R. Johanan: Even one letter must not be written, unless copied from a Megilla. An objection was raised: R. Simeon b. Elazar said: It happened to R. Meir, that he went to make the year intercalary in Asia, and there was not any Megilla; so he wrote it down from memory, and then read it to the community. Said R. Abahu: With R. Meir it is different: Of R. Meir was said the 25th verse of chap. iv. of Proverbs: "Thy eyelids see straight out before thee" (he saw the Megilla in his mind as clearly as with his eyes). Ramai bar Hama asked R. Jeremiah of Diphthi: What is meant by this? He answered him: The words of the Law, of which it is said [Prov. xxiii. 5]: "When thou lettest merely thy eyes fly over it, it is no more." But in the case of R. Meir it was as if he saw it with his eyes, so was it engraved in his memory.

R. Hisda found R. Hananal writing Scripture, not from a copy, and he said to him: It is true, thou art fit to write the entire Bible from memory; but the sages have said, nevertheless, that it is unlawful to write even one letter thus. From what we hear that he was fit for writing it all by heart, and we see that he knew it also by heart, yet he was not allowed to do so (how then could R. Meir do it?). In the time of necessity, when there was no other Megilla, it was different.

'*If the Megilla was written with . . . vitriol black.*' Said Rabba bar bar Hana: This means that which is used by shoemakers for blackening new shoes.

"*Rough vellum,*" when the hide has been already salted, but not polished.

"*But it must be written in Assyrian characters.*" Why? Because it is said, "according to their writing."

"*In a book and with ink.*" Whence do we deduce this?

From an analogy of expression. It is written [Esther, ix. 29]: "Then wrote Esther"; and [Jer. xxxvi. 18]: "Then said Baruch unto them, With his mouth did he utter clearly all these words unto me, and I *wrote* them in the book with ink."

MISHNA: If an inhabitant of an open town had gone to an anciently walled town, or *vice versa*, if he intends to return to his place, he shall read it at the same time they read in his place; if not, he may read with the inhabitants of the place in which he is. From where is it necessary to commence the reading of the Megilla, so as to fulfil one's duty? R. Meir says: It is obligatory to read the whole. R. Jehudah says: It suffices if he commence at "a Jewish man" [Esther, ii. 5]. R. Jose says: Even if from "after these events" [ibid. iii. 1].

GEMARA: Said Rabha: "If he intends to return." That means, to return on the night of the 14th; but if he does not purpose to return on that night, he may read with the inhabitants of the place where he is. And he said again: Whence do I deduce this? Because it is written [Esther, ix. 19]: "Therefore do the Jews of the open towns, that dwell in open towns." Let us see. It is stated already, "The Jews of the open towns." Why is it repeated, "that dwell in open towns"? He comes to teach us, that if one dwells even one day there, he is considered as an inhabitant of an open town. This is right about open towns, but how do we know that the same applies to walled towns? That is common sense: If one who dwells a day in an open town is considered an inhabitant thereof, the same must be in the case of a walled town.

And Rabha says again: If a countryman has gone into a town, he must read with the inhabitants, for why was he permitted to read on the Assembly-day? That he should not trouble himself to come to the town; but if he is there, he must read in any case, whether he intends to stay there or not.

"*From where is it necessary to commence*," etc. We have learned in a Boraitha: R. Simeon b. Jechayi said: He may begin from, "in that night" [chap. vi. 1].

Said R. Johanan: All these different opinions have been deduced from the following verse: It is written [ix. 29]: "Then wrote Esther the queen, . . . with Mordecai the Jew, with all due strength." Those who say the entire Megilla should be read, mean the whole might (strength) of Ahasuerus; he who says it should be begun from "a Jewish man," means the whole power of Mordecai; and he who says from "after these events," thinks

the power of Haman; and he who says from "in that night," means the whole power of the miracle should be related. Said R. Helba in the name of R. Hama bar Guria, quoting Rabh: The Halakha prevails according to him who says: The whole Megilla must be read. And even he who says from "a Jewish man" also means it should be *written* wholly, if not read. The same says again: The Megilla is called "a book," also "a letter." That means, it is called a book because if it is stitched together with threads of flax it is invalid, as the Holy Scrolls are; and it is called a letter because if only three veins are used it is yet valid (unlike the Holy Scrolls). Said R. Na'hman: This is when every vein is triple (triply stitched).

R. Jehudah said in the name of Samuel: If one has read the Megilla from the Bible, in which it is among other books, he has not fulfilled his duty, as the Megilla should be separated. Said Rabha: This is when the scroll of the Megilla was like the other scrolls; but if it was a little longer or shorter and distinguishable from them, it does not matter.

R. Hyya bar Abba said in the name of R. Johanan: If one reads the Megilla bound with other books, he has not done his duty. Those who heard him repudiated him, saying: This is only the case when it is read in public; but an individual may do so. The same says again in the name of the same authority: The law that, when the Holy Scrolls are stitched together, margins must be left at the top and at the bottom is a Halakha from Moses on Sinai. And those who heard him repudiated him,* saying: It is not a Halakha from Moses on Sinai, but it has been ordered only that the parchment may not be torn. The same says again in the name of the same authority: If in the case where Moses and Elijah were, there had been a chink as narrow as a needle, they would not have remained alive when the Lord passed, as it is written [Ex. xxxiii. 20]: "For no man can see me and live." The same says again in the name of the same authority: It is written [Deut. ix. 10]: "And on them was written according to all the words which the Lord had spoken with you on the mount." We infer from this that God revealed to Moses

* Rashi explained this, that not others objected, but he himself retracted his assertion. But this seems to us incorrect: firstly, as the word "repudiated," in the original, is in the plural; and secondly, when R. Hyya bar Abba said in R. Johanan's name he no longer lived, how could he contradict himself at that time? Therefore we translate it as it seems to us right. See our "Ursprung und Entwicklung des Philacterien-Ritus beiden Tuden," p. 140, where this passage is explained.

all the particulars of the Bible (*i.e.*, what words signify that something is to be included or to be excluded), and of the particulars the Gemara deduces from the Mishna, and what the scribes will discover later. And what is it? The reading of the Megilla.

MISHNA: All are qualified to read the Megilla, except a deaf person, fool, or a minor. R. Jehudah, however, allows it to be read by a minor.

GEMARA: Who is the Tana that holds that even when a deaf man has already read it the duty is not fulfilled? Said R. Mathna: The Tana is R. Jose of the following Mishna in Berachoth: "He who read Shema, and did not himself hear what he read, he has done his duty. R. Jose, however, said, he has not." How do we know that our Mishna is in accordance with R. Jose, who says that even if he has done it already, he has not fulfilled his duty. Perhaps it is in accordance with R. Jehudah, who says that he must not commence; but if he has done it already, he has done his duty? It would not be reasonable; because the deaf person is mentioned together with the fool and the minor, and as when the last two have done it the duty has not been fulfilled, so it must be with the deaf.

"*R. Jehudah allows a minor.*" We have learned in a Boraitha: R. Jehudah said: When I was a minor I read the Megilla in the presence of R. Tarphon and the elders in the city of Lud. The sages answered: One adduces no proof from a minor. We have learned in another Boraitha: Rabbi said: When I was a minor I read the Megilla in the presence of R. Jehudah. The sages said to him: One cannot adduce a proof from a man who permitted it (because the majority differed from him). Why have they not answered here also. One brings no proof from a minor? They meant it; firstly, he was a minor, but even if he were not, they would not recognize it as a proof, because R. Jehudah was an individual exception.

MISHNA: The following religious acts may not be done before sunrise on the day on which they are obligatory: To read the Megilla, to circumcise, to bathe (on the seventh day of the purification of an unclean or defiled person), to sprinkle (the unclean as a purification); nor may a woman (who had experienced her menses beyond the usual time, and who was to) wait a day (before she might bathe) do so before the sunrise of that day. But if any of these acts has been done at any period after day-break, it is valid.

GEMARA: Whence do we deduce this? It is written

[Esther, ix. 28]: "And these days are remembered and celebrated." The *days*, and not the nights. Shall we assume that this is in contradiction to R. Joshua b. Levi, who said above (p. 7.) that one must read the Megilla in the evening, and repeat it on the day? What this Mishna teaches, that before sunrise the Megilla must not be read, refers to the second time, *i.e.*, the reading by day.

"*To circumcise.*" Because it is written [Lev. xii. 3]: "On the eighth *day* shall the flesh of his foreskin be circumcised."

"*To bathe, to sprinkle.*" Because it is written [Num. xix. 19]: "And the clean person shall sprinkle upon the unclean . . . on the seventh *day*"; and bathing is equal to sprinkling.

"*After daybreak.*" Whence is this deduced? Said Rabba: Because it is written [Gen. i. 5]: "And God called the light *day*"; and the beginning of the light is called day. If so, then, as it is written, "and the darkness he called night," let the time when it begins to be dark be called "night"; and we have a tradition that until the stars appear it is not reckoned to be night. Therefore, says R. Zera, infer it from the following passage [Nehemiah, iv. 15]: "So we labored at the work, while the half of them were holding the spears from the rising of the morning dawn till the stars appeared."

MISHNA: The following religious acts may be done during the whole of the day (on which they are obligatory): The reading of the Megilla, of the Hallel; the sounding of the cornet; the handling of the Lulab; the prayer at the additional offering; the additional offering; the confession of sin on sacrificing the bulls, the confession to be made on bringing the second tithe, the confession of sin by the high-priest on the Day of Atonement; the imposition of hands (on the sacrifice); the slaughtering of a sacrifice; the waving of the offering; the bringing it to the altar; the taking of the handful of flour [Lev. ii. 2]; the burning with incense of the fat of a sacrifice on the altar; the pinching or wringing off of the head of fowls brought at sacrifices [Lev. i. 15]; the receiving of the blood of a sacrifice; the sprinkling thereof on the altar; the giving the bitter water to drink to a woman suspected of adultery; the striking off of the heifer's neck [Deut. xxi. 4], and the purification of a leprous person. The following acts may be done during the whole of the night: The cutting of the sheaves for the "omer," and the burning of the fat and members of a burnt-offering on the altar [Lev. vi. 9]. This is the rule: Whatever is commanded to

be done by day may legally be done during the whole of the day; and whatever is commanded to be done by night, it is lawful to do during the whole of the night.

GEMARA: Whence do we deduce this? Because it is written: "Those days are remembered and celebrated." The reading of Hallel, as is written [Ps. cxiii. 3]: "From the rising of the sun unto the going down." R. Joseph says: As it is written [ibid. cxviii. 24]: "This is the day which the Lord hath made." "The use of the Lulab," because it is written [Lev. xxiii. 40]: "And ye shall take unto yourselves on the first *day*." "The sounding of the cornet," because it is written [Num. xxix. 7]: "A *day* of blowing of the cornet shall it be unto you." "And the additional offering," as it is written [Lev. xxiii. 37]: "Everything upon its day." And the prayer at the additional offering is like the offering itself.*

"*This is the rule*," etc. What is it meant to include? The putting away of the spoon of frankincense, and the taking it away (because the old must be taken away at the same time that the new is brought, as will be explained in Tract Mena'hoth).

"*By night*," etc. What is it meant to include? The eating of the Paschal lamb, which is only before sunrise; and the Mishna is not in accordance with Elazar b. Azariah (as will be explained in Tract Mena'hoth).

* The remaining laws of the Mishna are also deduced here from verses or from analogies of expression; but they are found in other and more proper places, and are therefore here omitted.

APPENDIX TO FOOTNOTE ON PAGE 53.

Jastrow's Dictionary has just reached us, and we are surprised not to find under sub. לחם the quotation לחם, repeated twice on page 19b, old ed., mentioned by us in our note, which means they struck the *Halakha* on its head. We fail to find any reason for this omission, as it seems to us very important that the quotation should occur.

CHAPTER III.

REGULATIONS CONCERNING THE POSTURE OF THE READER OF THE MEGILLA, AND HIS CLOTHES, BEFORE PRAYER.

MISHNA : The Megilla may be read either sitting or standing, by one person only, or by two persons at the same time. They alike fulfil their duty. In places where it is usual to say a blessing (after reading it) it is obligatory to say it, but not when it is not customary. Three men are called to read in the Holy Scrolls on Mondays and Thursdays; and in the afternoon of the Sabbath neither more nor less than that number may be called, nor shall any section from the Prophets then be read. He who commences the reading of the Holy Scrolls shall pronounce the first benediction before reading it, and he who concludes the reading shall pronounce the last benediction after reading it.

On the first of the month, on the intermediate days of the festivals, four men are to be called. This number may neither be added to nor diminished, nor shall any section of the Prophets then be read (the first of these men shall say the first blessing before reading, and the last who concludes the reading shall say the last blessing after reading). This is the rule: On all days, when an additional offering is prescribed, which are nevertheless not festivals, four men are to be called; five on festivals; six on the Day of Atonement; and seven on the Sabbath. This number may not be diminished, but it may be increased, and a section of the Prophets must be read on those days. The first and the last readers shall pronounce the benedictions before and after reading.

GEMARA : We have learned in a Boraitha: It is not so with the reading of the Torah, which can be read only when the congregation sits. Whence do we deduce this? Said R. Abahu: It is written [Deut. v. 28]: "But as for thee, stand thou here by me." From this we infer, he should stand, and the congregation should sit. He says again: How do we know that the Master should not teach the disciple when he sits on the bed, and the disciple on the floor? Because it is written: "Stand by (with) me" (as I stand so you should stand).

The rabbis taught: From the time of Moses till Rabban Gamaliel the Law was studied standing; when R. Gamaliel died, sicknesses came into existence, and they began to study sitting. And this is what we have learned in a Mishna elsewhere, that since R. Gamaliel had died the honoring of the Law had ceased.

One verse says [Deut. ix. 9]: "I sat on the mount"; and another [ibid. x. 10]: "I stood on the mount." Said Rabh: He stood when he studied, and he sat when he repeated. R. Johanan, however, said: By "sitting" is meant abiding, as is written [Deut. i. 46]: "And ye sat in Kadesh," which means "dwelt." Rabha says: The easy things he learned standing, and the difficult things he sat down to understand.

"*By one person, or by two,*" etc. We have learned in a Boraita: The law is not so with the Holy Scrolls (which only one can read, not two).

The rabbis taught: The scrolls of the Pentateuch one should read and the other should interpret; but not one shall read and two interpret; but the Prophets: One should read and two may interpret it, but two should not read and two interpret. In case of Hallel and the Megilla, however, even ten may read and ten interpret. Why so? Because Hallel and the Megilla are dear to the people, and even if ten read they will give their attention.

"*In places where it is usual to say a blessing,*" etc. Says Abayi: The Mishna refers only to the benediction after it; but before, it is obligatory. As R. Jehudah said in the name of Samuel: For all religious duties, one should pronounce a benediction before they are done.

What blessing should be pronounced before the reading of the Megilla? R. Shesheth of Qartazia said in the presence of R. Ashi: Three blessings: Blessed be He, etc., who has commanded us to read the Megilla; Blessed be He, etc., who has performed miracles for our ancestors; and the benediction of the time. What blessing is said after the reading of the Megilla? "Blessed be Thou, O Lord our God, King of the Universe, who hast taken up our quarrels, who hast judged our judgments, who hast taken revenge for us, who hast retaliated for us on our adversaries, and who recompensest according to their deservings all our enemies. Blessed be Thou, O Lord, who punishest all the adversaries of Israel." Rabha said: "Blessed be Thou, God of salvation." Said R. Papa: Therefore, we should say both: "Blessed be Thou, O Lord, who punishest our adversaries, God of our salvation!"

"*Three men are called to read,*" etc. To what do the three

correspond? To the Torah, the Prophets, and the Hagiographa. So said R. Ashi. Rabha said: To priests, Levites, and Israelites. And R. Simi taught: One must not read less than ten verses in the house of prayer; and if one of them consists of the words, "And God spoke to Moses," it is reckoned among the ten. To what do these ten correspond? R. Joshua b. Levi says: To the ten unemployed men in the synagogue. And R. Joseph said: To the ten commandments given to Moses on Sinai. R. Johanan says: To the ten sayings of the Lord, by which He created the world.

Rabha said: The first of the three men who goes to read in the Torah, if he has read four verses, he may be praised; if not the first, but the second did it, he may be praised; if the third did this, he may be praised (and if all three read four verses each, all may be praised). It happened once R. Papa came to the synagogue of Abiguber; and he read four verses to the first, and R. Papa praised him.

"*Neither more nor less.*" We have learned in a Boraitha: "The beginner shall pronounce the benediction before the reading, and the last reader after." But in this time, when we have the custom that everyone says the benediction both before and after, the reason why the rabbis have ordained so is that those who enter and go away in the middle of the reading should not fail to hear either the blessing before or after.

"*On the first of the month.*" Ula bar Rabh asked Rabha: The portion about the beginning of the month [Num. xxviii. 11], how should it be read? Shall we begin to read with the first verse of the chapter which speaks about the daily offering—eight verses—how shall we do? If two each read three verses, only two will be left for the third, and two should not be read? If they read each four, then for the third will be left seven verses, because about Sabbath there are two, and about the first of the month five? If the third should begin with the ninth verse (about Sabbath), and read the two about Sabbath and one about the first of the month, we have learned in a Boraitha: One must not begin a portion (containing less) than three verses? (and about Sabbath there are two). If the third begin with Sabbath, and read three about the first month, then two verses will be left. Rabha answered: This I did not hear, but I heard something similar. We have learned in the Mishna, in Tract Taanith: "The first day one reads in Genesis from i. 6: 'Let there be an expanse.'" And a Boraitha added to this: From "In the begin-

ning" should be read by two, and from "Let there be an expanse" should be read by one. And it was discussed: It is right that from "Let there be an expanse" should be read by one, because there are three verses; but up to that there are only five verses, and how can two men read it? Have we not learned in a Boraitha that each must read no less than three verses? And in answer to it, it was taught: Rabh said: The second should begin from the third verse, which has been already read; and Samuel says: They shall divide the third verse into two parts.

[Why does Rabh say he shall read a second time, and not begin in the middle? Because Rabh holds the verse which Moses did not leave in the middle we may not split; but Samuel says we may. And according to Samuel may we stop in the middle of the verse? Did not Hanania Kara say: I had great trouble when I was by R. Hanina the Great, who did not permit me to stop in the middle of a verse, except for the schoolchildren, because I had to teach them? Why did R. Hanina permit? Because schoolchildren could not otherwise be taught; and so Samuel allowed, because it was necessary. But why does not Samuel say as Rabh? Because if one enter in the middle, and hear the second reading the third verse, he may think the first has read only two.]

An objection was raised: We have learned in Taanith: "A portion containing six verses may be read by two men, but if it contain five, only one man must read; but if the first has only read three, the second must read the remaining two, and one of the next portion. But, according to others, he must read three verses of the next, because he must not begin to read a portion, unless he read three verses." Now, if it were as Rabh and Samuel say, why does not the Boraitha teach he shall repeat a verse, or stop in the middle? There the case is different; because it is practicable, but not here.

Said R. Tan'hum in the name of R. Joshua b. Levi: The Halakha prevails according to the saying of the Boraitha in the name of the others. And he says again: As one must not begin a portion, to read less than three verses, so one must not stop unless three verses are yet left.

Rabba the son of Rabha sent to ask R. Joseph how the Halakha prevails. And he sent him the answer: The Halakha prevails, that it shall be repeated by the second reader.

"*This is the rule: When an additional offering.*" The schoolmen propounded a question: On a fast of the congregation how

many persons should be called to read? Should we say that because on the first of the month and intermediate days there is an additional offering, four should read; but on this occasion, when there is no additional offering, only three should read? Or that, because there is an additional prayer, four should be called to read? Come and hear: It happened that Rabh came to Babylon on a congregational fast-day. He arose and read in the Torah, and said a benediction when he began, but not when he finished. The whole congregation fell upon their faces, and he did not. Now let us see: Rabh (who was no priest) could read only what an Israelite reads (*i.e.*, was the third). Why, then, did he not pronounce the benediction after he had finished? We must assume because he thought a fourth would yet read, so there would be four? Nay; Rabh was the beginner, and substituted a priest, because he was the best man; and we find in Gittin, that R. Huna did so too. It is right of R. Huna, because, as it is said there, R. Ammi and R. Ashi, although they were priests themselves and the most honored men of Palestine, nevertheless bowed before R. Huna; but Rabh, how could he substitute a priest? Was there not Samuel, who was a priest, and always had preference before Rabh? Nay; Samuel also bowed to Rabh; but Rabh gave preference to him only to honor him, and it seems to us that this is correct, that Rabh read first; because if not so, why did he pronounce the benediction before? But perhaps it was after it was ordained that the benediction should be pronounced both before and after? Then he would have pronounced the benediction after it also? It is different. Where Rabh was, the people were permitted to enter the house of prayer, but not to leave, till Rabh finished lecturing. Hence there was no fear for those who might leave. (The question is therefore not decided, because after the first may be either two or three.) Come and hear. This is the rule: On the day when no labor is done, as on a congregational fast and the 9th of Abh, three must read; and on those days when to do labor is not prohibited, as on the first of the month and intermediate days of a festival, four read. This decides the question.

Said R. Ashi: Have we not learned in our Mishna: This is the rule: On the day which has an additional sacrifice, but is not a festival, four men read? Now, when it is said, "this is the rule," may we not assume that it is meant to include a congregational fast and the 9th of Abh? Nay, a sign only was given that it should not be thought festivals and interme-

mediate days are equal in the reading of the Torah : they gave us a rule that even on a day having a preference over another day, one man more must be called to read. Therefore, on the first of the month, intermediate days, which have an additional sacrifice, four read ; on a festival, when no labor may be done, five must read ; on the Day of Atonement, which has a punishment of Kareth, six read ; on Sabbath, which has a capital punishment, seven read.

It is said above : Rabh did not fall on his face. Why ? Because he was the most honored man ; and this is similar to the teaching of R. Elazar : He said, an honored man must not fall on his face, unless he is sure he will be answered as Joshua b. Nun, of whom it is written [Josh. vii. 10] : "And the Lord said to Joshua : Get thee up ; wherefore liest thou upon thy face ?" Said R. Hyya bar Abbin : I saw that Abayi and Rabha used not to fall on their faces, but only reclined their heads on their hands.

"*Six on the Day of Atonement.*" According to whom is our Mishna ? Not according to R. Ishmael, and not according to R. Aqiba of the following Boraitha : "On the festival five, on the Day of Atonement six, and on the Sabbath seven—not more and not less. So is the decree of R. Ishmael. R. Aqiba says : On a festival five, on the Day of Atonement seven, on Sabbath six—not less, but it may be more." If the Mishna was in accordance with R. Ishmael, it would not allow, as he, more ; and if in accordance with R. Aqiba, the latter says, on Sabbath six ? Said Rabha : The Mishna is in accordance with the disciples of R. Ishmael, who teach : On festivals five, on the Day of Atonement six, on Sabbath seven—not less, but more is permitted. So said R. Ishmael. This is in self-contradiction of R. Ishmael ? There are two Tanaim : One says R. Ishmael had said so, and the second he had said otherwise. To what do the three, five, and seven correspond ? R. Itz'hak b. Nahmani and R. Simeon b. Pazzi, according to others R. Samuel b. Nahmani—one said that it corresponds to the blessings of the priests (where there are three words in the first verse, five in the second, seven in the third), and the other said that they correspond to the three door-keepers [II Kings, xxv. 18] and the five men who could come unto the king's presence [ibid. 19] and the seven who could see Ahasuerus [Esther, i. 14]. And the same taught R. Joseph. Said Abayi to him : Why has the Master not explained it to us before ? He answered : I did not know you needed an explana-

tion of it, and you asked me not; did you ever ask me anything to which I answered not?

Said Jacob, one of the Minim,* to R. Jehudah: The six men who read on the Day of Atonement, to whom do they correspond? He said: To the six men who stood on the right and the left of Ezra, as is written [Nehem. viii. 4]: "The names of the six who stood on the right, and of the six that stood on the left."

The rabbis taught: All are entitled to be counted read among the seven on Sabbath, even a minor and a woman. The sages, however, said: A woman should not read in the Torah for the honor of the congregation. The schoolmen propounded a question: May the last reader from the Prophets be counted among the seven? R. Huna and R. Jeremiah bar Abba differ: One says yes; the other says no. The first gives the reason that, although he reads from the Prophets, he reads from the Pentateuch also, and why should he not be counted? while the second holds with Ula, who said that the reader from the Prophets reads from the Pentateuch only in honor of the Torah, not because it is his task; and therefore it is not counted. An objection was raised: We have learned that he who reads portions from the Prophets should read not less than twenty-one verses, to correspond to the verses from the Torah read by the seven men (each of whom read three). Now, if the same person reads also from the Pentateuch, he should read but twenty-four verses from the Prophets, as he himself read three in the Torah? As he reads only in honor of the Law, it should not be counted. Rabha opposed: Do not we read Jeremiah, vii., from verse 21 to chapter viii., where twenty-one verses are not found? There it is different, because the subject is concluded there. And where the subject is not finished, must we read twenty-one verses? Did not Samuel bar Abba say: I stood many times before R. Johanan, and when we had done reading ten verses, he told us to stop, though it was in the midst of the subject? Where there is an interpreter, the law is different. As R. Tahlipha b. Samuel taught: When must he read twenty-one verses? Where there is no interpreter, otherwise he may cease earlier.

MISHNA: When men come into the synagogue after the prayer has been finished, they may not repeat the prayer if they

* Tosphoth proposes it should be read Matzaa, of the city of that name, because, if he would be of the Minim, the Gemara would not mention his name. We, however, have explained in our *Philacterien-Ritus* that Jacob the Mini is right.

are less than ten in number, nor may any of them act as minister before the reading-desk, nor may priests raise their hands (to say the priest's blessing), nor may they read in the Law, nor read a section from the Prophets. When there are less than ten men present at a burial, the customary standings and sittings with the corpse, may not take place, nor may the blessing for mourners be said, nor the forms used in condolence with mourners, nor the seven blessings said on the celebration of a marriage, nor may the persons who join to say grace after meals mention the Divine name. And on an occasion of redeeming land that has been consecrated it is necessary that at least nine Israelites and a Cohen (priest) shall be present, and the same also at the valuation of a man (if he had said: I consecrate the value of my person to the sanctuary).

GEMARA: Where is this deduced from? Said R. Hyya b. Abba in the name of R. Johanan: Because it is written [Lev. xxii. 32]: "I may be sanctified among the children of Israel." All things sanctified must not be less than ten.*

"*Standings and sittings.*" Because it was the custom for a mourner to say: "Rise, honored men, rise!" and "Sit down, honored men, sit down!" which may not be said to less than ten.

"*Blessing for mourners.*" etc. What is the blessing for mourners? The benediction they said in the streets after the burial. Then R. Itz'hak said in the name of R. Johanan that the benediction of mourners was pronounced by not less than ten men, and the mourners themselves are not counted. The benediction of bridegrooms, however, is also said by ten, including, however, the bridegrooms.

"*Mention the Divine name.*" Why so? Because he must say: "Let us bless our God," and this is not suitable when there are less than ten.† (The Owner of Rewards shall recompense you for the kindness of accompanying the deceased. Blessed art Thou, O Lord, who givest rewards), and the same was said to the condolers.

MISHNA: Not less than three verses of the Holy Scrolls may be read in the synagogue by each person (called to read). One verse only of the Law may at one time be read to the inter-

* The Gemara deduces this from an analogy of expression, where a congregation is mentioned, and it is said a congregation is not called an assembly if less than ten.

† It is also shown from what the other laws are deduced, but they will all be found in other and more proper places in the Talmud.

preter. From the Prophets, however, may be read three also; but if each verse should form a separate section, each must be read separately. Passages may be skipped in the reading of the Prophets, but not in that of the Holy Scrolls. What time may be suffered to elapse to skip from one passage to another? while the interpreter does not conclude his interpretation.

GEMARA: "*A separate section*," etc. For instance, Isaiah, lii. 3, 4, and 5, treat of different subjects.

"*Passages may be skipped*." There is a contradiction: We have learned in a Mishna in Yoma the following: He reads Lev. xvi. 7, "After the death," etc., and then in xxiii. 27, "But on the tenth." From this we see that he skips in the Pentateuch also? Said Abayi: It presents no difficulty. In the Pentateuch one may not skip when it is one subject; but if there are two different subjects one may. But we have learned in a Boraitha that even when the subject is the same one may skip in the Pentateuch, and in the Prophets only when the subjects are different? In both cases it is meant, while the interpreter does not conclude his interpretation.

In another Boraitha we have learned: One must not skip from one Prophet to the other. In the reading of the twelve Minor Prophets, however, one may do so; but not from the termination of one to the beginning of the other.

MISHNA: Whoever reads in the house of prayer the section from the Prophets may also repeat the prayer (Shema) and act as minister before the reading-desk; and if he is a priest, may say the blessing of the priests. If a minor, his father or teacher shall act for him.

A minor may read in the Law (in the synagogue) and act as an interpreter, but may not publicly recite the Shema, nor act as minister at the reading-desk, nor (if a priest) say by himself the blessing of priests. A man in rags may repeat the Shema and act as interpreter, but he may not read in the Holy Scrolls, nor act as minister before the reading-desk, nor (if a priest) say the blessing of priests. A blind man may repeat the prayer and act as interpreter; but R. Jehudah says: One who never beheld the light (*i.e.*, was born blind) may not repeat Shema.

GEMARA: Why so? Said R. Papa: This is a reward of honor (because to read portions from the Prophets is not such an honor as to act as minister). Rabba bar Simi, however, said: To prevent quarrels (one should not say: I will read the Prophets and thou read the Shema).

"*A man in rags.*" Ula bar Rabh asked Abayi : May a minor in rags read in the Torah ? He answered : Why did you not ask about a naked man ? Because we are certain that he must not, for the honor of the congregation, the same is the case here.

We have learned in a Boraitha: The sages said to R. Jehudah: Many persons lectured about the *Merkabha* (Divine Chariot) [Ezekiel, i.], although they had never seen it. Answered R. Jehudah: That deals with things in the inner consciousness, and if one meditates about them one may be fit to lecture. But if a man blesses for light it is for the benefit received, and a blind man has no benefit by it. The rabbis, however, hold that a blind man does derive benefit from light, as R. Jose of the following Boraitha said: My whole life I was sorry about the following verse [Deut. xxviii. 29]: "And thou shalt grope about at noonday, as the blind gropeth about in the darkness." I always asked, what matters it to the blind whether it be light or darkness, he gropes at any rate ? till it happened once I walked in a dark night, and I met a blind man who walked with a torch. I asked him: My son, thou art blind. Why walkest thou with fire ? He replied: So long as the torch is in my hands, people see me, and would not let me fall into a pit or tread on thorns.

MISHNA: A priest whose hands are deformed must not raise them (to bless the people). R. Jehudah also prohibits it to a priest whose hands are stained with wood or with madder roots, because the people stare at him.

GEMARA: We have learned in a Boraitha: By the blemishes are meant those on his hands, face, or feet. R. Joshua b. Levi said: If there are eruptions on his hands, he must not raise them. We have learned the same in the following Boraitha: If he has eruptions on the hands, or they are crooked, he must not raise them. Said R. Ashi: The priests from the villages 'Hiphni and Bishni all stutter, and must not bless either. The same we have learned in the following Boraitha: One must not make men act as ministers who are from Beth Sheon or Beth Hippa; also the men of Tibonin, because they pronounce an *a* as an *h*, and an *h* as an *a*. R. Johanan said: A priest of one eye must not raise his hands. But was there not a one-eyed priest in the neighborhood of R. Johanan who did bless, and he said to him nothing ? That man was known in his town, and nobody stared at him because of his peculiarity ; as is stated in a Boraitha: If one such is known in his town, he may.

"*R. Jehudah also prohibits.*" We have learned in a Boraitha:

If the majority of a town worked at the same kind of work, and their hands were stained also, he may.

MISHNA: One who should say: "I will not minister at the reading-desk in colored clothes," may not be permitted to do so even in white ones [because we are afraid perhaps he becomes heretical, as only the Minim are particular about this]. If he refuses to minister with sandals on his feet, he may not be permitted to minister even barefooted. A man who makes the Tephilin round endangers himself, and has not properly observed the commandment.* A person who places them low down on his forehead, or on the palm of his hand, acts like the Sadducees. If he covers them with gold, or places them on his *unkli*,† he acts like a dissenter who does not care for our tradition.

If one says in his prayers: "The good shall bless Thee," he acts heretically.‡ If he says: "As to birds' nests were Thy mercies extended, so have mercy upon us"; or, "For Thy good be Thy name remembered"; or one who says twice "Modim," he shall be silenced (by authority). Also, whoever explains the text [Lev. xviii. 21]: "And of any of thy seed shalt thou not let pass through to Molech" to mean, "Thou shalt not give thy seed to an Aramite (heathen) woman," (and those who explain figuratively the section in the Law relating to carnal intercourse between relatives [Lev. xviii.]), shall be silenced, and publicly reprimanded. The occurrence of Reuben with Bilha is to be read without being interpreted; that of Tamar is to be read and interpreted. The first part of the occurrence with the golden calf is to be read and interpreted; but the second part [commencing Ex. xxxiv. 21] is to be read without being interpreted. The blessing of the priests, and the occurrence of David and Amnon, are neither to be read nor interpreted; the descrip-

* In our *Philacterien-Ritus*, pp. 56, 87, 126, we have corrected this misprint as, "it is dangerous and there is no merit in it." We found this misprint corrected in Tract Tephilin of the seven new tracts by Kirchheim.

† About this Mishna we have remarked in our "History of Amulets, Charms, and Talismans," p. 30, note 33, thus: We have already demonstrated in "Phyl.-R.," p. 56 (and at length on p. 65, under the heading *אנקלי*), that the Mishna in Megilla, "If one cover them with gold," etc., "he acts like a dissenter," refers to the Jewish Christians.

‡ The expression here is not plain. It seems to us that the Mishna meant to say he acts like the Persians, who believe in two Gods—one of good, the other of evil—as the latter part of the Mishna, "who says twice Modim," means: Who praises the God of good for his kindness, and the God of evil that he has not done evil.

tion of the Divine Chariot [Ezek. i.] is not to be read as a portion from the Prophets, but R. Jehudah permits it. R. Eliezer says, neither [Ezek. xvi.]: "Cause Jerusalem to know her abominations," etc.

GEMARA: "The rabbis taught: The Scripture about the creation of the world may be read and interpreted." [Is this not self-evident? Lest one say if it will be read and interpreted, one may ask what was before the creation, or what will be after the world, what is taking place above, and what is occurring below, they come to teach us this is not feared.] What happened to Lot and his two daughters may be read and interpreted. [Is this not self-evident? One might say that we should care for the honor of Abraham: they come to teach it is not so.] What happened to Tamar and Jehudah may be read and interpreted. [Is not this self-evident? Lest one say that we should care for the honor of Jehudah, they come to teach us, on the contrary, it is an honor for Jehudah that he confessed it.] What occurred with the golden calf may be read as far as the first part goes, and interpreted. [Is this not self-evident? We might assume we should care for the honor of Israel. They come to teach us that it is more agreeable to them when it is interpreted, that it causes their forgiveness.] The blessings and the curses pronounced by Moses in Leviticus and Deuteronomy may be read and interpreted. [Is this not self-evident? We might assume, perhaps, when they will hear it, they will become dejected, and say: If so, we will do all we please, as we will be punished so terribly in any event: they come to teach us it is not so.] The warnings and punishments may be read and interpreted. [Is this not self-evident? One might say if the punishments will be read, one might think Israel should do their duties only from fear, they come to teach us this is not apprehended.] The story of Abisalom, Amnan, and Tamar may be read and interpreted. [Is this not self-evident? One might say we should spare the honor of David. They tell us it is not so.] The story of the concubine in Gibeon may be read and interpreted. [Is not this self-evident? They come to teach us that we should not do as R. Eliezer of the following Boraitha: It happened to a man who read in Ezekiel, xvi.: "Make known unto Jerusalem her abominations," in the presence of R. Eliezer, that R. Eliezer said to him: "Instead of investigating the unworthiness of Jerusalem, go and rather investigate the faults of your mother." When it was heard, an investigation was

made, and it was found he was not a rightful Israelite.] Following are those which may be read, but not interpreted: What happened to Reuben and Bilha may be read, but not interpreted. It happened once to R. Hanina b. Gamaliel, who went to Kabul, and the reader of the congregation read [Gen. xxxv. 22]: "And it came to pass when Israel dwelt," he said to the interpreter: "Stop, do not interpret except the last verse." And the sages commended him for this. The second part of the story about the golden calf may be read, but not interpreted? What is the second part? From Ex. xxxii. 21-25.

We have learned in a Boraitha: R. Simeon b. Elazar said: A man should always be prudent in his replies, for from Aaron's answer to Moses, those that murmured became lawless; for they said: There is something in idolatry, for it is written: "And I cast it into the fire, and there came out this calf." The Blessing of Priests is read, but not interpreted, because it is written [Num. vi. 26]: "The Lord lift up his countenance."

"*The occurrence of David and Amnan.*" Did we not learn in a Boraitha that the story of Amnan and Tamar is to be read and interpreted? It presents no difficulty: Where "Amnan ben David" is written, it must not be read; but the other places may.

CHAPTER IV.

REGULATIONS CONCERNING SELLING OF SACRED PROPERTY AND ABOUT THE READING OF THE HOLY SCROLLS ON SABBATH AND HOLIDAYS.

MISHNA: Inhabitants of a town who have sold the open (or market-) place of the town may buy for that money a prayer-house; the money obtained by the sale of a prayer-house they may apply to the purchase of an ark (to keep the Holy Scrolls in); for that obtained by the sale of such an ark, cloaks or wrappers for the Holy Scrolls may be purchased; for the proceeds of such wrappers, books of the Prophets and Hagiographa may be purchased; for the proceeds of the same books, the scrolls of the Pentateuch may be purchased; but if they had sold scrolls of the Pentateuch, it would not be lawful to apply that money for the purchase of books of the Prophets and Hagiographa, nor wrappers for the proceeds of such books, nor an ark for the proceeds of wrappers, nor a prayer-house with the proceeds of an ark, nor a market-place with the money obtained by the sale of a prayer-house; and so in respect to any surplus fund.

GEMARA: "*Inhabitants of a town.*" Said Rabba bar bar Hana in the name of R. Johanan: All this was said by R. Menahem bar Jose, in accordance with whom are many anonymous Mishnas; but the sages said that there is no sanctity in a market-place. But what is the reason of R. Menahem b. Jose? Because on the congregational fast-days the people assembled in the market-places to pray (as is explained in Tract Taanith). The rabbis, however, do not care for what happens only occasionally.

"*The money obtained by the sale of a prayer-house.*" Said R. Samuel bar Na'hmani in the name of R. Jonathan: The case is only about prayer-houses of villages, where they are the inhabitants' property; but in large towns, where money for them is collected from other places also, and to which other men come to pray, the congregation cannot sell it at all, because the prayer-house belongs to a majority who are absent, and it is not theirs.

Said R. Ashi: The prayer-house in my town, Masa-Me'hasia

(Sura), although the money was collected from abroad, yet because they all came for my sake, I am the owner of it, and if I wish, I may sell it. Rabha said: What is said, that the money obtained for sacred property must be spent only on other sacred things, applies only to a case where it was not sold by the seven elders of the town, in presence of the townsmen, but if they did so, it may be spent even on drinking beer (if all so wish). There was a hill, on which had stood a prayer-house, which Rabbina wanted to sow. He came to R. Ashi, and asked whether he might do so. He answered him: Go and buy it from the seven elders of the city, in the presence of the townsmen, and then you may sow it. Rami bar Abha was engaged in building a new prayer-house; but he also had an old prayer-house, which he wanted to pull down in order to use the bricks and beams for the new structure. He asked himself this question: R. Hisda once said, one may not destroy an old prayer-house before the new one has been finished; but this is only because one is not sure whether the new one will be completed; I, who am certain that it will, may I pull it down or not? He went and asked R. Papa, who prohibited. He went then and asked R. Huna: he forbade him also.

Rabha said: A prayer-house may be exchanged for another, or sold, but it may not be rented or pledged. Why? Because when it has been sold, its sanctity departs from it; but when rented or pledged, it remains holy, and may not be used for profane purposes. The same is it with the bricks of a prayer-house: they may be exchanged or sold, but not pledged. This applies to old bricks, but not to new ones which have not yet been used. About giving away, however, as a present, R. Aha and Rabbina differ: one says one may do so, and the other not.

The rabbis taught: Articles used for a religious duty may be cast away; but such as are used in holy service must be hidden. What articles are used for religious duties? Such as a Sukkah, Lulab, cornet, Tzitzith. What are holy things? Scrolls of Scripture, Tephilin, Mezuzoth, also cases of scrolls, of Tephilin, and their straps.

Said Rabha: I had thought before, that the pulpit on which the Holy Scrolls are laid to be read is not itself a sacred article, but only one used for the preparation of a holy article; but where I saw once the Holy Scrolls put down on it (without a cloth between), I thought it was itself used for a holy purpose, and therefore must not be sold. Rabha says again: At first I

had thought the curtain of the ark was only an article used for a sacred article; but after I had seen that they folded it together, and put the Holy Scrolls on it, I knew it was a sacred article itself, and must not be sold. The same said again: Of an ark which fell to pieces one may construct a smaller ark, but not a pulpit. He said again: When the curtain of the ark is rotten, one may cut it smaller for the use of the Holy Scrolls, but for scrolls of parts of the Pentateuch he must not. The cases of the Holy Scrolls and of the Five Books, as they were used for sacred purposes, must be hidden. Is this not self-evident? Lest one say that they are not made for the honor of the sacred things, but to preserve them, he comes to teach us it is not so.

Mar Zutra said: The Holy Scrolls, when rotten, may be used as shrouds for a dead man that has no friends to bury him, and left no property to be used for that purpose, and this is hiding them.

Said Rabha: Holy Scrolls that were whole, and were torn, may be interred in the grave of a scholar, and even if he had learned only Halakhoth (and did not know Gemara). Said R. A'ha bar Jacob: But they must be put into a clay vessel, as it is written [Jer. xxxii. 14]: "And place them in an earthen vessel."

R. Papi said in the name of Rabh: A prayer-house may be converted into a learning-house, but not *vice versa*; and R. Papa in the name of Rabha taught the contrary. Said R. A'ha: It seems to be according to R. Papi, because so said R. Joshua b. Levi: A prayer-house may be turned into a learning-house. Infer from it that it is so.

"*It will not be lawful to buy books of the Prophets,*" etc. The schoolmen propounded a question: May old Holy Scrolls be sold, to purchase with the money new ones? Shall we assume that as the new ones have no preference over the old ones, they may not be sold; or that if the old ones are not sold, the new ones cannot be had, therefore it may be done? Come and hear: Rabba bar bar Hana said in the name of R. Johanan, quoting R. Simeon b. Gamaliel: One must not sell old scrolls for the purpose of buying new ones. There it is different: It is a precautionary measure lest he sell the old ones without buying new ones; but here the question is about such as are already written, and lie ready for us to be obtained when the money is had. How is the law? Come and hear: R. Johanan said in the name of R. Meir: In any case the Holy Scrolls must not be sold, except for the purpose of using the money for study, or for marriage.

From this we see that to exchange the Law for study, one may; so to exchange old scrolls for new ones, one may also. But perhaps it is different, because from studying he will know how to act; and marrying, because it is written [Is. xlv. 18]: "Not for naught did he create it; to be inhabited did he form it." But to exchange old Holy Scrolls for new ones, perhaps one may not? (This question is not decided.)

The rabbis taught: A man shall not sell Holy Scrolls, even when he does not need them; furthermore, says R. Simeon b. Gamaliel, even when he has nothing to eat, and has sold the Holy Scrolls, or his daughter for a slave, he will not see a sign of blessing all his life. Even when he has sold them, and bought new ones instead at a lower price, he will not see a sign of blessing in the remainder of the money. Said Rabha: The case is only when old Holy Scrolls have been sold, and new ones bought, so that some money was left; but when money was collected for this purpose and Holy Scrolls were bought, but some money was left, it may be used for all purposes. And even in the first instance it is so only when the old Holy Scrolls had been bought by the seven elders of the town, in the presence of townsmen, without any condition; but if it was bought conditionally, it may be used even for Duksusia.

Said Abayi to one of the rabbis, who arranged Boraithoth before R. Shesheth (who was blind): Hast thou not heard from R. Shesheth what is meant by Duksusia? He answered: So said R. Shesheth: A rider, whom the people of the town hire for their needs. Said Abayi again: Therefore if a young scholar heard something and does not know it, he should ask a man who usually goes before the great rabbis, because it is impossible that he should not have heard an explanation from the great men.

R. Johanan said in the name of R. Meir: When inhabitants of one town went away to another town, and the elders of that town ordered them to give charity for the poor of that town, they should give (that it should not be suspected they give no charity); but when they return, they may take it back, to support therewith the poor of their own town. The same we have learned in a Boraitha. But if an individual went to another town, and was ordered to give charity there, it should be given away to the poor of that town.

R. Huna ordered a congregational fast. Came to him R. Hana bar Hanilai, with many inhabitants of his town: he ordered

them to give charity, and they did so. When they had to return, they said: Let the Master give us back the money, that we may support therewith the poor of our own town. He said to them: We have learned in a Boraitha: When must it be given back? Where there is no scholar in their town who occupies himself with the public needs; but if there is such a man, it must be given to him, that he should dispose thereof. According to this judgment, so much the more the poor of my town and yours, all are supported through me.

MISHNA: Sacred public property must not be sold to private individuals, because the sanctity thereby becomes lowered. This is according to R. Meir. The sages, however, said: If so, it would also be prohibited for a large town to sell sacred things to a smaller one.

A prayer-house may be sold, according to R. Meir, only conditionally (that if they want it, it shall be returned to them). But the sages permit it to be sold permanently, except for the four following uses: to be made a bathing-house, a tanning-place, a legal diving-bath, or laundry. R. Jehudah says: It may be sold on the condition that it be made an open court, and then the purchaser is at liberty to turn it to what purpose he pleases.

GEMARA: "*But the sages permit to be sold permanently.*" Said R. Jehudah in the name of Samuel: A man may let water within four ells of a prayer-house. Said R. Joseph, what does he come to teach us? We have learned this in a Mishna, R. Jehudah said, he may sell it for a court-yard, and the buyer can do what he pleases. And even according to the rabbis, who forbid it, it is only in case of a prayer-house whose sacredness is permanent; but in regard to the four ells before the prayer-house, which have no sacredness, even the rabbis admit. One Tana taught in the presence of R. Na'hman: One who prays, and wants to let water, shall step away four ells and do so; and he who has done so must walk away four ells before he may pray. Said R. Na'hman to him: "The last teaching is right, because we have learned in a Mishna that he must withdraw from such things to a distance of four ells; but that he who prays should go away four ells, why is this? By this teaching you make all streets of Nahardea sacred, for there is no place there where men have not prayed; hence letting water would be unlawful in them? Therefore teach, he must tarry for the length of time required for walking four ells, but need not walk."

It is right that he who has let water should wait as long as walking four ells requires, because the feet can be besprinkled and he must wait till they dry; but why shall he who has prayed wait for that time? Said R. Ashi: Because for that length of time the prayer is still in his mind and his lips still keep moving, if he had been praying. The disciples of R. Zakkai asked him: In reward of what have you been living so many years? He replied: I never let water within four ells from a prayer-house, and I never called my neighbor nicknames. It never happened I should pronounce the morning benediction of the Sabbath without a goblet of wine: it happened once I had no money to buy with, and my old mother sold the cap from her head and brought me wine for Kiddush.

[It is taught in a Boraitha:] when she died she left three hundred cans of wine, and when he died he left to his heirs three thousand cans of wine. R. Huna stood in the presence of Rabh, girdled with a piece of rubber gum. And Rabh asked him: Where is thy girdle? He said: I had not wine for Kiddush, and pawned my girdle to get it. Rabh answered him: May it be God's will that you should be wrapped in silk. When he married his son Rabha, he slept on a bed; as he was not tall, his daughters and daughters-in-law threw their silken clothes upon him, and he was wholly hid. When Rabh heard of this, he was sorry, and said: When I blessed you, why did you not answer me: and the same to the Master.

The disciples of R. Elazar b. Shamua asked him: In reward of what have you lived so long? He replied: I never used the house of learning as a passage (*compendiarius*, thoroughfare); I never trod on the heads of the holy people (he used to come earlier than his disciples, and did not make them rise from their seats on the ground, as it is in the East); and I never raised my hands (for he was a priest) to bless Israel without pronouncing first a benediction. R. Preda was asked the same question by his disciples. He told them it never happened a man should come to the house of learning earlier than I; I never pronounced a benediction at a meal in the presence of a priest; and I never ate of an animal of which the gifts had not been separated, as R. Itz'hak said in the name of R. Johanan: It is not allowed to eat of an animal of which gifts have not been made to the priest even in these days. The Master says: "I have pronounced no benediction in the presence of a priest." Is that a merit? Did not R. Johanan say a scholar for whom a priest, even a high-

priest, who is an ignorant man pronounces a benediction (which properly the scholar had to pronounce, and the latter had not protested, he) deserves death, because it is written [Prov. vii. 36]: "All those that hate me love death"? Do not read "Mesanai," etc. (see Sabbath, p. 236). R. Preda means when the priest was equal to him in scholarship.

The disciples of R. Nehunia b. Haqana put to him the same question, and he answered: I never honored myself by the disgrace of my neighbor, and I never went to bed with the curse of my neighbor (but reconciled myself to him before), and was liberal with my money.

["I never honored," etc. As it happened, R. Huna bore a *pickaxe*. R. Hana bar Hanilai took it away from him, and he wanted to carry it. He said to him: If it is your custom to carry such a thing in your town, do it; but otherwise, if I will be honored by your disgrace, I do not want it. "I never went to bed." As Mar Zutra, when he went to bed, used to say: I pardon all the men who have vexed me. "I was liberal." As the Master said elsewhere that Job was liberal with his money; that is, he allowed the storekeepers larger profits than was necessary.]

R. Aqiba asked R. Nehunia the Great the reason for his longevity. His servants came and beat him (for the question). R. Aqiba fled from them, and went to the top of a tree, and said: Rabbi, when it is written [Num. xxviii. 4] "one sheep," if it is not in the plural why should "one" be written in addition? And he said to his servants: He is a young scholar; do not hit him. And he answered to him: "One" is added to signify that it shall be the best in its flock. (Then he answered to him to the first question thus :) I never accepted in my life presents, I never was obstinate, and I was liberal with my money.

["I accepted no presents." As happened to R. Elazar, when gifts were sent to him from the house of the Nasi, he did not take them; and when he was invited, he used not to go. He used to say: When they send to me gifts, they do not wish that I shall live, for it is written [Prov. xv. 27]: "He that hateth gifts will live." And R. Zera, when gifts were sent to him, he did not accept; but went when he was invited, saying: "They only want to honor me." "And I was not obstinate." As Rabha said: Who yields from his obstinacy has his sins cancelled. As it is written [Micah, vii. 18]: "Pardoning iniquity

and forgiving transgression"; and that is interpreted in Tract Rosh Hashana: To whom does God pardon iniquity? Him who pardons the wrongs of his neighbor toward him. Rabbi asked R. Joshua b. Korha: In reward of what have you lived so long? He answered to him: Does it grieve you that I live so long? He rejoined him: Rabbi, it is a study, and I want to learn it from you. He replied: I never in my life looked into the face of a wicked man [as R. Johanan said: One shall not look at the appearance of a wicked man, as it is written (II Kings, iii. 14)]: "Surely, were it not that I regard the presence of Jehoshaphat the King of Judah, I would not look toward thee nor see thee." Rabha says: From the following passage [Prov. xviii. 5]: "It is not good to favor the countenance of the wicked." When R. Joshua b. Korha was dying, Rabbi asked him: Bless me! And he said to him: It shall be the will of God you should reach the half of my age. Said he to him: Rabbi, and not your whole age? Do you not wish I should live as long as you? He replied to him: And what will your sons do? will they tend sheep? If you will live so long, you will survive them (Rabbi was a Nasi). The disciples of R. Adda bar Ahba* asked him: Why have you lived so long? He answered: I never was angry in my house, I never preceded a superior, I never thought of Divine subjects in unclean alleys, and I never walked four ells without thinking about the Law and without phylacteries, and I never took a nap in the house of learning; I never rejoiced when my neighbor was in misfortune, and I never called my fellowmen nicknames.]

MISHNA: Furthermore, R. Jehudah says: No funeral orations may be delivered in a house of prayer which had become ruinous, nor may it be used as a rope-walk, nor to spread nets therein, nor to spread fruit on its roof, nor to use it as a passage—*compendiarium*—(by a shorter route), as it is said [Lev. xxvi. 31]: "I will bring your sanctuaries into desolation." That means, they remain sanctuaries even in their desolation. If grass spring up therein, it may not be pulled up, that the view may contribute to the affliction (of the beholder).

GEMARA: The rabbis taught: The house of prayer must not be treated with levity: one must not eat therein, drink, decorate one's self there, promenade, nor resort there from the great heat or from rain; one must not deliver there a funeral

* In text it is written R. Zera, but it is a misprint. See Taanith, p. 54.

oration after an individual, but one may read there, study Mishna, and deliver a funeral oration after a scholar who was needed by many men. And it has to be swept always, also sprinkled with water, that there be no dust, and no grass grow (where there is no floor). R. Jehudah said: "This is when they are in good condition; but when in ruins, if grass spring up, it may not be pulled up, that the view may contribute to the affliction." R. Asi said: The prayer-houses which are in Babylon, although they are built conditionally, yet in the meantime no one allows himself any levities in them. What does he mean thereby? They do not make business calculations there. R. Asi said again: When business calculations are made in the prayer-house, finally it will become a place for a dead body for a night. How is this to be understood? He means to say that in punishment of this, some one will die in the town who will have no friends, and will be left overnight in the house of prayer. "Decorate one's self." Said Rabha: The scholars and disciples may do it in the learning-house. As R. Joshua b. Levi said: Why is a learning-house called the house of the rabbis? Because some things it is allowed to the rabbis to do which is not permitted to others.

"From the great heat or rain." As Rabbina and R. Ada bar Mathna stood and asked a question of Rabha, meanwhile it began to rain. They entered the house of prayer, but remarked thereat: We go to the prayer-house not from the rain, but for the study of a Halakha for which the mind must be clear as the sunny day, when a north wind blows, purifying the air. R. A'ha b. Rabha asked R. Ashi: How is it when one wants to see a man who is in the prayer-house? May one go in to call him, or not? He answered: If he is a young scholar when he enters the prayer-house, he should speak about some Halakha. When he is a disciple studying Mishna, he should study, entering, a Mishna; if he can only read the Pentateuch, he should say a verse therefrom; if he is unable to do this, he should ask a child: What verse have you learned to-day? If not even this, he should enter, and stay there a while, and only then leave (that it should not seem he came only for this purpose). "After a scholar who was needed," etc. What is meant by this? R. Hisda pointed out, *e.g.*, if anyone of R. Shesheth's disciples should die. R. Shesheth pointed out R. Hisda: If, *e.g.*, one of R. Hisda's disciples would die.

Raphram lamented his daughter-in-law in the prayer-house.

He said: For my honor, and in honor of the deceased, the whole world will come to hear my oration. R. Zera lamented after one of the rabbis in the prayer-house, and said: Either in my honor or in honor of the deceased all will come to hear. Resh Lakish delivered a funeral oration after a young scholar who had been in Palestine, and taught Halakhoth to twenty-four rows of disciples. He said: Woe! that the land of Israel has lost such a great man. One scholar died who had known Halakhoth, Siphra, Siphri, and Tosephta. They came and told R. Na'hman he should lament him. R. Na'hman said: What shall I say to such a great man—shall I say, Woe! that such a book-case full of books was lost? (He learned all by himself and not from masters, therefore he styles him merely thus, but not "scholar," because maybe he learned by heart but did not understand the reasons.) Come and see the difference between the mighty of the land of Israel and the pious ones of Babylon. (Rashi explains it thus: Resh Lakish was of the most honored men of Palestine, as it is said elsewhere that even to Rabbi bar bar Hana he did not talk in the street. Nevertheless, as above said, when a young scholar, learned only in Halakhas, died, he made the lamentation without any questions. R. Na'hman b. Itz'hak was of the pious men of Babylon, as it is said elsewhere that he said: Do not mention fear of sin, because I live yet.)

We have learned in a Mishna in Aboth: "Who uses the crown, is lost." Resh Lakish taught: That means, if one uses for his service a man who learns Halakhoth, which are the crown of the Law. Said Ula: A man can use the service of one who learns four Halakhoth, but not of one who *teaches* four Halakhoth; as happened with Resh Lakish, who walked on the road, and had to cross a stream. A man came, took Resh Lakish on his shoulders, and carried him across. Resh Lakish asked him: Can you read in the Torah? He said yes. Can you read in the Mishna? He said: I have studied four sections of the Mishna. Said Resh Lakish to him: You have cut out for yourself four rows of gold, and still you carried the son of Lakish on your shoulders? Throw him into the water! Said the man: It is agreeable to me to serve the Master. Said he: You may do it only when you will have learned from me something (and then he taught him a Halakha).

The rabbis taught: The burial of a corpse and the marriage of a bride supersede the study of the Law. It was said of R. Jehudah b. R. Ilai: He used to interrupt his study for the above

two things. This is in the case when the dead man has not enough men to accompany him, but if there are enough, one need not interrupt his study. What is meant by "enough"? Said R. Samuel bar Inia in the name of Rabh: It means thirteen thousand men, and six thousand with cornets. And according to others, the six thousand are included in the thirteen thousand. And Ula says: As many men as could form a wall from the place where the man died to the grave. R. Shesheth says: Six hundred thousand men. As the Law was given to six hundred thousand men, so a man who has learned the Law should be accompanied by six hundred thousand men. This applies only to a disciple who has learned, but for the Master who taught, no definite number is to be prescribed.

We have learned in a Boraitha: R. Simeon b. Yochi said: Come and see how the Israelites are beloved by the Holy One, blessed be He. Wherever they went in exile, the Shekhina accompanied them. They were exiled into Egypt, the Shekhina was with them, as is written [I Sam. ii. 27]: "Did I not appear unto the house of thy father, when they were in Egypt?" When they were exiled into Babylon, the Shekhina was with them, as is written [Is. xliii. 14]: "For your sake I was sent to Babylon." And in future, when they will be redeemed, the Shekhina will also come to them, as is written [Deut. xxx. 3]: "The Lord thy God will return"; it is not said, He will bring back you, but *He* will return with you.

It is written [Ezek. xi. 16]: "Yet will I be to them as a minor sanctuary." Said R. Itz'hak: This means the houses of prayer and the houses of learning that are in Babylon. R. Elazar said: That is the house of our Master who is in Babylon (*i.e.*, Rabh). Rabha lectured: It is written [Ps. xc. 1]: "Lord, a place of refuge hast thou been unto us." That means the prayer and learning-houses. Said Abayi: Formerly I learned at home, and prayed at the house of prayer; but when I heard later what David said [in Ps. xxvi. 6]: "Lord, I love the site of *thy* house," I went to study also in the prayer-house.

A Boraitha states: R. Elazar the Kapar said: The prayer and learning-houses which are at present in Babylon will in the future be established in the land of Israel, as it is written [Jer. xlv. 18]: ". . . as Thabor is among the mountains, and as Carmel is by the sea, so shall he come." An *a fortiori* conclusion is to be drawn: If Thabor and Carmel, at which only occasionally the Law was studied, are counted among the land of Israel, the

prayer and learning-houses, at which the Law is still studied, so much the more that they will become the land of Israel.

Bar Kapara lectured: It is written [Ps. lxxviii. 17]: "Why watch ye enviously, ye many-peaked mountains?" A Heavenly voice was heard, which said to the mountains: "Why should ye be jealous of Mount Sinai? Ye, all great mountains, are blemished in comparison with Sinai." This is inferred from the expression "*Gabnunim*," and by analogy of expression in Lev. xxi. 20, the expression "crook-backed," which is one of the blemishes, is "*Giben*." Said R. Ashi: From this we may infer that a man who is haughty must be considered as blemished.

"*Nor used as a passage*" (*compendiarium*). What is meant? Said Rabha: The explanation is similar to the word; instead of going around, one goes through the house. Said R. Abahu: If the house was originally used as a shorter route, one may. R. Na'hman b. Itz'hak said: If one entered it without the intention to use it thus, but afterward wants to go through the other door, he may. And R. Helbi in the name of R. Huna said: If he entered to pray, he may go out by the shorter road. As is written [Ezek. xlvi. 9]: "But when the people of the land came before the Lord on the appointed feasts, he that entereth in by the way of the north gate to bow himself down shall go out by the way of the south gate."

"*If grass spring up*," etc. But did we not learn in a Bo-raitha, he must not pull it up to feed therewith cattle, but he may uproot it, and leave it lie? In the Mishna also is meant, he should not pull it up for animals.

MISHNA: When the first of Adar falls on a Sabbath, the portion Shekalim [Exod. xxx. 11] is to be read; if it falls on any other day, that portion must be read on the preceding Sabbath, and nothing additional is read on the following Sabbath. On the second, the portion "Remember" [Deut. xv. 15] is to be read; on the third, that of the red heifer [Numb. xix.]; on the fourth, that of the new moon [Ex. xvii.]; on the fifth, they return again to the regular order. The regular order of Aphtaroth is also to be interrupted on the days of new moon, on that of Hanuka, on Purim, and on public fast-days, also on the fast of the standing men (this is explained in Tract Shekalim), and the Day of Atonement.

GEMARA: We have learned in the Mishna in Shekalim (vol. iv., p. 1): "On the first day of the month of Adar warnings are heralded from Jerusalem concerning Shekalim and

Kelayim." About Kelayim it is the time of sowing, therefore it is right that it is heralded they should have no Kelayim; but whence do we deduce that about Shekalim it must be heralded on the first of Adar? Said R. Tebi in the name of R. Joshua: It is written [Num. xxviii. 14]: "This is the burnt-offering of the new moon for every month." The expression is: "*Hodesh behodsho*" (*i.e.*, new in its new), that means that the Torah said: Renew it. Ye shall bring the offerings from the new taxes of the year, and as with the first of Nisan begins the new year, it must be heralded in Adar that the new taxes shall be collected before or on the first of Nisan, for the purpose that they might be brought in time to the Temple.

Is the Mishna not in accordance with R. Simeon b. Gamaliel, who said: Only *two weeks* before Passover shall it be lectured about the Passover? Nay, we can say it is in accordance with R. Simeon b. Gamaliel also, but because in Shekalim, I, Mishna c, it is said: "On the fifteenth of Adar the money-changers outside of Jerusalem seated themselves at their tables," etc., we must be earlier in reading the portion of Shekalim. What is called the portion of Shekalim? Rabh says: The portion about the daily offerings [Num. xxviii. 2]. And Samuel says: Ex. xxx. 21. It is right according to Samuel that it is called Shekalim, because it speaks about it; but according to Rabh, where is mentioned in that portion about Shekalim? About Shekalim is not mentioned, but according to Rabh this shall be read because the daily offerings must be brought from the new Shekalim as R. Tebi said above. We have learned in the following Boraitha in accordance with Samuel: If the first of Adar falls on Sabbath, the portion from Ex. xxx. 21 shall be read; and the portion from the Prophets should be about Yehoyada the priest [II Kings, xii.]. R. Itz'hak of the city of Naph'ha said: If the first of Adar falls on Sabbath, three Holy Scrolls must be taken out, and it should be read from one the portion due on that Sabbath, and from one the portion proper on the first of the month, and from one the portion of Shekalim [Ex. xxx. 21]. He says again: When the first of the month Tebeth falls on Sabbath, the same thing is to be done—three scrolls are to be taken out: one portion proper for the Sabbath should be read, the second that of the first day of the month, and the third about Hanuka [Num. vii.]. It was taught: When the first of Tebeth falls on a week-day, said R. Itz'hak: Three must read the portion of the first day of the month, and one about the sanctification; and

R. Dimi from the city of Hepha said, Three must read about the sanctification, and one about the first of the month. Said R. Mani: It seems to us that R. Itz'hak of Naph'ha is correct; because a frequent thing is given preference over an unfrequent thing, and we read Hanuka once a year, while the first of the month is twelve times. Said R. Abbin: On the contrary, it seems to be according to R. Dimi, for what is the cause of the fourth man being called to read the Torah? The first of the month. Therefore the fourth man must read the portion of the first of the month. How is it to be decided? R. Joseph said: We must give preference to Hanuka; and Rabba said, to the first of the month. And the Halakha prevails that the main attention must be given to the first of the month, not to Hanuka.

It was taught: When the Sabbath of Shekalim falls when the portion proper to this Sabbath is Thetzaveh * [Ex. xxvii. 20], said R. Itz'hak of Naph'ha: Six persons should read from verse 20 of xxvii. to verse 11 of xxx., and one from verse 11 in xxx. to verse 17. Said Abayi: The people will think the portion is so long, and will not notice that they read the portion Shekalim, therefore he says six should read from 20 in xxvii. to 17 in xxx. (Thetzaveh), and then should come another and repeat from 11 in xxx. to 17 (Shekalim). It was taught: When the first of Adar falls on the eve of Sabbath, said Rabh, the portion Shekalim should be read the preceding Sabbath, because the tables of money-changers are set up two weeks after the reading, and if it will be read on the succeeding Sabbath, they will not be set up on the 15th, but two days later. Samuel, however, said: It should be read on the succeeding Sabbath. The tables will not be set up at all events until Sunday, because they will not begin on the eve of Sabbath, consequently the reading will not cause any delay. Their point of difference is the same as that of the Tana'im of the following Boraitha: There must be an interruption between the Sabbaths, on which must be read the four portions before Passover; so is the decree of R. Jehudah Hanasi. R. Simeon b. Elazar, however, said: No interruption must there be. And he said again: I say, there must be no interruption only then when the first of Adar falls on the eve of Sabbath, but if in the middle of the week, the portion

* In Babylon they read through the Pentateuch once a year, as we do now; in Palestine, once in three years. This question applies to both; it can happen in both that the portion of Thetzaveh before that of Shekalim can come to have to be read when Shekalim should be.

Shekalim must be read on the preceding Sabbath, although the Sabbath is yet in the month Shebat.

"*On the second the portion 'Remember' is to be read.*" It was taught: When Purim falls on the eve of Sabbath, said Rabh: The portion "Remember" should be read on the preceding Sabbath, because, if on the Sabbath after, "Remember" will be read after it has been done (with the reading of the Megilla). Samuel, however, said it should be read on the succeeding Sabbath; and concerning the fact, that the reading of the Megilla must not precede the reading of "Remember," it will not precede in the walled towns, where it is read on the 15th, and then "Remember" will be read before the Megilla. When, however, Purim falls on Sabbath, said R. Huna, all agree it must not be read the preceding Sabbath, but on the same Sabbath. R. Na'hman, however, said: Rabh and Samuel differ also about this. The same was taught also by R. Hyya bar Abba in the name of R. Abba quoting Rabh: When Purim falls on Sabbath, the portion "Remember" should be read the preceding Sabbath.

"*The third, that of the red heifer.*" The rabbis taught: What is meant by the third Sabbath? The one falling after Purim. In the name of R. Hama bar Hanina it was taught: By the third Sabbath is meant the one after which comes the first day of Nisan. They do not differ, however, when the first of Nisan occurs on Sabbath. On the preceding Sabbath the portion of the heifer must be read; and when it falls on a week-day, it has to be read on the Sabbath after Purim.

"*The fourth, that of the new moon.*" The rabbis taught: When the first of Adar falls on Sabbath, the portion Shekalim must be read, and the portion of the Prophets should be about Yehoyada the priest. And what is called the first Sabbath? The one after which the first of Adar falls in the same week, and even on the eve of the succeeding Sabbath. On the second has to be read "Remember," and the portion of the Prophets must be from I Sam. xv.: "I remember what Amalek," etc. And what is called the second Sabbath? When Purim falls on the week after it, and even on the eve of Sabbath after it. On the third Sabbath it must be read about the heifer, and the portion of the Prophets in Ezek. xxxvi. 24: "I will sprinkle upon you." And what is called the third Sabbath? When it falls after Purim. The fourth Sabbath it has to be read about the new moon, and the portion of the Prophets shall be from Ezek. xlv. 18: "Thus has said the Lord Eternal, in the first

month, on the first of the month." And what is called the fourth Sabbath? When the first of Nisan falls in the week after it, and even on the eve of the next Sabbath.

"*On the fifth, they return again to the regular order.*" What order is meant? R. Ami says: To the order of the portions usually read on each Sabbath; and R. Jeremiah says, to the order of the portions from the Prophets (because on these four Sabbaths the portions from the Prophets were different). Said Abayi: It seems to us it should be as R. Ami said, as the Mishna stated above (p. 81) agrees with his opinion.

MISHNA: On the first day of Passover the portion in Leviticus relating to the festival must be read; on Pentecost that commencing "Seven weeks shall ye count," etc. [Deut. xvi.]; on the day of New Year, the portion commencing "In the seventh month, on the first day of the month" [Num. xxix. 7]; on the Day of Atonement that of "After the death" [Lev. xvi.]; on the first day of the Feast of Tabernacles, the portion of Leviticus relative to the festivals must be read; and on the other days of that festival the offerings for each day [Num. xxix. 17].

On the half feast of Hanuka, the portion of the offerings of the princes [Num. vii.] must be read; on Purim, that of "And Amalek came" [Ex. xvii. 8]; on the first of the month, "And on the beginnings of your months" [Num. xxviii. 11]; on the fast-days for the standing men, about the creation [Gen. i.]; on fast-days, the portion containing the blessings and maledictions [Lev. xxvi. 3]; the denunciations therein contained must be read without interruption; namely, one man must read the whole chapter. On Mondays and Thursdays, and on the Sabbath afternoon, they shall read the portion of the Torah in its regular order, but these readings are not available to reduce the regular number, for it is written [Lev. xxiii. 14]: "Moses declared unto the children of Israel the appointed festivals of the Lord." Whence it is inferred that each must be read on the appointed festival to which it refers.

GEMARA: The rabbis taught: On Passover should be read the portions referring to this festival, and the portions from the Prophets should be from Joshua, v. 9, about Gilgal, etc.; and at present in exile, when we keep two days as festivals, the first day should be about Gilgal; the second day from II Kings, xxiii., about Josiah; the last days of Passover should be selected small portions in which it is spoken about Passover. What are they? (This will be explained further on.) And the last days of Pass-

over—on the first of them should be read [Ex. xiii. 17], “And it came to pass when Pharaoh,” and the portion from the Prophets should be from II Samuel, xxii., “And David spoke”; and on the next day [Deut. xv. 19], “All the first-born males,” and from the Prophets, in Isaiah, x. 32, “As yet to-day will he remain at Nob.” Said Abayi: And now people have the custom to read as follows: “Draw out” [Ex. xii. 21], “When a bullock” [Lev. xxii. 27], “Sanctify” [Ex. xiii. 2], “If thou lend” [ibid. xxii. 24], and “Hew thyself” [ibid. xxxiv. 1], “And the Lord spoke” [Num. ix. 1], and “It came to pass” [Ex. xiii. 17], and then “All the first-born” [Deut. xv. 19]. On Pentecost, “Seven weeks shalt thou number” [Deut. xvi. 9], and from the Prophets, in Habakkuk, iii. An anonymous teacher says [Ex. xix.]: “In the third month,” and the portion from the Prophets should be from Ezekiel, i., about the Divine Chariot. And now when in exile we keep two days Pentecost, we do as both have said, but reverse it on the first day of the New Year, as the anonymous teacher, and on the second as above. In the days of the New Year, “In the seventh month” [Num. xxix.], and from the Prophets, “Is not Ephraim a dear son” [Jerem. xxxi. 20]. According to others, “And the Lord visited Sarah” [Gen. xxi.], and from the Prophets, about Hannah [I Sam. i.]. And now when we keep two days, we read on the first about Sarah, and the second, “God did tempt Abraham” [Gen. xxii.], and the portion from the Prophets, “Is not Ephraim” [Jer. xxxi. 20]. On the Day of Atonement we read [Lev. xvi.], “After the death,” and from the Prophets [Is. lvii. 15], “For thus hath said the High,” etc. And in the Min’ha prayer, we read about the laws of legal marriage [Lev. xviii.], and from the Prophets, Jonah.

[R. Johanan said: In nearly every place where you find the might of the Holy One, blessed be He, you find also His modesty. This is written in the Pentateuch, and repeated in the Prophets, and mentioned a third time in the Hagiographa. In the Pentateuch [Deut. x. 17]: “For the Lord your God is the God of gods, and the Lord of lords”; and the next verse, “Who executeth justice for the fatherless and the widow.” It is repeated in the Prophets [Is. lvii. 15]: “Thus hath said the High and Lofty One, who inhabiteth Eternity, whose name is Holy”; and the end of this verse is “yet also with the contrite and humble in spirit.” The third time in Hagiographa [Ps. lxxviii. 5]: “Extol him who rideth upon the heavens.” “The

Everlasting is his name," and the next verse is "A father of the fatherless, and the judge of the widows."]

The first festival day of the Feast of Tabernacles should be read the portion about this feast in Leviticus; and from the Prophets [Zechariah, xiv. 1]: "Behold, a day is coming unto the Lord." Now when we keep two days, we read on the second the same as on the first, but from the Prophets [I Kings, viii. 2]: "And all the men of Israel assembled." And on the remaining days of the festival we read about the sacrifices of the festival, and on the last day we read "All your first-born," to the end of the chapter, and from the Prophets [ibid. iv. 1]: "And it came to pass when Solomon had finished"; and on the morrow, "And this is the blessing" [Deut. xxxiii.], and from the Prophets [I Kings, viii. 22]: "And Solomon stood."

R. Huna said in the name of Rabh: On the Sabbath in the intermediate days of the festivals, whether Passover or that of Tabernacles, should be read Ex. xxxiii. 12; and from the Prophets [Ezek. xxxvii.], about the dry bones, and on Feast of Tabernacles [Ezek. xxxviii.], about Gog and Magog. During Hanuka the portion in Num. vii. about the offerings of the princes, and from Prophets [Zechariah, iii.], about the candlesticks. And when it happens there are two Sabbaths in the eight days of Hanuka, on the first Sabbath the candlesticks of Zechariah, on the last Sabbath from I Kings, vii. 49, about the candlesticks of Solomon. On Purim [Ex. xvii.], "And Amalek came," and "On the beginnings of your months" [Num. xviii.]. And if the first of the month falls on Sabbath, it should be read from Isaiah, lxvi. 23: "And it shall come to pass that from one new moon to the other." And when the first of the month falls on Sunday, the preceding Sabbath it should be read from the Prophets [I Sam. xx. 5]: "And Jonathan said unto David, to-morrow is the new moon."

R. Huna said: If the first of the month Ab falls on Sabbath, it should be read from the Prophets in Is. i. 14: "Your new moons and your appointed feasts my soul hateth." On the ninth of Ab itself? What portion do we read from the Prophets? Said Rabh: Is. i. 21: "How became a whore the faithful city?" Said Abayi: And now people have the usage to read from the Pentateuch [Deut. iv. 24]: "When thou begettest children"; and from the Prophets in Jerem. viii. 13: "I will make an end of them."

"On the fast of the standing men." Whence do we deduce

this? (Rashi explains it that the question is what connection there is between the creation and these fasts.) Said R. Ami: If not the standing men, the heaven and earth would not abide; as is written [Jerem. xxxiii. 25]: "If my covenant be not with day and night, I would not appoint the ordinances of heaven and earth." And it is also written [Gen. xvi. 8]: "And he said, Lord God, whereby shall I know that I shall inherit it?" Said Abraham before the Holy One, blessed be He: Creator of the Universe, perhaps if Israel will sin before Thee, Thou wilt destroy them as the generation at the time of the Flood and of the Dispersion of Babel. And He answered: Nay. Said Abraham: Whereby will I know it? And the Lord said: Take Me a heifer three years old (*i.e.*, the sacrifices will forgive their sins). Then Abraham said again: Creator of the Universe, this will be as long as the Temple exists, but what will be when the Temple will be destroyed? And the Lord answered: I have therefore ordained to them the order of the sacrifices, and every time they will read it, it will be considered by Me as if they had offered them, and I will forgive them all their sins.

"*Without interruption.*" Whence do we deduce this? Said R. Hyya bar Gamda in the name of R. Asi: Because it is written [Prov. iii. 11]: "The correction of the Lord, my son, do not despise." (And if there were interruption, it would seem as if the correction were disagreeable to them.) Resh Lakish, however, said: That is because we do not pronounce a benediction over chastisement. What else shall he do? We have learned in a Boraitha: He should begin a verse before the curses, and should end a verse after them. We have learned in a Boraitha: R. Simeon b. Elazar said: Ezra ordained that Israel should read the curses in Leviticus before Pentecost, and those in Deuteronomy before New Year. Why so? Said Abayi, and according to others Resh Lakish: That the curses should end with the year. It is right of Deuteronomy, because then begins a new year; but in Leviticus, before Pentecost, does Pentecost begin a new year? Yea, Pentecost is also a New Year's day, as we have learned in Tract Rosh Hashana, on Pentecost is decided in Heaven about the fruit of the year.

The rabbis taught: From the same place where they stop to read in the Pentateuch on Sabbath in the morning, they begin to read in the Min'ha prayer; and from the same place they should begin on Mondays and Thursdays and the next Sabbath. So is the decree of R. Meir. But R. Jehudah said: From the

same place where they had stopped the last Sabbath, they should begin at the Min'ha prayer, and Mondays and Thursdays, and also the next Sabbath. Said R. Zera the Halakha prevails so. The rabbis taught: One shall open the Holy Scrolls and look on them, then pronounce the benediction, then read. R. Shephatia said in the name of R. Johanan: He who rolls together the Holy Scrolls, shall do it so that the sewn rolls should be in the middle, so that it be done easily. The same said again in the name of the same authority: They may be rolled together only from outside, but not from inside, so that the letters should not be seen outside. When one holds scrolls himself, and has to find in it something, he should not begin to roll away from his person, because one scroll might fall down, but he should roll them toward his person, so that they should remain on his knees. When he rolls them from both sides, he should begin with the side toward his person, because if from the other side, a man will be unable to see at a distance what is written in them, and it is a duty to let him see.

The same says again: If ten men have read in the scrolls, the greatest of them should roll them together, for R. Joshuah b. Levi said: He who rolls them together, is rewarded as much as all of them together.

He says again: Whence do we know that we may avail ourselves of a Heavenly voice? Because it is written [Is. xxx.]: "Thine ears shall hear a thing from behind them." When is this the case? When one hears a male voice in town, and a female voice in the country, and when it says: "Yea, yea," or "Nay, nay." The same says again in the name of the same authority: Who reads without sweetness, and learns without a chant, of him says the verse in Ezekiel [xx. 25]: "And I also have given unto them laws that are not good." Abayi opposed. Shall I say, because he cannot make sweet his voice, the above verse should be applied to him? Therefore we must say as R. Mesharshia said elsewhere, that if two scholars are in one town, that contradict themselves in Halakha, to them is the above verse applied.

Said R. Pornach in the name of R. Johanan: Who handled the Holy Scrolls, while naked,* *will be buried naked*. Said R.

* According to Rashi, it applies to the scrolls; Mordchai Plungian, however, in his "Alphai Menashe," interprets it in the name of Menashe of Ila that it applies to the man, which seems to be more correct, though he was persecuted for this interpretation.

Janai the son of R. Janai the Elder: It is better that the mantle of the Holy Scrolls should be inserted between the scrolls than *vice versa*. It is written [Lev. xxiii. 44]: "And Moses spoke of the festivals of the Lord to the children of Israel"; *i.e.*, he told them the merit of reading the portions of the Torah each in its time. The rabbis taught: Moses ordered to Israel they shall discuss and lecture on the subject of the day: the Halakhas of Passover on Passover, the Halakhas of Pentecost on Pentecost, and the Halakhas of Tabernacles on the Feast of Tabernacles.

END OF TRACT MEGILLA.

**TRACT EBEL RABBATHI (GREAT MOURNING),
OR SEMA'HOTH (JOYS).**

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SYNOPSIS OF SUBJECTS

OF

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EBEL RABBATHI (GREAT MOURNING), OR SEMA'HOTH (JOYS).

CHAPTER I.¹

A. One in the struggle of death is to be regarded as living in all respects. He still binds the dependents to the law of Yibum,² and he exempts from the same.³ He makes his dependents eat of heave-offerings,⁴ and prevents them from eating it.⁵ He inherits and makes others inherit.⁶ When a limb or a piece of flesh is removed from him, it is regarded as of a living man.⁷ The blood of his sin-offering and transgression may be sprinkled until he dies.⁸

EDITOR'S COMMENTARY.

CHAPTER I.

¹ As the chapters are short, their contents will be found in the Synopsis.

A. ² If he is the only brother of him who died childless, the widow cannot marry again until he dies. And if it happened that she did marry in that time, the marriage is considered null and void. ³ If he is the only son of his father who died at that time, he is considered as a living child, and to exempt the widow from Yibum or Halitzah. ⁴ His wife or slave if he is a priest, also his mother if she was the daughter of a commoner. ⁵ If his wife was the daughter of a priest, and he a commoner [Lev. xxii. 12-14]. ⁶ For instance, if his mother dies at that time and leaves property to him, it is considered his; so that when he dies his relatives on his mother's side inherit from him, but not those on his father's. See Nidah, 44a. ⁷ It is not a subject of defilement, to make him who touches it or the tent which contains it unclean, if it has not a certain quantity, as will be explained farther on. ⁸ The blood of an offering can be sprinkled only when the offerer is alive, and has a substitute in the Temple.

B. His mouth must not be closed, nor his openings stopped. No metal vessel or anything which chills¹ must be put on his navel till he dies, as it is written [Eccl. xii. 6]: "While the silver cord is not yet torn loose."

C. He must not be moved, nor put on sand or salt, until he dies.¹

D. His eyes must not be closed. Whoever touches or moves him is regarded as a shedder of blood.¹

E. His relatives may not rend their clothes nor remove their shoes nor lament over him, nor may the coffin be brought into his room, till he dies.

F. His death must not be announced, nor his deeds proclaimed, until he dies; R. Jehudah, however, said: If he was a wise man, the latter may be done.¹

G. Greetings must not be exchanged when there is a death in a village, but it may be done in a greater city. An infant cut or torn at birth, a miscarriage, or born alive at the eighth month, or born dead at the ninth—all the religious ceremonies do not apply to it.

H. The same is the case with an idolater or bondsman, nevertheless they may exclaim over him: "Woe, lion! lion! Woe, hero!"¹ R. Jehudah said: (It may be said also:) Woe, trusted man, who lived by his labor! They said to him: If so, what is there left to say of the upright? He rejoined: If he was righteous why should this not be said of him?² No consolation is needed (on the death of) male and female slaves.

I. It happened when the female slave of R. Eliezer died, his disciples went to console him. When he saw them he went into

B. ¹ See Sabbath, p. 353.

C. ¹ As was the custom at that time.

D. ¹ For the reason, see *ibid.*, Mishna and Gemara thereon; here, however, this is said in the name of R. Meir.

F. ¹ Not in his presence, but people may say among themselves: "What a great loss we have in the death of the man who did so and so." Some say even in his presence, because he is used to hear his praises, and will not be alarmed; but we do not find any basis for this assertion.

H. ¹ If they were worthy of such a lamentation. ² It seems to us that this is said of a bondman only, but not of an idolater, as an idolater, even if he was a Gentile, is called a sinner according to the Talmud, which declares that idolatry was prohibited to Noah for all nations.

the yard, and they followed him; he returned to the house, and they followed him. He then said to them: I thought that you might be scalded with lukewarm water, now I see that you cannot be scalded even with boiling. Have I not taught unto you: No consolation is needed (on the death of) slaves?

J. When Tebbi the slave of Rabban Gamaliel died, the latter accepted consolation. Said his disciples to him: Our master! hast thou not taught unto us that no consolation is needed on slaves? He rejoined: My slave Tebbi cannot be likened to other slaves; he was a righteous one.

K. He also permitted him to lay Tephilin. Said his disciples: Our master! hast thou not taught unto us that slaves are exempt from Tephilin? And he made the same rejoinder.

L. Slaves must not be distinguished as Father so and so, or Mother so and so.¹ The household of Rabban Gamaliel, however, used the distinction of "Father Tebbi" and "Mother Tebbitha" to the above-named and his wife.²

M. Ancestors must not be distinguished as the fathers of the nation (or the tribes), except the three Patriarchs; nor mothers of the nation, but the four mothers.¹

CHAPTER II.

A. A suicide must be buried without any ceremony. *R.* Ishmael said: It may be exclaimed: Alas, suicide! Alas, suicide! Said *R.* Aqiba to him: Leave him alone. Do not honor nor abuse him.¹ No rending, no removal of shoes, and no lamenting. They may, however, stand in line,² and say over

L. ¹ The word Abba, which means "Father," was a title at that time, as "Reverend" is now, or as the Catholics entitle their superiors of the Church and nunneries "Father" and "Mother." ² In Midrash Rabbah [Lev. chap. xix.] is to be found Tebbitha, the female slave of Rabban Gamaliel, presumably Tebbi's wife.

M. ¹ Sarah, Rebecca, Rachel, and Leah, the wives of our patriarchs. See Berachoth.

CHAPTER II.

A. ¹ With the saying that you lament him, you also blame him that he committed suicide. It is, therefore, better that nothing should be said. ² When the mourners return from the burial, all those who accompanied them stand in two rows, through which the

him the mourners' benedictions, because it is for the honor of the living. This is the general rule: Whatever is for the honor of the living may be done; but everything which is not for their sake, it is not imperative for the congregation to do for such.

B. Who is to be considered a suicide? If one ascended to the top of a tree or a roof, and he fell down and was killed,¹ he must not be considered a suicide, unless he says previously: "I am going to drop myself!" and immediately afterward it was observed that he did so; then it is to be considered a suicide, and he shall be buried without any religious ceremonies.

C. When one is found hanging on a tree strangled, or lying on a sword killed, he is not to be considered a suicide, and nothing may be withheld from him.

D. It happened to the son of Gornos in Lud, who ran away from school, that his father threatened him. Being afraid of his father, he drowned himself in a pit. When R. Tarphon was inquired about him, he said: Nothing shall be withheld from him.

E. It happened to a lad at the city of Bene-Berak, who broke a glass on the Sabbath, that his father threatened him. Being afraid of his father, he drowned himself in a pit. It was told to R. Aqiba, and he said: Nothing shall be withheld from him.¹

F. From this the sages declared: One shall not threaten a child. He shall either punish him immediately, or he shall keep silence. Said R. Simeon b. Elazar: Lust, children, and women should be repulsed with the left, and attracted with the right hand.¹

G. Those who are put to death by the decision of a court must be buried without any ceremonies. Their brothers and relatives may come and greet the witnesses and the judges, to show them that the judgment is considered just, and that they

mourners pass, and each one consoles them. So was the custom at that time, and in some congregations it is still extant. The mourners' benediction (Tzidduk Hadin) is said in the cemetery just after the interment.

B. ¹ Although he said he would do so sometime previous.

E. ¹ According to Rashi, Mishna *A* is incomplete, and must read thus: But if the suicide was a minor, it is different. He said so, that the decisions of Aqiba and Tarphon should not contradict it.

F. ¹ To all these three, to which human beings are attracted naturally, it is advisable not to be subject, but at the same time, when he attracts them with the right, he shall try to repel them with the left when necessary.

have nothing against them; that they do not mourn for them loudly, but are sorry for them, as sorrow is only in the heart. Rabbi Nathan, however, said: There is no difference between silent sorrow and loud weeping.¹

H. No funeral meal¹ must be prepared for them, as it is written [Lev. xix. 26]: "Ye shall not eat upon the blood."²

I. Whoever separates himself from the congregation, nobody shall have anything to do with him. And when he is dead, his brothers and other relatives may dress and wrap themselves in white, eat, drink, and rejoice that the enemy of the Place¹ is lost [Ps. cxxxix. 21]. This verse, with the following, is to be explained thus: Why do I hate them with the utmost hatred? Because they have separated themselves from me, and become my enemies.

G. ¹*I.e.*, both are permitted or prohibited.

H. ¹It is customary that when the mourner returns from the cemetery his consolers bring with them food for the first meal, and in the ancient times they dined together with him. The custom of dining together was abolished because of the poor, who could not afford the outlay for it; so the costly shrouds were also prohibited, as it is explained farther on. But the bringing of food to the mourner is in vogue even to-day. The reference to the passage mentioned in the text means to say, you shall not dine with such a mourner, whose death occurred for the crime of bloodshed (as the capital punishment by the court was only for bloodshed, as will be explained by us in Tract Sanhedrin). It is self-evident that the literal translation of this passage does not mean so, but the sages took this passage as a support to many things. They take this passage elsewhere as a support that one must not eat before the morning prayers, and they explain it: "Ye shall not eat before ye have prayed for your blood"; but they nevertheless use the language as if it would be so written. ²The continuation of this Mishna will be found in Tract Sanhedrin in a Mishna in Chap. VI.

I. ¹In many places the Talmud gives to the Lord the appellation "Place," for the reason which is explained elsewhere, that He, the Lord, is the place of the world (it means that He bears the entire world), but the world is not the place of Him (because He does not merely fill the world, but He also expands out of the world). Others translate it "Omnipotent," which needs no commentary. We will do the same in our further translations. We made an exception here, however, to explain the meaning of this term in the text.

J. The same is the case with those who steal the duties, or steal from devoted things, they are considered as shedders of blood; and not merely that, but also as idolaters, adulterers, and intentional violators of the Sabbath.¹

K. From those who are killed by the government, nothing may be withheld, nor from those who were drowned in the sea or a river, or were eaten by a wild beast. From what time must the day of the mourning for them be counted? Since the time that they have despaired of finding. If separate limbs are found, it cannot be counted till the head and the greater part of the body are found. *R.* Jehudah said: The backbone and the skull are considered as the greater part of the body.

L. If a husband or wife, or parents, were crucified in the town, the wife, the husband, or the children shall not live in that town, except it be as large as Antioch, and even then they must remove to another part. Until what term are they not allowed to live there? Till the flesh is totally destroyed, and the bones cannot be recognized any longer.¹

CHAPTER III.

A. An infant a day old must be regarded by his parents as if he would be a bridegroom;¹ and not merely a day old, but even if the head and the greater part of the body came out alive. The expression of "a day" is used by the sages because it is more usual.

B. An infant dying at birth is interred attended by one woman and two men, and is carried in the hand. Abba Saul, however, said: By two women and one man. The sages ob-

J. ¹ We translate here according to the corrections of Elias Wilna, as we follow his corrections throughout the tract.

L. ¹ It refers to the barbarous times in which, when the government hanged a person, the body was never removed. We conclude this chapter here, as the following Mishna is taken in in Kethuboth, as the proper place.

CHAPTER III.

A. ¹ See Nidah, 44b, where it is explained that an infant even a day old must be regarded as a bridegroom, if someone kills it, and the same language is used here.

jected to him that one woman is allowed to be with two men in a separate place, but not *vice versa*. No line of consolers is formed, no mourners' benediction is said, until it is thirty days old. From the age of thirty days till a twelvemonth it may be attended by men and women, and is carried in a case under the arm. From the age of one to three years it is attended by the same, with the addition that it may be carried in a case on the shoulder. R. Jehudah, however, said: If the father desires, a coffin may be brought to the cemetery to bury it in, even if it is not three years old.

C. At the age of three it is carried in a hearse. R. Aqiba, however, said: If it is three years old, but looks like two, it is not carried in a hearse; but a hearse may be used for those who look like three even if they are less. Simeon the son of the brother of Azariah said: Anyone borne in a hearse, his praises may be proclaimed. R. Meir in the name of Elazar b. Azariah said: If when he was alive he used to play on the street and was known to the people, then they are obliged to attend, but not otherwise. R. Jehudah, however, said in the name of the same: Even if he was known only to his neighbors.

D. Regarding lamentations, R. Meir in the name of R. Ishmael said: The poor are lamented from the age of three, and the rich from the age of five; R. Jehudah, however, said in the name of the same: The poor from the age of five, and the rich from the age of six. R. Aqiba said: The poor from the age of six, and the rich from the age of seven.¹ The poor are lamented the same as the rich, the rich as the children of the sages, and they as the princes.²

E. A child that was able to act for himself may be lamented for his own virtues; if he has none, for those of his parents; if his parents have no virtues, for those of his other relatives. A bride may be lamented either for the virtues of her father or father-in-law, as honors should be exaggerated and not diminished. No honor is to be invented, but may be added to the original.

F. In Jerusalem they used to say: "Prepare good things, they shall be used *before* thy hearse." In Judah, however, they

D. ¹ Rashi explains this: Because the pain of the poor on the death of their children is much greater than that of the rich, as their children are their only joy, having no others. ² It means that no distinction must be made from the rank of the parents, but from the corpse itself, as all Israel is alike in pedigree.

used to say: "They shall be used *behind* thy hearse." Because in Jerusalem the lamenters used to walk in front of the hearse, and proclaimed only the virtues which he possessed; and the people who were behind the hearse, even such as he did not. And in Judah the lamenters were behind the hearse, and they spoke only of the virtues which he possessed; and the people who were behind them did not repeat anything.¹ From the age of three to thirty, one is lamented as if he were a bridegroom;² from thirty to forty he is lamented as a brother;³ from forty to fifty as a father.⁴

G. R. Simeon b. Elazar said: From the age of thirty to forty, if he has children, or if most others of his age have grandchildren, he is lamented as a father; otherwise, as a brother.¹

H. One dying under the age of fifty, it may yet be considered as if he were under the punishment of Kareth (short life). When, however, he reaches the age of fifty-two, this was the death of Samuel the Prophet; at the age of sixty, this is the death mentioned in the Scriptures, as it is written [Job, v. 26]: "Thou wilt go in a ripe age unto the grave." At seventy it is considered old age, as it is written [Psalms, xc. 10]: "The days of our years in this life are seventy years." At eighty it is considered uncommon vigor, as it is written [ibid.]: "And if by uncommon vigor they be eighty." "Above that age it is a life of affliction, and so said Barzillai the Gileadite to David," [II Samuel, xix. 36].

Death after only one day of sickness is a death of wrath; at two days, it is a death of terror; at three days, a death of pest; at four and five days, a hastened death; at six days, it is the death mentioned in the Torah; at seven, it is a death of favor;¹ more than that, it is a death of suffering.

F. ¹We have translated according to the corrections of Elias Wilna, and as Rashi explains it in Sabbath, 153a, old edition. ²It means to say, as he was in the best vigor of his life, the lamentations were as great as if it had happened to a bridegroom standing under the canopy. ³It means that he was an active member of society, and his loss is felt by everybody. ⁴Who was active so long that he was considered as a father.

G. ¹One of the commentators supposes that at that time there were separate customs for a father, brother, etc. It seems to us, however, that our interpretation is right.

H. ¹As six days are enough for one to reconsider all he has done in his life and to make his will, leaving the seventh for the purpose

The rabbis taught :² One who dies suddenly, he is said to have died an abrupt death ; if the death was preceded by one day's sickness, it is a hastened death. R. Hananiah, however, said : The latter case is termed a plague-death, as it is written [Ezek. xxiv. 16] : "Son of man, behold, I will take away from thee the desire of thy eyes by a sudden death (plague)"; and it is stated again [ibid. 18] : "And when I had spoken unto the people in the morning, my wife died at evening." If it was preceded by a two days' sickness, it is a hurried death ; if by a three days', it is a reproach ; if by a four days', a rebuke ; but if preceded by a five days' sickness, it is an ordinary death. [Said R. Hanin : From what biblical passage is this adduced ? From (Deut. xxxi. 14) : "Hehn korvu yomechu lomuth" (Behold, thy days approach that thou must die). "Hehn" means "one" in Greek ; "korvu" (in the plural) is two ; "yomechu" (in the plural) is also two ; altogether five.] Death at the age of fifty is Kareth (cut off) ; at fifty-two, the age at which Samuel of Ramah died ; at sixty, a death by Heaven.³ [Said Mar Zutra : Whence is this adduced ? From (Job, v. 26) : "Thou wilt go in a ripe age, כָּלְלָהּ, unto the grave," the numerical value of the letters of כָּלְלָהּ being sixty.] Seventy is called an old age ; eighty, an age of uncommon vigor, as it is written [Psalms, xc. 10] : "And if by uncommon vigor they be eighty." Rabba, however, said : "From fifty to sixty it is Kareth ; and the reason why this is not stated in the Boraitha is because of the honor of Samuel." When R. Joseph arrived at the age of sixty, he gave an entertainment to the rabbis, for he said : "I have passed the age of Kareth." Said Abayi to him : "It is true that the Master has passed the *age* of Kareth, but has then the Master already passed the *day* of Kareth ?" And he answered him : "Be content for the present with half." R. Huna died suddenly, which caused the rabbis great worry. A couple

of taking his leave from his family. Where, however, six days of sickness are mentioned in the Torah we cannot imagine, nor do we find it in any of the commentators.

² All paragraphs beginning with, "The rabbis taught," or with italics, are transferred from Moed Katan (see there note, p. 27). The paragraphs not so beginning will be marked in the Commentary *Gemara*.

³ There are different penalties for crimes : Kareth ; death by Heaven ; and death by the court, which latter was in four different forms.

⁴ This Hebrew word aggregates sixty ; namely, the first letter (from right to left) counts two, the second twenty, the third thirty, and the last eight.

of sages of Hadaeb taught them: "It was stated (regarding a sudden death), only when the deceased has not reached the age of eighty; but if he has, it is, on the contrary, considered a death caused by a kiss." Rabha said: Longevity, fertility, and maintenance do not depend on virtue but rather on fate, as is illustrated by the case of Rabba and R. Hisda, both of whom were upright rabbis and both could bring down rain by their prayers, and still R. Hisda died at the age of ninety-two and Rabba at the age of forty. In the house of R. Hisda there were sixty marriages, while in that of Rabba there were sixty deaths. In the house of R. Hisda there was fine white bread in such an abundance that even the dogs did not care for it, while in that of Rabba there was not sufficient barley bread for human beings. Rabha further said: Three things I prayed Heaven to grant me. Two were granted, the third one not: the wisdom of R. Huna and the riches of R. Hisda were granted me, but the modesty of Rabba bar R. Huna was denied to me. R. Seorim (Amram), the brother of Rabha, was sitting at the bedside of Rabha when the latter was in his last agonies. Said Rabha to him: "Let the Master tell him (the angel of death) not to cause me any pain." And he answered him: "Is, then, the Master himself not a friend of him?" Rabha rejoined: "As my fate was already referred to him, he will not care for me any more." R. Seorim then said to the sick: "I would like that the soul of the Master should appear before me." When it was so, R. Seorim asked: "Had the Master felt any pain?" (at the time of the separation of the soul from the body), and he answered: "It was as if pinched with the lancet." Rabha was sitting at the bedside of R. Na'hman when he was in his last agonies, and the latter said: "Let the Master tell him (the angel of death) not to pain me." And he said to him: "Is not the Master a prominent person?" (to tell him so himself). And he answered him: "Who is esteemed, or worthy, or who can contend (at such a moment)?" He then said to the dying: "Let the Master's soul appear before me." When it was so, he asked him: "Had you pain?" And he answered: "It was as easy as to remove a hair from milk; and yet, if the Holy One, blessed be He, would command me to return to the world I was in I would pray permission not to do it, for the fear (of the angel of death) is too great." R. Elazar was eating Trumah (heave-offering) when the death angel appeared before him, and he said to him: "You see that I am now eating Trumah, is it not sacred?" And the appropriate moment passed

over. To R. Shesheth he presented himself in the market, and he said to him: "Do you wish to take me when I am in the market, as if I were an animal? Come to my house." When he presented himself to R. Ashi in the market, the latter said to him: "Extend my time thirty days, so as to enable me to review my studies, as ye say: 'Happy is the person who comes here possessed of his studies.'" On the thirtieth day he appeared again, and R. Ashi said to him: "Why such punctuality?" And he answered him: "You interfere with Bar Nathan, as no regency must interfere with another, even as much as a hair (*i.e.*, R. Nathan cannot become the head of the college so long as you are alive)." R. Hisda could not be overpowered (by the angel of death), for he kept on studying all the time, and the death angel climbed up and hid himself in a cedar in front of Rabha's house. When the cedar broke down, R. Hisda discontinued his study for a moment and he was overpowered at that moment. R. Hyya was inaccessible (to the angel of death). One day he transformed himself into a mendicant, and knocked on the door and asked for a slice of bread. When R. Hyya handed him what he asked for, the angel said to him: "Does not the Master have mercy with a poor man? Why does the Master have no mercy with me? I am the angel of death." And as proof, he showed him the fire-rod. R. Hyya then delivered up his soul to him.

I. Said R. Hanina b. Antigonus: If an old man has eaten forbidden things, or intentionally violated the Sabbath, the punishment of which is Kareth,¹ and he is over the age that short life should be applied to him, what will signify to us that his death was that of Kareth? Therefore we must consider that he who died after only three days of sickness, it is a death of Kareth; at four days, it is a hastened death, etc. Said R. Jehudah: The pious of ancient times have suffered of the sickness of the intestines two or three days before their death,² for the purpose of cleaning their bodies of all food and drink, that they should enter clean in the world to come, as it is written [Proverbs, xxvii. 21]: "(As) the fining-pot is for silver, and the furnace for gold, so is a man (proved) according to his praise."

I. ¹ Leviticus, vii. 25. ² According to Elias Wilna's corrections, and according to him, it is to be understood that R. Jehudah opposes R. Hanina b. Antigonus, and maintains that even a pious man may die in two or three days. The text, however, reads twenty days.

CHAPTER IV.

A. For relatives of the first degree—*e.g.*, father, mother, son, daughter, brother, wife, and sister—a priest may defile himself. R. Aqiba said: For those of the second degree¹ he mourns and is prevented also from services, which he must not perform when his dead is not buried; but he must not defile himself.

B. R. Simeon b. Elazar, however, said: He may defile himself for his grandfather and his grandson, but the sages¹ say: For whomsoever he is obliged to perform all the ceremonies of mourning, are to mourn with him, but not otherwise. If it was doubtful, however, whether the deceased was his brother or son, or not, he mourns and is considered an Orvan, but he must not defile himself.

C. For his betrothed he must neither mourn nor defile himself. The same is the case with his divorced wife, although he has children by her.

The rabbis taught: Over all those of which it is written in the chapter relating to priests [Lev. xxi.], that a priest may defile himself on them, an ordinary person must mourn, and they are the following: wife, father and mother, brother and sister, son and daughter. To these were added: his brother and virgin sister by his mother, and his married sister either by his mother or by his father. And also over all their second degree of consanguinity. Such is the dictum of R. Aqiba. R. Simeon b. Elazar, however, holds that it extends only to his grandson and his grandfather. The sages, however, laid down the

CHAPTER IV.

A. ¹ Grandfather, grandmother, grandson, etc.

B. ¹ The sages differ with R. Aqiba, who says: That for the second degree he must not mourn at all, and it is to be understood so: Whoever is obliged to perform all the mourning ceremonies, *e.g.*, not to sit in a chair, not to put on the shoes, etc., which are customary for the first degree, then also the priest must mourn and defile himself; but for the second degree, for whom he is not allowed to defile himself, the mourning is also unnecessary for him. The case where mourning without defilement can be found is only when it is doubtful, the doubtfulness meaning when the woman who bore the child was suspected.

following rule: "Over whom one is bound to mourn, *with* him he must mourn."¹ Does not the rule of the sages state the same thing stated by the first Tana? There is a difference as to those who are *with* him in the same house.² Rabh once said to Hyya his son, and so also said R. Huna to Rabba his son: "In her (wife's) presence observe mourning, but not in her absence." Mar Uqba's brother-in-law died, and he was inclined to observe both the seven and the thirty days. When R. Huna came to him and found him mourning, he said: "Dost thou desire to partake of the mourning-meal? The rule that one must observe mourning out of respect for his wife, extends only to father-in-law and mother-in-law." We have also so learned in a Boraitha: "Ameimar's grandson died, and he rent his garment. When subsequently his son arrived he rent again in his presence, and when he afterwards recollected that he was seated at the time he rent, he arose and rent once more."

D. [What is the term for Aninuth?] ¹ From the time of death till the interment, such is the dictum of R. Meir. The sages, however, say: One day only.] If a high-priest has married a widow against the written Law; or an ordinary priest has married a divorced woman, or one who has performed Halitzah, he may mourn for her, and has to keep the term of Aninuth, but must not defile himself.

¹ E.g., for a father for whom one is bound to mourn, if the father mourns for his father, the son may mourn with him. The same is the case with a son for whom the father is bound to mourn, if the son mourns for his son the father mourns with him. (Rashi.)

² It means that according to the sages the grandfather or the grandson is bound to mourn only when the father or the son is mourning in the house. (Rashi.)

D. ¹ The term "Onen" in the Talmud means one of the relatives of the deceased, just after he departed and before the burial. It is derived from Genesis [xxxv. 18]: "Ben Oni." (See Leeser's translation, who did not translate *Ben Oni*, but inserted the words as written. He nevertheless translates Deut. xxvi. 14: "I have not eaten thereof in my mourning," the Hebrew term for which is the same, which is surprising.) The law of an Onen is, that only the high-priest may perform his service when a death occurs in his family; an ordinary priest, however, must not; and if he does, he violates the law. Hence is the question here, how long the term of Aninuth must be kept. According to R. Meir, even if there are several days from death to interment, the entire law of it must be observed; but according to the sages only one day, as it is explained elsewhere—from morning till evening.

E. For his sister, if she is betrothed,¹ R. Meir and R. Jehudah say he may defile himself. R. Jose and R. Simeon hold that he must not.²

F. If he has married a virgin but without virginity,¹ according to R. Jose and R. Meir he defiles, and according to R. Simeon he may not. If he has married a forced³ or a seduced woman, all agree that he may not. If he married a *vigaros*,⁴ all agree that he may.

G. The general rule which R. Simeon laid down is: For every woman who was fit for the high-priest when she was yet a virgin he may defile himself, but not otherwise.

H. For all those of whom it was declared that a priest may defile himself, it is not meant as a permission but as an obligation. So also said R. Aqiba; R. Ishmael, however, said: It is meant as a permission.¹

I. It happened to Joseph the priest that his wife died on the eve of Passover, and he was reluctant to defile himself, so his colleagues pushed him on her and defiled him against his will, saying: It is not a permission but an obligation.

J. Until what time may he defile himself? R. Meir said: That whole day; R. Jose said: Until three days; R. Jehudah in the name of R. Tarphon says: Until the grave is closed.

K. It is related that when R. Simeon b. Jehozadok died at Lud, his brother Johanan came from Galilee to defile himself with him, after the grave was already closed. When the sages were asked about it they decided: He must not defile himself; however, the grave may be opened to enable him to see him.

L. It happened that a youth died and left his property to strangers, and left out his family. His relatives complained,

E. ¹The high-priest. See Lev. xxi. 3. When she, however, is not married, but betrothed; hence the difference of opinion. ²The names are corrected according to Tract Jebamoth, p. 60.

F. ¹Without virginity—through sickness, or she has lost it through something else; and according to the sages, the high-priest was not allowed to marry one who had lost her virginity, whatever the reason. ³Forced—Deut. xxii. 28. ⁴*Vigaros*, also without virginity, but only through age; therefore all agree that in marrying her he does not commit any transgression, as he himself could not know it.

H. ¹See Elias Wilna.

and demanded an examination.¹ When the sages were asked, they decided not to do so, because as soon as the grave is closed the corpse must not be moved. According to others: As soon as one dies, his hair is changed.²

M. An ordinary priest who is defiling himself with relatives must not do the same with a stranger, even at the same time, in case the stranger has sufficient attendants; but if he has not he may defile himself, and afterward retire to an undefiled place. The same is the case when he begins, and others come to relieve him.

N. When there were two roads, one short but unclean and the other long but clean, if the people went on the long one he should accompany them, and if the people took the short road he should go with them, for the honor of the people.

O. If he was engaged in burying his dead, so long as he is in the grave he may receive from strangers for burial, but if he was out he must not return.

P. If he has defiled himself on the same day, R. Tarphon makes him culpable to a sin-offering, and R. Aqiba makes him free. All agree, however, that he is culpable when he does so on the morrow, because he has added one more day to be unclean, as he must count seven days after the last defilement.

Q. A priest may defile himself for relatives even if they are not fit for the priesthood; *e.g.*, for his son, daughter,¹ brother or sister, begotten by a temple-servant or bastard, except for those begotten by a slave or a Gentile.²

R. A high-priest who defiles himself with the dead, or bares his head, or rends his garments, is liable to the punishment of stripes.

S. For all uncleanness for which a Nazarite must shave off his hair, he is liable to stripes; otherwise he is not.

T. A high-priest who enters a cemetery is liable to stripes. ✓

L. ¹ If he was of age to make a will. ² It is difficult to understand the real meaning of it. It seems to us that it means that the examination of the hair could decide nothing, as it could have grown after the death.

Q. ¹ If they were born by a woman whom he married unlawfully. ² According to the Talmud, an illegitimate child begotten by parents of two different creeds without being married, must be considered according to the creed of the mother; hence they are not his children.

U. If he enters the yard of a cemetery, or if he goes outside of Palestine, he is liable to chastisement (rabbinically).

V. If he enters a field where there is a lost grave, he is not culpable till he traverses every bit of it.

W. A priest may defile himself by going outside of Palestine to attend a civil or criminal court; to sanctify the month; to intercalate the year, and to save his field from the idolaters. He may bring a complaint and sign it in their courts; however, he must first make a declaration that he is going for this purpose.

X. He may also leave Palestine for the purpose of studying the Law, or to get married. Said R. Jehudah: He may do the former when there is nobody in the place to learn from; otherwise he may not. R. Jose, however, said: Even if there is one to learn from he may do so, because not everyone can teach. It happened to Joseph the priest that he went to his master to study the Law; he went outside of Palestine to R. Jose in Zaidin.

Y. A priest may defile himself with a piece of bone of his father's body, even if it was as large as a grain of barley; R. Jehudah, however, said: He must not. A priest must not defile himself with a limb cut off a living body, be it even that of his father.¹

Z. It happened to Joseph Parkass that he had an abscess on his foot, and the surgeon came to cut it off. He said to him: If thou wilt leave of it a bit of the size of a hair, let me know. When the surgeon told him that he did so, he summoned his son Nehemiah and said: My son, till here thou art obliged to attend me, but no farther. For the sages said: One must not defile himself for a limb cut off a living body, be it even that of his father. When the sages heard of it, they said: The following passage: "My life is in my hand continually, yet thy Law do I not forget" [Ps. cxix. 109], applies to him; and also: "There is many a righteous man that perisheth in his righteousness" [Prov. vii. 15].

AA. If he was on the road and he found a Meth-Mitzvah,¹

Y. ¹The law is, if a whole limb was separated from a living body it is a subject of defilement; but if flesh was separated from that limb, even if it was more than the size of an olive, it is not. However, when the limb was separated from a corpse, and flesh separated from it the size of an olive, it defiles.

AA. ¹This expression is used in the whole Talmud about one who died without relatives, or if he died somewhere far from them,

he is obliged to attend to it. What is to be considered such? If he would call for help and his cry could not be heard in the nearest town; but when it is heard, it is not considered as such (and he must not defile himself).

BB. It is always considered a Meth-Mitzvah unless there are sufficient people to attend to its funeral.

CC. If there was a high-priest and a Nazarite, the high-priest shall defile himself but not the Nazarite, according to R. Eliezer; for the latter must bring an offer for his defilement, and the former not. The sages, however, say: Rather let the Nazarite bring a hundred offers than cause defilement even to an ordinary priest; because the sanctification of the priest is from birth and forever, and the Nazarite's is only temporary.

DD. All agree that if there was an anointed high-priest and an unanointed one who is recognized only by his many garments,¹ the latter must defile himself and not the former; when there was the latter and an overseer, or an overseer and an ex-overseer, or an ex-overseer and a priest anointed for the war, or he and a common priest, or a common priest and a Levite, or he and an Israelite, the second of each pair always must defile himself but not the first. If both are equals, the quickest of the two must do so; and if both are quick, the one that expresses the desire shall do so.

EE. If it was found between a ploughed and an abandoned field, it shall be buried in the latter; between a ploughed and a sown field, it shall be buried in the former; between a sown field and an orchard, or an orchard and a field in which *persea* grows,

or in a lonely place. "Meth" means a corpse, "Mitzvah" means a commandment, and together they express: A corpse which anybody who finds is commanded to attend to its burial.

DD. ¹ There is a tradition that in the time of King Josiah the oil of anointment made by Moses was concealed, and from that time the ascent of a high-priest was made only with his prescribed garments, and in the Talmud such a high-priest was called by the name of "who was known by his many garments." Hence if it happened that an anointed ex-high-priest were in company with a high-priest who was elected after the oil of anointment was concealed, the latter, though he is a high-priest, must defile himself, because his degree in sanctification is considered lower than that of the former; and so is it with all the pairs—the second is lower in sanctification than the first.

it shall be buried in the former. If both places are equal in value, it shall be buried in the nearest one; and if they are equal in distance, it can be buried wherever desirable.

FF. Said R. Aqiba: "The following incident was the commencement of my reward to be counted among the wise. I once arose early and found a slain body. I burdened myself with it for three legal limits of the Sabbath, until I brought it to a cemetery, and I buried it. When I related this to the sages, they told me that my every step was considered as if I had shed blood.¹ Whereupon I drew the following *a fortiori* conclusion: When, having in view to perform a meritorious deed, I have transgressed so much, how much the more would I have sinned if I had had no such intention!" Whenever R. Aqiba was reminded of this incident he said: This was the commencement of my reward.²

CHAPTER V.

A. No work must be done by a mourner on all the seven days after the burial; nor by his children, his servants, or his cattle. As he and they all are not allowed, so are others not allowed to do any work for him.

The rabbis taught: A mourner is prohibited to do any work during the first three days, even the indigent who lives on charity; thenceforward he may do it privately; and the housewife may spin with her spindle.

The rabbis taught: A mourner must not visit another mourner during the first three days; thenceforth he may, but he must not sit among the condolers, but among those who are being condoled.

The rabbis taught: A mourner is prohibited the first three days from greeting others; from the third to the seventh he may only answer a greeting; thenceforward he may greet and answer as usual. When the sons of R. Aqiba died, an enormous crowd flocked to the funeral. R. Aqiba ascended the rostrum, and addressed the people: "Brothers in Israel, listen to my words: It is not because of merit or station of mine that ye appear here, for

FF. ¹ Because the law is that it must be buried on the place where it is found. ² *I.e.*, From the answer of the sages he learned that he knew nothing of the Law, and he began to study until he reached his eminence.

assuredly there are my superiors in this city. Oh, your reward will be great. Ye have done homage to the Law; your presence would suffice to console me, even if I had buried two bridegrooms; ye appeared here because you thought to yourselves [Psalms, xxxvii. 31]: 'The law of his God is in his heart.'" (Hence we see that it is permitted to greet even within the first three days?) Where the honor of the public is concerned the case is different.

"From the third to the seventh day he may answer, but not greet." There is a contradiction from the following Boraitha: One who meets his friend who is in mourning, if within twelve months he may speak to him words of consolation, but must not greet him; if after twelve months, he may greet him, but not speak to him words of consolation, unless indirectly. R. Meir said: To what may the case of one speaking to his friend, a mourner, words of consolation after twelve months be compared? To one whose foot was dislocated, and after having it cured, met a physician who said to him: "Come with me and I will dislocate it again, and cure it in order to prove to you the efficiency of my drugs"? This presents no difficulty. This Boraitha relates to mourning over father or mother; the former statement relates to mourning over other relatives. But have we not learned in another Boraitha that he may speak to him words of consolation indirectly? Our Boraitha may also be explained in the same sense; viz., "He shall not speak to him words of consolation directly."

The rabbis taught: A mourner, during the first three days, if he arrives from a place not distant, may adopt the same computation of the time as the local mourners, but if he arrives from a distant place he must have his own computation; thenceforth, if he even arrives from a place not distant, he must have his own computation. R. Simeon, however, said: "Even if he arrived on the seventh day, if only from a near-by place, he may adopt the computation of the local mourners." The Master said above: "The first three days, one who arrives from a near-by place," etc. Said R. Hyya bar Abba in the name of R. Johanan: "This is the case only where the eldest of the family is at home at the time." The schoolmen propounded a question: "How is it if the eldest of the family has gone to the cemetery?" Come and hear: R. Hyya bar Abba said in the name of R. Johanan: "Even if the eldest of the house has gone to the cemetery, he may compute with them (the local mourners)." But have we not learned in another Boraitha that he must have his own computation? This

presents no difficulty: One case is when he arrived within the first three days, and the other when he arrived after the first three days. As Rabh said to the inhabitants of Zalpuni: "Those who arrive within the first three days may compute with you; those who do not, must compute for themselves." Rabha said to the inhabitants of M'huza: "You who do not follow the coffin (to the cemetery, but only as far as the town-gate) may compute (the mourning) from the minute you turn your faces away from the town-gate."

¹The Boraitha states: R. Simeon said, etc. Said R. Hyya bar Gamda in the name of Joseph b. Saul, quoting Rabbi: "The case is only when he arrived before the condolers departed."

²It is written [Jerem. xxii. 10]: "Weep not for the dead and do not bemoan him." Weep not—that is, not more than sufficient; and do not bemoan him—that is, not more than prescribed. How so? During the first three days—weeping; the seven—lamentation; during the thirty days—not to calender clothes and cut the hair. After that period the Holy One, blessed be He, says: "Be not more merciful than I am." It is written [ibid., ibid.]: "Weep sorely for him that goeth away." Said R. Jehudah: "This means one who goeth away childless." R. Joshua b. Levi had never gone to console a mourner unless the deceased died childless, for it is written [ibid., ibid.]: "Weep sorely for the one that goeth away, for he shall never return any more, and see the land of his birth." R. Levi said: "A mourner the first three days must imagine to himself as if a sword is placed between his shoulders; between the third and seventh day, as if it is opposite him in a corner; from that day on, as if it passes in front of him in the street."³

"*The bier of a woman must at no time be set there,*" etc. R. Ami said: "For what purpose was the death of Miriam stated closely following the law of the red cow? To teach that as the red cow atoned for sin, so also does the death of the righteous." Said R. Elazar: "For the same purpose was the death of Aaron closely written to the description of the priests' garb; viz., as the priests in their garb atoned for the sins, so also does the death of the righteous."

CHAPTER V.

A. ¹ *Gemara* from Moed Katan. ² *Gemara* from Moed Katan.

³ This illustrates the different degrees in which it must be borne in mind.

B. It is permitted for others to do work involving things perishable; *e.g.*, his grain may be garnered and thrashed, his tubs may be scoured, and if his olives are turned, R. Jehudah says he may put the first press-block on, etc.

The rabbis taught: The following things are prohibited to a mourner: labor, washing, anointing, sexual intercourse, wearing shoes, reading the Law, the Prophets, the Hagiographa, studying the Mishna, Midrash, Halakha, Talmud, and Agada; but if, however, the public require his services, he need not restrain himself. As it happened, the son of R. Jose died in Sepphoris, and the latter notwithstanding came to college and lectured the whole day long. Rabba bar bar Hana was once in mourning, and he was inclined not to go out to deliver his usual lecture. Said R. Hanina to him: "If the public requires one's services, he need not restrain himself." He then wanted to employ an interpreter. Said Rabh to him: "We learned in a Boraitha: 'But he should not employ an interpreter.'" How, then, shall he do it? As we have learned in the following Boraitha: It happened that the son of R. Jehudah bar Ilai died, and the latter came to college followed by R. Hanania b. Akabia, who took a seat at his side. He (R. Jehudah bar Ilai) whispered (the lecture) to R. Hanania b. Akabia, and the latter to the interpreter, and the interpreter announced it aloud to the public.

The rabbis taught: A mourner must not wear phylacteries during the first three days, but from and including the third day he is allowed to do so, and need not remove them on the arrival of new persons. Such is the dictum of R. Eliezer. R. Jehudah, however, said that he must not wear them only during the first two days, but from and including the second day he is allowed; but on the arrival of new persons he must remove them.

R. Hyya bar Abba, R. Ami, and R. Itz'hak of Naph'ha were sitting in the cottage of R. Itz'hak b. Elazar, and a statement resulted: "Whence is it deduced that mourning lasts for seven days? It is written [Amos, viii. 10]: 'And I will change your feasts into mourning.' As the feast lasts for seven days, so does also mourning." But perhaps Pentecost is meant, which lasts only for one day? The latter one is applied according to Resh Lakish; for Resh Lakish said in the name of R. Jehudah the Second: Whence do we know that remote information (of the occurrence of a death in the family) makes mourning customary for one day only? From the passage [ibid., ibid.]:

"And I will change your feasts into mourning." And we find one festival which lasts for one day only.

C. ¹If he was the only baker in town, he may do his work privately for the sake of the people.

D. If one was cutting another's hair, or was having his hair cut, and he was told that his father was dead, he might finish it. Workingmen who receive work from a mourner are forbidden to do this work at his house, but they are allowed to do it at theirs. R. Simeon b. Jo'hai said: A day laborer is forbidden in any case. Contract work may not be done on his premises, but it may on theirs. Work on anything attached to the ground must not be done in either case, and work to be done in another city is allowed in either case.

E. When one mourning succeeds another, he may cut his hair with a knife but not with shears. If his clothes are dirty, he may wash them in cold water but not in feet-water.¹ A mourner and one who is under the ban, when on the road, are allowed to wear sandals; however, they must remove them as soon as they reach the town. So is the law also for the 9th of Abh, or a general fast-day.

² It is certain that a mourner must not cut his hair, for the Merciful One expressly directed the sons of Aaron [ibid. x. 6]: "The hair of your head you shall *not* let grow long"; hence the case is not so with other mourners. The question, however, is, whether those who are under the ban, and lepers, may cut their hair? Come and hear: Those who are under the ban, and those afflicted with leprosy, are prohibited from cutting their hair and washing (their clothes). One who was under the ban and died in such a state, the Beth Din stone his coffin. Said R. Jehudah: "It does not mean a heap of stones, as was the case with Achan [Josh. vii. 26], but it means that the Beth Din places a big stone on his coffin, to teach that whoever dies while under the ban, his coffin is stoned.

³ A mourner must wrap up his head, for the Merciful One

C. ¹ For former Mishnas, see Moed Katan, pp. 19-20.

E. ¹ In Tract Krithath, where it speaks of the preparation of the spices for the incense, the Gemara says: To make it stronger—*mei raglayim*; literally, "feet-water (wine, according to some commentators) would be good for it"; but this must not be brought into the Temple court. The same term is found in Nidah, 61b, in the Mishna, among the spices which remove stains. ² *Gemara* from Moed Katan. ³ *Gemara* from Moed Katan.

directed Ezekiel [Ezek. xxiv. 17]: "And cover *not* thyself to thy upper lip." Hence, others must cover. How is it, however, with one who is under the ban? Said R. Joseph: Come and hear (Taanith): "And they wrapped up their heads and sat as if they were under the ban, or mourners, until they were commiserated by Heaven." Said Abayi to him: "Perhaps they have done that, because they have considered themselves as put under the ban by Heaven, in which case it is very rigorous." What is the law in regard to a leper? Come and hear: It is written [Lev. xiii. 45]: "And he shall cover himself up to his upper lip." Hence we see that wrapping up is necessary. A mourner must not wear phylacteries, for Ezekiel was commanded [Ezek. xxiv. 17] to put them on.⁴ Hence we must say that others must not. But the question is as to one who is under the ban, in regard to phylacteries?⁵ This question was not decided. It is certain that a mourner must not greet any one, as Ezekiel was commanded [ibid.]: "Sigh in silence." But how is the case with one who is under the ban? Said R. Joseph: Come and hear (Taanith, ibid.): "And to greet one another as if they were rebuked from Heaven." Said Abayi to him: "Perhaps this case is different, because it is very strict."

F. No ban is for less than thirty days, and no rebuke is for less than seven days.

G. Said Rabban Gamaliel: He to whom the court has stretched out its hand, although he was again befriended, will not leave this world peaceably.

CHAPTER VI.

A. A mourner must not read the Pentateuch, Prophets, and Hagiographa. He is also not allowed to study Mishna, Talmud, Halakha, and Hagadah. He is also not allowed to wash, to anoint, to wear shoes, or to have sexual intercourse with his wife. He must cover his head and lower his couch. Rabban Gamaliel washed himself when his wife died (see Mishna Berachoth, 166).

¹ A mourner must not study the Law, because the Merciful

⁴ The Talmud explains this passage to refer to the phylacteries.

⁵ See our "Phylacteries Ritual," pp. 49 and 55.

CHAPTER VI.

A. ¹ *Gemara* from Moed Katan.

One commanded Ezekiel: "Sigh in silence" [ibid.]. But how is it with one who is under the ban? Said R. Joseph: Come and hear: We have learned: "One who is put under the ban may study for himself and also with others; he may be hired and he may hire others. But the case is otherwise with one who was excommunicated; the latter may, however, study for himself in order not to discontinue his studies. He may also establish for himself a small store in order to earn a living." Rabh said: "He may sell water in the market of Araboth."

² A mourner must not wash his clothes, as it is written [II Sam. xiv. 2]: "Then sent Joab to Thekoa, and he fetched thence a wise woman, and said to her," etc., "and anoint thyself not with oil; but be as a woman that hath these many days been mourning for the dead." What is the case with those under the ban? Come and hear: "Those who are under the ban are prohibited from cutting their hair and washing their clothes." Infer herefrom. A mourner must have his garment rent, because the Merciful One commanded the sons of Aaron [Lev. x. 6]: "And your garments you shall *not* rend"; hence others must. A mourner must lower his couch (place the mattress near or on the floor), as Bar Qappara taught: "(God said) I had placed my image among them, and for their sins I upset it (decreed death). Let them now lower their beds." A mourner must not work, for it is written [Amos, viii. 10]: "And I will change your feasts into mourning." As on the feast it is prohibited to do any work, so also is the case with the mourner. May one who is under the ban work? Said R. Joseph: Come and hear (Taanith): "When it was stated that it is prohibited to do work, it referred only to the day-time but not to the evening; and the same is the case with one who is under the ban." A mourner must not wash himself, as it is written [II Sam. xiv. 2]: "And anoint thyself not with oil"; and anointing includes also washing.

³ And the Halakha prevails that a mourner must not bathe his entire body in either warm or cold water for seven days, but he may bathe his face, hands, and feet with cold water but not with warm. To anoint himself ever so little is prohibited, however, for a mourner; but he may do so for the purpose of removing the dirt from a certain part of his body.

⁴ A mourner must not wear shoes, because Ezekiel was com-

² *Gemara* from Moed Katan. ³ Transferred from Taanith. ⁴ *Gemara* from Moed Katan.

manded [Ezek. xxiv. 17]: "And the shoes put on thy feet." Hence others must not. A mourner must have no intercourse with his wife, as it is written [II Sam. xii. 24]: "And David *comforted* Bath Sheba, and he went in unto her, and lay with her." Hence, before comforting it is prohibited.

On the first three days if a mourner is greeted he shall say: "I am a mourner." However, from the fourth day onward he may answer half-heartedly.

B. When the death occurs in the same city, he must not accompany the others on the first two days; on the third he may go out and stand in the line for the purpose of being consoled, but he must not console others. All this is only when there are sufficient pall-bearers and burial attendants; otherwise he must accompany the others even on the first day.

The rabbis taught: "A mourner on the first Sabbath¹ must be confined to his house. On the second he may leave the house, but he may not occupy his usual seat (in the prayer-house); on the third he may occupy his usual seat, but he must refrain from conversation; and on the fourth Sabbath he is as any other person." R. Jehudah said: "As to the first Sabbath, it was not necessary at all to state that he must be confined to the house, for it is self-evident, because all come to comfort him on that day. But the above order begins on the second Sabbath; viz., 'On the second he must be confined to his house,' etc., and only on the fifth Sabbath he is as any other person."

C. On the first and second days the mourner must not enter the Temple mountain; on the third, however, he is allowed to enter, but must go around to the left. The following must enter to the left: A mourner, one who is under the ban, one who has a sick person in his house, and one who has sustained a loss. "Why do you enter to the left?" (the people standing about ask him). "Because I am a mourner!" And they rejoin: "The One who rests in this house may console thee!" And if he says: "Because I am in ban!" they rejoin: "The One who rests in this house may soften their hearts and they will befriend thee." So says R. Meir. Said R. Jose to him: If so, you seem to insinuate that they have not judged him rightly? But they rejoin thus: "The One who rests in this

B. ¹ It means the first week, etc., even when he goes to prayer-house in the week-days.

house, will soften thy heart, that thou mayest listen to their advice, and they will again befriend thee." To the one who had a sick person in his home they rejoined: "The One who rests in this house shall have mercy upon him!" and if the sick was his only son they should pray: "Shall have mercy upon him immediately!"

D. It happened to a woman whose daughter fell ill, that she ascended the Temple mount, turned to the left, and did not stir from there till she was told that her child had recovered.

E. To one who has sustained a loss they say: "The One who rests in this house will soften the heart of the finder, and he will return it to thee immediately!" It happened to Elazar b. Hananiah b. Hezekiah b. Gorion that he lost the Holy Scrolls, which cost him a hundred Manah.¹ He ascended the Temple mount, turned to the left, and did not stir till he was told that they were found. And the Temple was built by Solomon only for the purpose that everyone who should have any trouble should come and pray, as it is written [I Kings, viii. 37]: "If there be famine in the land, if there be pestilence," etc. From this we know only for individuals; when do we know that it is also for the public in general? It is written [ibid., ibid. 38]: "Of all thy people Israel." Lest one say it is also for the one who prays for children, or for riches which may not be good for him, therefore it is written [ibid., ibid. 39]: "As thou mayest know his heart, for thou thyself alone knowest the heart of all the children of men." Whatever is good for him, grant him. Whence do we know that they should not persist in their rebellion?² It is written [ibid., ibid. 38]: "When they shall be *conscious* every man of the plague of his own heart, and he then spread forth his hands toward this house." All this concerns the Israelites, but whence do we know that it concerns also the Gentiles? Therefore it is written [ibid., ibid. 41]: "But also to the stranger, who is not of thy people Israel, but cometh out of a far-off country," etc.

E. ¹The coin Manah was of the value of a hundred Zuz. ²This is to be understood thus: Whence do we know, if a rebel comes to pray that he shall be successful in his rebellion, that he shall not be listened to?

CHAPTER VII.

A. The period of thirty days must be counted to the following: to mourning, to calender clothes, to cutting of hair, to demand debts, to a woman of handsome form, to betrothal, to marriage, to a virgin, to a widow, to a Yebamah,¹ to one who vowed against his wife, and to an indefinite Nazarite.

* B. "*To mourning.*" How so? It is written [Deut. xxxiv. 8]: "And the children of Israel wept for Moses in the plains of Moab thirty days."

"*Calender clothes*" means all garments which come out from under the press. So is the decree of Rabbi. The sages, however, say: Colored but not white. But R. Meir said the reverse: White but not newly colored; old, however, is permitted in any case. *Funda, fascia, pileus*,¹ and helmets are also permitted. To give garments to be pressed is permitted within the thirty days.

The rabbis taught: "It is not permitted to calender clothes, whether new, or old ones which have just been removed from under the press, during the full period of thirty days." Rabbi, however, said: "It applies only to new ones." R. Elazar bar Simeon said: "They have prohibited new white garments only." Abayi acted in accordance with Rabbi. Rabha, however, acted in accordance with R. Eliezer bar R. Simeon.

"*To cutting of hair.*" He must not cut off the hair of his head, his mustache, his beard, or any hair of his body. A woman, however, is permitted to cut her hair after the seven days.

"*To demand debts.*" If one lends money for an indefinite period, he cannot demand it before thirty days.

C. "*To a woman of handsome form.*" It is written [Deut. xxi. 11]: "And hast a desire unto her, that thou wouldst take her to thee to wife." She must shave off her hair, and pare her nails. So is the decree of R. Meir; but R. Aqiba said: The hair must be shaved, and the nails she must let grow. Said R.

CHAPTER VII.

A. ¹Yebamah is called a woman whose husband died childless, leaving living brothers [Deut. xxv. 5].

B. ¹All these garments have Roman names, and were used in those days, and we do not think it necessary to describe how they were made. The reader, however, will find it in "*Hamashbir*" and similar works.

Eliezer: As in both the head and nails the Torah prescribed a doing,¹ and as the doing what is said by the head means that the hair shall be cut off, the same is the case with the nails; but R. Aqiba said: As the doing what is said by the head is meant to make her ugly, the same is the case with the nails (and nothing is uglier than long nails). A support to R. Eliezer can be found in II Samuel [xix. 25]: "And Mephibosheth the (grand-) son of Saul came down to meet the king, and he had not dressed his feet, nor trimmed his head." A support to R. Aqiba can be found in Daniel [iv. 30]: "Till his hair was grown like eagles' (feathers), and his *nails*² were like birds' claws."

¹ Pin'has, the brother of Mar Samuel, was in mourning. When Samuel came to condole with him and noticed that his nails were untrimmed, he said to him: "Why dost thou not trim them?" And he answered him: "If this were the case with thee, wouldst thou disrespect the mourning to such an extent?" And it was [Eccl. x. 6] "like an error which proceedeth from the ruler." And a death occurred in Samuel's family. When R. Pin'has came to condole with *him*, the former trimmed his nails and threw the parings in his face, saying: "I see that thou dost not pay any attention to the saying: Words are ominous, as said R. Johanan. Whence is it deduced that words are ominous? It is written [Gen. xxii. 5]: "And Abraham said unto his young men," etc., "and we will worship *and come again to you*"; and it so happened that both of them returned. (Although Isaac was intended to be sacrificed.) It was understood from Samuel's action that the nails of the hand only may be cut, but not those of the feet. R. Onan bar Ta'hlipha, however, said: "It was explained to me by Samuel himself that there is no distinction made." Said R. Hyya bar Ashi in the name of Rabh: "With a nail file, however, it is not allowed."

² Rabh said (and Mar Zutra learned it in a Boraitha): "A

C. ¹ In the text it is termed "Maasse," and in Yebamoth (48a) "Assiyah." The meaning of both is *doing*, and Rashi there explains that, although the two above-mentioned terms are not to be found in reference to the head, R. Aqiba and R. Eliezer maintain that the cutting off of the hair is also called a doing; hence the analogy. ² The verse begins with, "and from men was he driven away," and concludes that his nails were like birds' claws; hence it is not an ornament. ³ *Gemara* from Moed Katan. ⁴ *Gemara* from Moed Katan.

couple from Hamthon once came before Rabbi and asked his permission to cut their nails in their mourning, and he permitted them to do so; and if even they would have asked his permission to trim their mustaches, he would also have permitted them." Samuel added: "They actually did ask his permission and he did permit them."

D. It is written [Deut. xxi. 13]: "And she shall put off the raiment of her captivity." If she was dressed in white or black which becomes her, or she had on jewelry, they must be removed from her, for the purpose of making her unhandsome. The case is only if she has declined to embrace the Jewish faith; but if she be inclined, she is dipped, is freed from slavery, and he may marry her. The purpose for which all this was done is to prevent mingling.

E. "*To betrothal.*" How so? It is not allowed to make the feast of betrothal within thirty days of the day of the funeral. "*To marriage.*" The feast of marriage is not allowed to be made within this period; but if everything was prepared before the death occurred of one of his or her parents he may marry, and have the first intercourse with her; but after that they must be separated for seven days. This is only in case one of his parents dies; but if his wife dies, he is not allowed to marry again until three regular festivals have passed.¹ R. Jehudah, however, said: Two, and he may marry at the third. This is the case when he has grown-up children; but if they are yet little ones, or he is childless, he may marry even within the thirty days. It happened that the wife of R. Tarphon died, and R. Tarphon said to her sister within the period of mourning: "Enter this house, and educate thy sister's children." Nevertheless, he had no intercourse with her until the thirty days were over.

The rabbis taught: "One is not permitted to marry during the full period of the thirty days. If he, however, mourns over his wife, he must not remarry again until three festivals shall have passed. R. Jehudah, however, allows after the first and second festival have passed." But if he is childless he may remarry at once, in order not to restrict reproduction; so also is

E. ¹ If she dies before Passover, he may marry after Tabernacles; if after Passover, he must wait till the three festivals Pentecost, Tabernacles, and Passover have passed; and so on with the other festivals.

the case if he has minor children, for they have to be brought up. It happened that the wife of Joseph the priest died, and he said to the deceased's sister while still on the burial ground: "Go and rear thy sister's children." But still he did not cohabit with her for a long while. For how long? Said R. Papa: "Until after the thirty days."

"*To a virgin.*" The period in which to complain that one has not found virginity² is limited till thirty days after the marriage.³

CHAPTER VIII.

A. During three days before the interment, experts repair to the cemetery and examine the dead whether they are really dead; [and although this is the custom of other nations], there is no fear of the prohibition of the deeds of the Amorites.¹ It happened that one of the dead was examined (and found alive), and he lived twenty-five years after that; and to another one, that he begat five children before he died.

B. A canopy may be made for dead bridegrooms and brides, and either eatable or uneatable things may be hung on it. So is the decree of R. Meir. R. Jehudah, however, said: Only unripe things—viz., unripe nuts, unripe *χαλλοξ*, tongues of purple, and flasks of Arabian oil; but not when they are ripe, nor ripe pomegranates, nor flasks of sweet oil, as whatever hangs on the canopy, no benefit may be derived from it.¹ Strings of fish, pieces of meat, may be thrown before the dead bridegroom or bride in the summer,² but not in rain time; and even during

¹ Deut. xxii. 14.

² Concerning a widow and the other subjects mentioned above, they are explained in their respective tracts; therefore we have omitted them here.

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A. ¹ Lev. xviii. 3.

B. ¹ Therefore only unripe things were allowed, lest one should use them if they were ripe. ² It must have been a custom at that time to throw some things which were prepared for the wedding feast. It is certainly difficult to explain, without a particular knowledge of this obsolete custom. Naumburg, however, maintains that it was done for a live bridegroom and bride; but we do not agree with him, for the reason that this is not mentioned in Berachoth, where it is enumerated what is to be done to honor the bride and bridegroom.

the summer, they must not do so with cooked fish or other eatables which will be spoiled after they are thrown on the ground. Nuts and other fruit in shells, as they are not spoiled, may be thrown at all times. There is a rule that anything which may be spoiled must not be thrown.

C. Likewise wine and oil may be put in a water pipe in honor of live bridegrooms and brides. As it happened to Jehudah and Hillel the sons of R. Gamaliel, when they were the guests of Ben Zakkai in Babylon,¹ the townspeople flooded the water pipes with wine and oil to honor them. Also the bodies of kings, and their clothes may be burned, their cattle hamstringed, without fear that it is after the usages of the Amorites. The ceremony of burning clothes and other things is performed for the corpses of kings only, but not for princes. When Rabban Gamaliel died, Aquilas the proselyte, however, burned in his honor clothes of the value of eight thousand Zuz, and when he was asked why he did so, he answered: It is written [Jerem. xxxiv. 5]: "In peace shalt thou die; and as burnings were made for thy father," etc. Was not Rabban Gamaliel more worthy than a hundred kings, for whom we have no use?²

D. The hair of a dead bride may be loosened; and the face of a bridegroom may be uncovered, and the marriage contract and the pen may be put by his side, without fear that so is the custom of the Amorites. There may also be put in the coffin the key and the pinkas (πίναξ) of the dead, to call the attention of others to mourn, as it happened with Samuel the Little, that his key and pinkas were put in his coffin, because he did not leave a son. And Rabban Gamaliel the Elder and R. Elazar b. Azariah lamented him, saying: "For this dead one it is meet to weep, it is proper to lament. When kings die they leave their thrones to their children, when rich men die they leave their wealth to their children, but Samuel the Little took with him the most precious thing in the world, and is gone!"

E. Before he died, he said: "Simeon and Ishmael are prepared for the sword, and all the remaining people for being robbed, and great trouble will follow." And he spoke this in

C. ¹ These were Jehudah the second and Hillel his brother the grandsons of Rabbi; and b. Zakkai must have been a prominent person in Babylon. ² In Abodah Zarah, 11a, is stated that burning of clothes was also done for princes, and Aquilas' deed was used as a support without any explanation.

Aramaic. When this occurred, and R. Simeon b. Gamaliel and R. Ishmael were condemned to death, R. Ishmael was weeping; but R. Simeon said: I praise God that it is only two steps till I shall be received in the bosom of the righteous in the world to come, and you are weeping? And the former rejoined: Do I weep because we are going to be slain? I am weeping because we will be slain as if we were murderers and violators of the Sabbath. After they were executed, and R. Aqiba and R. Jehudah b. Ethyra were informed, they put sackcloth on their loins, rent their garments, and said: Brother Israelites! If a good thing was to come for the whole world, these two sages would certainly have been the first to receive it; and now, as they were the first to be executed, it must be only for their benefit: they shall not see the great calamities which will follow after that. Woe! "The righteous perisheth, and no man layeth it to heart" [Isaiah, lvii. 1]. "He shall come (to his father) in peace, they shall repose in their resting-place" [ibid., ibid. 2].

F. When R. Aqiba was executed, and R. Jehudah b. Baba and R. Hanina b. Teradion heard of it, they also arose, put sackcloth on their loins, rent their garments, and cried: Brothers, listen to us! R. Aqiba was not slain because of robbery nor because he had not observed the Law with all his might, he was slain only for an example, as it is written [Ezek. xxiv. 24]: "Thus shall Ezekiel be unto you for a token . . . then shall ye know that I am the Lord eternal." We are sure that within a few days there will not be a place in the whole of Palestine where corpses of the people will not be lying about. It was said that scarcely had a few days passed, when a canine appetite dissipated the whole world, which lasted from that time for a twelvemonth.

G. When R. Hanina b. Teradion was seized by the government they sentenced him to the stake, his wife to the sword, and his daughter to a house of prostitution. He inquired: To what have they sentenced the poor thing (his wife)? And he was answered: To the sword! Whereupon he exclaimed the following passage: "Righteous is the Lord in all his ways" [Ps. cxlv. 17]. When she asked to what the rabbi was sentenced, she was answered: To the stake. Whereupon she exclaimed the passage: "Great in counsel, and mighty in execution," etc. [Jer. xxxii. 19]. When he was to be burned they wrapped him in the Holy Scrolls, and his daughter cried and threw herself on the ground. He said to her: My daughter! If thou weapest and throwest thyself on the ground over me, is

it not better I should be consumed by a fire which was kindled in this world than by a fire which is not kindled (Gehenna)? As it is written [Job, xx. 26]: "A fire not urged by blowing." And for the Holy Scrolls! Knowest thou not that the Torah is fire itself, and no fire can consume another? The parchment only is burned, but the letters fly away. Thou must also know that the great servants of the king are mostly beaten through the lesser, as it is written [Hosea, vi. 5]: "Therefore did I hew (them) down by means of the prophets, I slew them by the work of my mouth."¹

H. R. Aqiba said: There is a king who has four sons. One is struck and is silent; the second rebels; the third prays for mercy; and the fourth says to his father: Strike me (because I am deserving). Abraham was struck but was silent, as it is written [Gen. xxii. 2]: "Take now thy son, thy only one, whom thou lovest, even Isaac . . . and offer him there for a burnt-offering." He ought to have said: The other day thou didst tell me: "For in Isaac shall thy seed be called" [Gen. xxi. 12]? and nevertheless it is written [ibid. xxii. 3]: "And Abraham rose up early in the morning," etc. Job was struck and rebelled, as it is written [Job, x. 2]: "I will say unto God, do not condemn me: let me know for what cause thou contendest against me." Hezekiah was struck, and he prayed for mercy, as it is written [II Kings, xix. 15]: "And Hezekiah prayed before the Lord," etc. According to others, even Hezekiah rebelled, because he said: "Did I not do what is good in thy eyes?" [ibid. xx. 3].¹ But David is the one who said to his father: Strike me (because I am deserving), as it is written [Psalms, li. 4]: "Wash me thoroughly from my iniquity, and cleanse me from my sin."

I. The study of the Torah must not be interrupted till the soul is out of the dying one. When R. Simeon the son of R. Aqiba was ill,¹ he (R. Aqiba) did not absent himself from the college, but inquired about him through messengers. The first

G. ¹ This is Leeser's translation, but the Talmud takes it literally—that the prophets were slain through the sin of Israel.

H. ¹ It means that this expression is a protest against his affliction, as it was not proper to remind the Lord of His good deeds.

I. ¹ See above, p. 18. The entire occurrence is repeated here at length, with some changes; therefore we leave it as it is in both places.

messenger announced that he was yet ill. He nevertheless said to the disciples: "Question!" The second announced that he was worse, and still he did not interrupt his studies. The third one announced that he was in the struggle of death, and yet he said: "Question!" till the fourth one announced the death. Whereupon he arose, removed his phylacteries, rent his garments, and said to them: "Brother Israelites, listen to me! Till now we were obliged to study the Law; now, however, we are obliged to honor the dead." A great multitude assembled to bury the son of R. Aqiba. He said: "Bring me out a bench to the cemetery." He sat down and said: "Brother Israelites, listen! (You have assembled) not because I am a sage, for there are greater sages than I; not because I am rich, for there are richer men than I. If the men of the south know Aqiba, why should the Galileans know him? If the men know Aqiba, what have the women and the children to do with Aqiba (but here is not Aqiba, here is the Torah)? Oh! your reward will be great, ye have done homage to the Law. I am consoled, and had I even seven sons and buried them all, I would be consoled, [not that one is desirous of burying his children], but because I know that he will inherit the world to come; because it is known to all that he was given to philanthropic activity, to whom a sin never reaches." (See Yomah, p. 138.)

Moses, who was himself righteous, and was given to philanthropic activity, the reward of the public was counted to him, as it is written [Deut. xxxiii. 21]: "He executed the justice of the Lord, and his judgments with Israel." Jeroboam the son of Nebat sinned and induced the public to sin: the sin of the public was counted to him, as it is written [I Kings, xiv. 16]: "For the sake of the sins of Jeroboam, who did sin, and who induced Israel to sin."

J. (There is a tradition): The reward of virtue is brought about by a meritorious person (Sabbath, p. 55); *e.g.*, Israel was destined to be redeemed from Egypt, as it is written [Gen. xv. 14]: "And afterward shall they go out with great substance." But as Moses and Aaron were meritorious persons, it was done through them. The same is the case with the receiving of the Torah: they would have received it without Moses, Aaron, and the generation of the desert, as it is written [Proverbs, ii. 7]: "He treasureth up sound wisdom for the righteous." The paragraph of Judges [Ex. xv. 18] would be said, even if Jethro would not appear. The same is the case with the paragraph

about the second Paschal lamb, it would be said even if the defiled men were not under the requirements of law [Numb. ix. 7]; and the same is with the paragraph of inheritance, it would be written without the daughters of Zelophchad.

K. The Temple also would have been built without David and Solomon, as it is written [Ex. xv. 17]: "The sanctuary, O Lord, which *Thy hands* have established." In the time of Haman, Israel would have been redeemed also without Mordecai and Esther, as it is written [Lev. xxvi. 44]: "And yet for all that, though they be in the land of their enemies, I will not cast them away, neither will I loathe them to *destroy* them utterly." But all that was done through the above-mentioned, because a reward shall be brought about by a meritorious person.

L. The same is true of the reverse. Israel was destined to be enslaved, even if Pharaoh should not have existed, as it is written [Gen. xv. 13]: "And they will make them serve, and they will afflict them four hundred years." Israel would worship the idols even if Jeroboam b. Nebat should not have existed, as it is written [Deut. xxxi. 16]: "And then will this people rise up and go astray." The paragraphs of the blasphemer and the violator of Sabbath would have been written even if the blasphemer and the stick-gatherer should not have existed. Israel was destined to be slain by the sword, even if the persecutors¹ at different times should not have existed, as it is written [Amos, ix. 10]: "By the sword shall die all the sinners of my people." Jerusalem would have been destroyed also, without Nebuchadnezzar and his associates, as it is written [Micah, iii. 12]: "Therefore for *your sake* shall Zion be ploughed up as a field, and Jerusalem shall become ruinous heaps, and the mount of the house as forest-covered high places." But all this was done through the above-mentioned, because of the rule that the chastisement for sin is dealt out through a sinner, and this was explained by Papus and Lulianus his brother to Trajan their prosecutor. (Taanith, p. 48.)

M. Those who are more particular in interpreting the verses of the Scriptures said: It is written [Deut. xii. 3]: "And ye shall overthrow their altars." Wherein have the wood and stone sinned (to be destroyed)? It must be only because people have stumbled through them. From this is to be drawn an

L. ¹ In Yalkut is mentioned Balaam instead of persecutors, but it seems to us to be proper as explained here.

a fortiori conclusion: Wood and stones which have neither virtue nor sin, neither goodness nor wickedness, because people have stumbled through them, if the Torah nevertheless decided their destruction, so much the more he who causes his neighbor to sin, and inclines him from the path of life to the path of death, deserves to be destroyed! In the same manner they explained the following: It is written [Lev. xx. 16]: "Then shalt thou kill the woman and the beast." If the woman has sinned, in what has the beast sinned? It must be only because the woman has sinned with it, it must be killed; as otherwise, whenever it would be seen in the street, people would say: "This is the beast through which so and so was stoned." And also here they draw the same *a fortiori*: An animal which has no virtue, etc., like the wood and stones, and nevertheless the Torah decided that it must be stoned—a man who causes his neighbor to depart from the path of life to the path of death, so much the more must he suffer for it.

N. An *a fortiori* conclusion is also to be drawn from the stones of the altar; namely, it is written [Deut. xxvii. 5]: "Thou shalt not lift up any iron tool upon them," and it is also written [Ex. xx. 22]: "For if thou lift up thy tool upon it, thou hast polluted it." Why, then, shall iron be unfit for the altar more than any other metal? It is because the sword is an unpropitious event and the altar is a propitious one, and a sign of curse must be removed from the thing which is forgiveness. Now, is this not an *a fortiori*: The stones of the altar which do not see, hear, talk, neither eat nor drink, but only because they made peace between Israel and their heavenly Father, the Torah said they should not be cut with iron, "Of whole stones shall they build the altar of the Lord God" [Deut. xxvii. 6], we see then that the stones which bring peace in the world must not come in contact with iron and must be whole—the students who in themselves are a forgiveness to the world, so much the more must they not come in contact with evil things, in order to be perfect before the Holy One, blessed be He?

CHAPTER IX.

A. For all the relatives, one must rend his garments, also for the teacher from whom he received his study. A wise man, however, all are his relatives, all must rend their garments, all

must take off their shoes, and all may take part in the funeral meal (which used to be eaten in the street on the return from the cemetery). R. Simeon b. Elazar, however, said that rending of the garments is obligatory to all who are present at the death of a human being; the relatives, however, must rend their garments and take off their shoes, even if they are not present. Different is it when a sage dies. All who are notified of his demise must perform the mourning ceremonies.

B. For the death of the chief of a college all (the college men) are obliged to bare their right arm;¹ for the chief of a court, the left; and for the Nasi both arms are bared. When the death of R. Eliezer occurred, R. Aqiba bared both his arms, beat his breast until blood spurted from it, and cried: "My father, my father, the chariot of Israel, and their horsemen [I Kings, ii. 12]."

Ula said: "Lamenting is by striking on the breast, for it is written [Isa. xxii. 12]: 'They shall strike on the breast, lamenting.'" Clapping is done with the hands, and striking is done with the feet.

The rabbis taught: "One who strikes with his feet must not do so with his sandals on, but with his shoes on, in order to avert danger." R. Johanan said: "If the mourner motions his head (as if he is consoled already), his consolers need no more stay with him." R. Johanan said again: "All persons must rise from their seats on the arrival of a Nasi, except a mourner and a sick person." R. Johanan said again: "All persons are told to be seated (after they rose), except a mourner and a sick person."

C. For all his relatives one is not obliged to bare his arm, except for father and mother. If something is on the arms which prevents their being bared, one is not obliged to do it even at the death of his parents. It happened that when the death of R. Aqiba's father occurred, R. Aqiba did not bare his arm, though others did.

¹ In all cases it is praiseworthy to remove the corpse as soon as possible, excepting in the case of a dead parent, unless it is

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B. ¹ As this custom is obsolete, we cannot explain its meaning and how it was done.

C. ¹ *Gemara* from Moed Katan.

on a Friday or on the eve of a festival, for the removal is then only for the honor of the deceased (in order that they shall not remain unburied until after the Sabbath or festival). In all cases of death it is optional with the mourner whether to lessen his attendance to his business or not; in the case of the death of a parent, he must lessen. As to baring the shoulder, it is also obligatory in case of parents only. It happened that the father of a great man of the generation died, and the great man wanted to bare his shoulder; another great man, who equalled him and who was present at the time, wanted to do likewise (in order to show his respect), and the first one refrained from doing it (in order to prevent the other one from inconvenience). Said Abayi: "The great man of the generation was Rabbi, and the other one who was present at the time was R. Jacob bar A'ha." According to others, it was *vice versa*. In all cases of death the mourner may cut his hair after thirty days; but in the case of his parents, not before he is censured by his friends (for wearing too long hair). In all cases of death one may participate in any enjoyment after thirty days, except in the case of his parents, when he may do so only after twelve months. Said Rabba bar Hana: "In an entertainment of friends he may participate at once." In all cases one may rend his garment only one span long; over parents he must rend so much as to bare his breast. Said R. Abuhu: From what passage do we know this? From [II Sam. i. 2]: "David thereupon took hold of his clothes, and rent them." And it is known that wherever "hold" is mentioned, it is not less than a span. In all cases, even if one has ten garments on, it is sufficient to rend the upper one only; over his parents, however, he must rend all the garments he has on, except the chest protector. And there is no distinction made between male and female. R. Simeon b. Elazar, however, said: "A woman rends the undergarment, places the rent part on her back, and then rends her upper garment." In all cases it is optional whether to tear asunder the outside hem or not, but over parents it is obligatory. R. Jehudah, however, said: "If the hem is not torn asunder, it is not considered rending at all."² Said R. Abuhu: "What is the reason of R. Jehudah's statement? It is written [II Kings, ii. 12]: "And he took hold of his clothes, and rent them in two pieces." The superfluous

² In order to understand the explanation hereof of Rashi, a thorough knowledge of the ancient cut of garments is required, which we leave to the historian.

statement, "in two pieces," indicates that it must be rent so that it should look as if torn in two pieces. In all cases the rent may be slightly sewed together after the seven days, and regularly mended after the thirty days; but over parents it may only be slightly sewed together after thirty days, but never regularly mended. Women, however, may sew it together at once, for the sake of decency. When Rabbin came from Palestine, he stated in the name of R. Johanan: "Over relatives it is optional whether to rend by hand or with an instrument; over parents, by hand only." R. Hyya bar Abba said in the name of R. Johanan: "Over relatives the rent is made in the house; over parents, even outside of the house." A prince once died. Said R. Hisda to R. Hanan bar Rabha: "Stand on an elevation and rend your garments, so that every one will see it." Over the death of a scholar, the right shoulder is bared; over that of a chief of a court, the left one is bared; over that of a Nasi, both shoulders are bared.

The rabbis taught: When a scholar dies, his college closes. When a chief of a court dies, all the colleges in the city in which he resided close, and those who come to the prayer-house to pray change their usual seats, so that those who have seats on the north benches take seats on the south benches, and *vice versa*. But when a Nasi dies, all the colleges close and the members of the congregation assemble in the prayer-house, and only seven read in the Law, and leave. R. Joshua b. Kar'ha said: "That does not mean that they shall walk around in the streets, but that they must remain in their houses and keep silent." And no ordinance or Agada should be declared in the mourner's house. It was said, however, of R. Hananiah b. Gamaliel that he had declared ordinances and Agada in the house of a mourner.

The rabbis taught: "And the following rent garments may not be mended: garments rent over the death of parents; over the death of one's instructor in Law; over a Nasi, chief of the court; over ill-tidings; over blasphemy; the Holy Scrolls which were burned by fire; the cities of Jehudah; the Temple; and over Jerusalem. And one may rend over the destruction of the Temple and add another rent (at the same place) over Jerusalem."⁸ R. Helba in the name of Ula of Birah, quoting R.

⁸ All this is adduced from biblical passages which we deem unimportant to quote here.

Elazar, said: "One who beholds the cities of Jehudah in their desolate state, says [Isa. lxiv. 9]: 'Thy holy cities are become a wilderness,' and rends his garment; when he beholds Jerusalem in her desolate state, he says [ibid., ibid.]: 'Zion is become a wilderness, Jerusalem a desolate place,' and rends; when he beholds the Temple in its desolate state, he says [ibid. 10]: 'Our holy and our beautiful house where our fathers praised Thee is burned up with fire; and all our costly things are become ruins,' and rends."

'The Boraitha stated: "One may rend over the Temple and add another rent," etc. There is a contradiction from the following Boraitha: "Both the one who heard it and the one who saw it, as soon as they reach Zophim they rend their garments, and they do so *separately* over the Temple and over Jerusalem?" This presents no difficulty: The first Boraitha relates to a case where he beheld the Temple first; the second, where he beheld Jerusalem first (Rashi explains the first case that he was under such circumstances that he could not see Jerusalem first, as for instance if he were in a closed carriage).

The rabbis taught: "And all (rents) may be slightly sewed together, hemmed, gathered (a sort of stitch), and stair-stitched, but not regularly mended." Said R. Hisda: "Mending is not allowed only when it is done in the fashion of Alexandria" (for it then looks as if never rent).

The rabbis taught: The original rending is a span long; the additional, three fingers. Such is the dictum of R. Meir; R. Jehudah, however, said: "The original rending is three fingers, and the additional a trifle." Said Ula: "The Halakha prevails according to R. Meir as regards the original rending, and according to R. Jehudah as regards the additional one." We have learned the same also in a Boraitha in the name of R. Jose.

⁵ Rending which is not done in the moment of excitement (immediately after the occurrence of the death) is not considered rending at all. Was it then not stated that Samuel rent all the twelve different garments he had on when he was informed of the death of Rabh, saying: "The man whom I always feared (for his sharpness) has passed away"? And was it not also stated of R. Johanan that he rent thirteen woollen garments when he was

C. * *Gemara* from Moed Katan. * *Gemara* from Moed Katan.

informed of the death of R. Hanina, saying: "The man whom I always was in dread of has passed away" (and in these instances it was not immediately after the occurrence of the death)? In case of death of rabbis it is different, because, their teachings being always fresh in memory, the moment of excitement is whenever the information of their death reaches. Rabhin bar Ada said to Rabha: "Thy disciple R. Amram taught the following Boraitha: A mourner during all the seven days must wear the rent part in front, and if he changes clothes he must rend again. On the Sabbath he must remove the rent part from the front to the back; if he, however, changes his clothes for the Sabbath, he must not rend again." (Hence we see that one must rend, although after the moment of excitement?) Rabha answered him: "This applies only to parents, but over other relatives it is different."

⁶ May those rents be mended? The father of R. Oshiya and Bar Qappara differ: One holds they may, and the other holds they may not.

⁷ Rabha said: A mourner may walk around in his easy-dress in his house (in private).⁸

D. If he was informed of his father's death, and he rent his garments, and afterward he was told that it was not the father but the mother, his duty is fulfilled; and also *vice versa*. If after he has rent for his parents he was told that it was not his parents but one of his relatives, this rending is sufficient. If, however, he was informed of the death of a relative, and after he has rent he was told that it was not his relative but one of his parents, he must rend again.

The rabbis taught: "If one is informed of the death of his father and he made a rent, and then he was informed of the death of his son and he made an additional rent, the lower rent may be mended but not the upper one. If, however, he was informed of the death of his son first, the upper one may be mended but not the lower one. If he was informed of the death of his father, mother, brother, and sister at the same time, he may make one rent for all. R. Jehudah b. Bathyra, however, said: "One rent over his father and mother, and another over

C. ⁹ *Gemara* from Moed Katan. ⁷ *Gemara* from Moed Katan.

⁸ The term in the text for "easy-dress" is *קפנה*, which has several different meanings. See our "Phyl. Rit.," p. 65. Here, however, it seems to mean a gown worn in the house.

all the others; for an additional rent should not be added to the one over his parents." What is the reason? Said R. Na'hman bar Itz'hak: "Because the law of additional rending does not apply to the case of parents." Said Samuel: "The Halakha prevails according to R. Jehudah b. Bathyra." Could Samuel say so? Did not Samuel decide that the Halakha prevails, in regard to mourning, according to the one who is lenient? Mourning is one thing and rending is another.

¹ How far down must one rend? As far as his navel. According to others, as far as the breast. And although there is no direct support for that from the Scripture, there is nevertheless a hint for that in [Joel, ii. 13], "And rend your *heart*, and not your garments."

The rabbis taught: If a sick person has a case of death in his family he must not be informed of the fact, for it may cause him distress; and no rending is done in his presence, and the women are silenced (to keep any knowledge from him); and a minor's garments are rent for the purpose of moving others to pity him; and rending is done over the parents of one's wife out of respect to the latter. R. Papa said: "We have learned in Tract Great Mourning: 'But one (mourner) may not place a babe in his lap, for it may cause him to smile and thus be disliked by others.'"

"*The funeral meal is not to be taken except on a couch standing up properly.*" The rabbis taught: "One who comes to the mourner's house, if he was intimate with the mourner, he takes the funeral meal on a lowered couch; if he were not, on a couch standing up properly." Rabha had a death in his family, and Abba bar Martha, who was also known as Abba bar Maniumi, came to console him. Rabha put up the couch, Abba bar Martha lowered it, and Rabha remarked: "How little sense this young scholar has!"

The rabbis taught: "A mourner who travels from one place to another, if it is convenient to him to lessen his attendance to his business he shall do so; if not, he shall attend at least in company with other traders."

The rabbis taught: From what time on must the couch be lowered? From the time the deceased is removed from the house. Such is the dictum of R. Elazar. R. Joshua, however, said: "From the time the top-stone is placed on the grave."

D. ¹ *Gemara* from Moed Katan.

When R. Gamaliel the Elder died,² as soon as he was removed from the house R. Elazar told the mourners to lower the couches; when the top-stone was placed on the grave, R. Joshua told them to do so, and they answered: "We have already done so by the direction of the elder teacher."

The rabbis taught: "From what hour on may the couches be put in proper condition on Friday? From the hour of the Min'ha prayer on." Said Rabba bar Huna: "One must not, however, sit down on them until sunset, and on Saturday evening he must again lower them, although he has but one more day to mourn."

The rabbis taught: "One must lower not only his own couch, but all the couches in the house, even if they numbered ten and were placed in different places; and even if four brothers mourn over the death of a fifth brother, they all must lower their couches. If there is, however, one couch used exclusively for placing on it utensils, that one need not be lowered."

The rabbis taught: "One (a mourner) who sleeps on a stool, a large mortar, or on the floor has not fulfilled his duty." Said R. Johanan: "For he has not performed the duty of lowering the couch."

E. If one bought a garment which was rent for a death, he must not sew it together, unless he knows that the rent is such that it may be sewed together. If one sells such a garment, he is obliged to acquaint the buyer what kind of a rent it is. All garments of which their rents must not be sewed together, must not be sold to Gentiles; neither can they be turned downward and sewed together. Such is the decree of R. Simeon b. Elazar. The sages permit it. If one comes to a dying person in a rent garment, he is robbing the dead.¹ It is a greater sin to rob the dead than the living, because one can always appease the latter

² It seems to us that it should read Gamaliel of Jamniah, as R. Gamaliel the Elder was his grandfather, and Eliezer and Joshua were colleagues of the former. Heilprin in his "Seder Hadoroth" brought Abraham Zacutta's opinion that R. Eliezer and R. Joshua were present at the death of both Gamaliel the Elder and his grandson of Jamniah without any remarks, which seems to us impossible. Moreover, if R. Eliezer and R. Joshua existed in the time of the Elder, they could have been little children only.

E. ¹ The Talmud elsewhere says that he robs the living and the dead, because the people who see the rent in his garments may think that he rent it then, and to impose upon the people is considered a robbery.

and make restitution, which he cannot do to the dead. The same may be said of him who honors his parents after they are dead: it is more praiseworthy than when he honors them when they are alive, as in that case it may be said that he does so because he fears them, or because he expects to inherit from them; but when he honors them after they are dead, it is only for the sake of heaven.

The rabbis taught: One who wears in the presence of a deceased person a garment which has been rent over another deceased, is imposing on both the deceased and the living. R. Simeon b. Gamaliel said: "One who borrows a garment of another for the purpose of visiting his sick father, and informing the borrower of the purpose for which the garment is to be used, does visit his father but finds him dead, he must rend, but may mend it and return it to the owner, paying him the difference in value caused by the rending. But if he has not informed the owner of the purpose, he may not rend.

F. If one has rent for one dead, and he be resuscitated, if he dies immediately after, this rent is sufficient; but if he live some time, one must rend again.

G. One who saves the garment which was upon the dead is robbing the dead: this is only with the garments which are with him in the coffin, but not those which are with him in bed; nevertheless, the heirs must be told not to save even the garments which were with him in the bed.¹ One who adds garments to a corpse more than necessary, he transgresses the precept, "Thou shalt not destroy" [Deut. xx. 19].² So is the decree of R. Meir. R. Eliezer b. Zadok said: He makes the corpse homely.³ Rabban Gamaliel said: Also, they add vermin. ✓

H. Said R. Nathan: The garments in which the corpse is buried will be renewed with him in resurrection, as it is written [Job, xxxviii. 14]: "She is changed as the sealing-clay, and (all things) stand as though newly clad."

G. ¹ It seems to us from Sanhedrin, 48a, that the Talmud advises that all the garments which were with the dead in bed shall be used for the purpose of honoring the dead, as their custom was to pour wine before the dead. ² All things which were fit for use for human beings, or for their benefit, the Talmud does not allow to destroy, without a purpose, and calls the one who does so "a transgressor" of the negative commandment cited in this passage. ³ It means, because when they are rotten it adds to the homeliness of the corpse.

CHAPTER X.

A. A mourner is exempt from reading Shema, from prayers, and all the precepts commanded in the Torah, during the time that the corpse is in his house. If one desires to be rigorous with himself, he shall not do so, for the honor of the dead. When the time for reading Shema approaches, all the people read; he, however, must be silent. When they rise to pray, he shall acknowledge the justice, saying: "Lord of the universe! I have sinned against Thee; a little only of my indebtedness was called in, although I deserve much more. May it be Thy will to close up our breaches¹ and condole us!" R. Simeon said: He also prays for the departed soul.

B. The mourner must eat with his neighbors. If he has none, he shall eat in another room; if he has none, he shall make a partition of ten spans' distance; if he has nothing to make a partition with, he shall turn his face and eat. He must not lean¹ and eat, neither must he eat meat nor drink wine; he must not pronounce the meal benediction, nor can he be included where three are required in pronouncing it, neither may others pronounce it singly or in three for him. All this is only on week-days; on the Sabbath, however, he may eat and lean, and is allowed all the things mentioned above. As Rabban Gamaliel said: On the Sabbath a mourner is not considered as a mourner at all.

¹R. Jehudah in the name of Rabh said: "A mourner on the first day must not eat of his own bread, for the Merciful One said [Ezek. xxiv. 22]: 'And the bread of other men shall ye not eat.'" Rabba and R. Joseph (when they were in mourning) used to exchange their meals between themselves. R. Jehudah in the name of Rabh said again: "When a case of death occurs in a town, all the inhabitants of the town are prohibited from doing any work." R. Hamnuna happened to be in Drumtha,

CHAPTER X.

A. ¹According to the translation of Leeser, and meaning that the doors shall be closed for further bereavements.

B. ¹According to the custom in the Orient to eat leaning, and as we do at the *Seder* ceremony on the first eve of Passover. ²*Gemara* from Moed Katan.

and he heard the horn announcing the occurrence of a death. When he subsequently noticed certain persons doing some work, he said to them: "Let these persons be under the ban, for is there not a death-case in town?" They answered him: "There are special societies for burying the dead." And he thereupon said to them: "If such is the case, you are absolved." R. Jehudah in the name of Rabh said again: "One who laments excessively over a deceased may be sure to have to do so over another deceased." There lived a woman in the neighborhood of R. Huna who had seven sons. Once one of them died, and she was weeping very much. R. Huna sent her a message not to do so, but she paid no attention to it, and R. Huna sent her the following message: "If you listen to what I say, well and good; if not, you may as well prepare a shroud for another of your sons." Subsequently another son died, and one by one all of them died. He then said to her: "Now prepare a shroud for yourself." And she also died.

C. The corpse must not be carried out when near the time of reading Shema: it must be done an hour sooner or later. When the bearers of the hearse go out, those in front of it, as their services are required, are exempt from reading Shema, but are prohibited to wear their shoes; those who are behind it, however, as their services are not required, are obliged to read Shema and are allowed to wear their shoes. Both are exempt from prayer and phylacteries. If on their return from the burial there is yet time to begin and finish Shema before standing in line, they first read, and stand in line afterward; otherwise they stand in line first, and read and pray afterward. The inside row which sees the mourner is exempt from it; the outside, however, is not. R. Jehudah said: Even if there is but one row, if they stand for the sake of the mourner, they are exempt; but if they stand for the sake of their own honor, they are not. The people who come to console, if they see the mourner they are exempt, otherwise they are not.

D. R. Simeon b. Elazar said: Rabban Gamaliel had a prepared sepulchre at Jamnia, wherein they used to deposit the corpse and lock the door. After that they came to stand in line around the mourner and consoled him; through this they exempted the public from doing these duties, and subsequently the corpse was brought up to Jerusalem.

The rabbis taught: At first in the houses of the rich (mourners), silver and gold baskets and white glass were used;

and in those of the poor, willow baskets and colored glass were used, and the poor felt ashamed; and it was enacted that only willow baskets and colored glass should be used by all. At first they used to leave the face of the deceased uncovered and used to carry him on an expensive bier if he belonged to the rich class; but they used to cover his face (for their faces grew dim from hunger) and carry him on a common bier if he belonged to the poor class, and the poor people felt ashamed. So it was enacted that all should be covered and be carried on a common bier. At first they used to carry the rich in braided beds, and the poor in common ones, and the poor felt ashamed, and it was enacted that all should be borne in a common bed. At first spices used to be placed at the side of those who died from bowel-troubles, and those who suffered from that disease while still living used to feel ashamed; and it was enacted that spices should be placed at the side of every deceased person out of respect to those who were suffering from that disease while still living. At first the expenses accompanying the burial of a deceased person were more burdensome and painful to his relatives than the death itself, and they used to leave the corpse and run away, until Rabban Gamaliel, the Nasi, directed that he be buried in flaxen garments; and it became customary with the people to bury the dead in flaxen garments. Said R. Papa: "And at present, even in a flaxen garment of the value of one Zuz."

When the grave is closed, the mourner wraps up his head:¹ when ready for the line, he bares it and exempts the others from doing it; if he steps outside the line, he covers it again; when he comes home and others come to visit him, he bares it again and exempts the others from doing it.²

E. When a death occurs in the family of a sage or a disciple of a sage, they may come and discuss about the laws of mourning before him. If they err, he may set them right half-heartedly; but himself must not propound a question. He may speak himself, if he so desires, or he may permit another to

D. ¹ See above, p. 27. ² The literal translation of the text is to cover and to bare the head, and it may be that the custom was already in vogue, to honor those present in baring the head, as Paul required to bare the head in the house of prayer. We, however, translated "wrap up," in accordance with the text, page cited, and in accordance with other commentators.

speak for him. It happened that the son of R. Jehudah died, and the latter permitted another to speak for him; so also did R. Jose the Galilean when his son died. It happened to R. Aqiba that his son died, and he sat and lectured all day; so also did Rabbi when his son died. If it is necessary to discuss about something, they must begin concerning the laws of mourning, and then branch off to other matters, and finish again in regard to mourning. In Judah, on the Sabbath they greet the mourner on entering and leaving the college, to show that no mourning exists on the Sabbath.

CHAPTER XI.

A. When two deaths occur in town, the one that died first is buried first; and if the first has to be left over night, the second is buried. And although it is said: Whoever leaves his dead over night transgresses a negative commandment,¹ still, if it is done for the purpose of digging a grave, to prepare shrouds, or to enable his outside relatives to attend to his funeral, it does not matter. If a master and a pupil die on the same day, the master is buried first; a pupil and a common man, the pupil is buried first. If both are masters, or pupils, or common men, the one that died first is buried first. A man and a woman, the woman is buried first, because the latter is more liable to become disgusting.

B. These are the differences between a man and a woman:

CHAPTER XI.

A. ¹The negative commandment is Deut. xxi. 23, although it is spoken only of one hanged by judicial decree. It seems to us, however, that it only means that the corpse must be taken away from the house in which it died, and not that it must be buried on the same day; and this we do for two reasons: first, because it would be a contradiction to what is said above that they deposited the corpse in a prepared grave, and also that they examine the deed the first three days; and second, if it meant that it must be buried the same day, the Talmud would say that he transgresses a positive commandment also, as further on the verse says, "But thou shalt surely bury him on that day." However, the expression "negative commandment" is taken from the corrections of Elias Wilna, who took it from the Talmud elsewhere.

A man may be left in the street to hold an oration over him, but not a woman; the greatest man of the city may accompany a man, but he is not to be troubled for a woman. R. Jehudah said: He may; the funeral meal is taken over a man, but not over a woman. Said R. Jehudah: If she has little children, the meal is taken with them.

C. They do not stand in line, nor is the mourning benediction said after the burial of the first, but after the second; then they do all this, and console, and exempt the public from doing so. Two mourners may not be consoled together, unless they are in the very same position in the community. The same is the case with two corpses to be carried in one hearse: An accident happened in the city of Usha wherein a house tumbled down and killed two male children and one female child, and R. Jehudah ordered that all three should be carried together. The male children were put on one side, and the female on the other, and they lamented over them: "Woe, woe, bridegroom! Woe, bride!" Two funeral orations may not be held in one town at the same time, unless there is enough attendance for both. The same is the case with two brides, they must not be married at the same time, unless there is enough attendance for both. R. Simeon b. Elazar said: Even in this case it is not advisable to do so, because there may be enmity.¹

D. The corpse must be set aside for a bride,¹ because the honor of the living precedes that of the dead. A bride, however, must be set aside for a king, for the honor of the king. King Agrippa, however, stepped aside for the sake of a bride, and he was praised by the sages. His remark was: "I have time to put on my crown every day, and she can put on her crown only once in her lifetime."

E. The study of the Law (in the colleges) must not be interrupted for the sake of a burial or a bride. Abba Saul, however, said: The performance of meritorious deeds has preference over study, as was the custom of R. Jehudah. Whenever he saw a funeral or a bridal party coming, he glanced at the disciples, tell-

C. ¹Enmity may be caused between certain persons and the bride, why they went to the other wedding and not to hers. He, therefore, differs only in the case of a marriage, but not in the case of a funeral.

D. ¹It means when they meet together at the gate or on a narrow street.

ing them: The performance supersedes study. If one of the parents of a married couple die, the woman must not paint nor adorn herself, and her husband must not protest against it. Sweeping, washing glasses, and making of the beds is not considered as labor to a mourner.

The rabbis taught: "The mourner's house may be swept and besprinkled, and the dishes, glasses, flasks, and jugs may be rinsed, but no gum to be put on coal, or spices, may be brought to the mourner's house." Must it not? But has not Bar Qappara taught: "No benediction is pronounced over gums (to be put on coal) or spices in the mourner's house"; from which it is inferred that only the benediction is not pronounced, but they may be brought there? These present no difficulty: the first statement relates to the place where the *mourner* is sitting; the statement of Bar Qappara, to the place where the *consolers* are sitting.

F. If one leaves five sons, who were at his table, but each one slept at his own house, each one must lower his couch in his own house, otherwise the performance is made only in the house which is used for sleeping. If, however, there were five rooms, and all were used, it must be done in all. One lodging in another's house, if he is intimate with his host, he must lower his couch, otherwise he need not. One who is on a journey and hears of the death of one of his near relatives, if he can lower his couch without any difficulty, he may do so. One may turn over his couch on two benches, or on four stones, no matter if there were even five mattresses on top of it, and was four spans above the ground, provided the legs of the couch are in the air. This, however, is after the burial; but when the corpse is in the house, he may not sleep even on an upturned couch.

G. The performance of lowering the couch is sometimes for six days, and sometimes for five, four, and three days, no more, no less. How so? If the death occurred on a week-day, it is for six days; if in the afternoon of the eve of Sabbath, it is for five days; if a festival succeeds this Sabbath, for four days; and if the two days of New Year succeed this Sabbath, it is for three days.¹

G. ¹The Mishna was taught before the existing calendar was made, as since then New Year cannot fall on Sunday.

CHAPTER XII.

A. Renting on a death, the mourning of seven and thirty days, begin from the day of burial, or from the day he was informed, if he was not present. For whom one is obliged to rend at the time of death, he is also obliged when gathering his bones from one grave to be put into another. Also the law of sewing together the rent applies to that for gathering bones; the mourning, however, is only for one day, and the night belonging to that day does not belong to the day of mourning.

The rabbis taught: A recent information makes customary both the seven and the thirty days; a remote information, however, makes customary only one day's mourning. What is a recent, and what a remote information? A recent—if within thirty days; a remote—if after thirty days. Such is the dictum of R. Aqiba. The sages, however, hold either case makes customary both the seven and the thirty days. Said Rabba bar Hana in the name of R. Johanan: "Whenever it is found that the majority is rigorous and the individual is lenient, the Halakha prevails according to the majority, with the exception of this case here, in which, although the majority is rigorous, still the Halakha prevails according to the individual" (R. Aqiba). As Samuel stated: "In the case of mourning the Halakha prevails according to the one who is lenient." R. Hanina received information of the death of his father from the city of Husai, and he consulted R. Hisda. The latter said to him: "A remote information causes mourning for one day only." R. Nathan bar Ami received information of the death of his mother from the same place, and he consulted Rabha, who said to him: "Are you not aware of what was said in regard to a remote information?" And the former objected: "Have we not learned that this is so only in regard to the five cases of relatives whom one is bound to bury (son, daughter, brother, sister, and wife); but as regards father and mother, the seven and thirty days must also be observed?" And he answered him: "The Tana of the Boraitha is an individual (in his opinion), and we do not concur with him." As we have learned in the following: It happened that the father of R. Zadok died in the city of Ginsak, and he was informed after three years, and he went and asked Elisha b. Abajah and the Elders who were with him, and they told him he shall keep seven

and thirty. The same occurred when the son of R. A'hiya died in exile, and his father has performed for him the mournings of seven and thirty (hence the above Boraitha is in accordance with the individual, and not according to R. Aqiba. And from the following we can see also that the Halakha does not prevail according to Elisha b. Abajah, namely,) Rabh was the son of the brother of R. Hyya on his father's side, and also the son of his sister on his mother's side. And when Rabh came to Palestine, R. Hyya asked him: Is thy father alive? And he answered: My mother is alive. Then R. Hyya asked again: Is your mother really alive yet? And he answered: My father is alive.¹ Then R. Hyya told his servant: Take off my shoes; but a little later you shall take my garments in the wash-house. From this we have learned three things: First, that a mourner must not wear shoes; second, that a remote-information mourning is customary for only one day; and, third, that a part of the day is considered as a whole day.²

B. There were different societies in Jerusalem, and each of them had to attend to different things. One was to attend mourners; one to attend marriages; one to attend circumcision or redeeming of a first-born male child, and one for removing the bones from one grave to another. The attendance to a bride's house precedes a mourner's house; circumcision or the redeeming of a first-born male child precedes the removal of bones. The ancient pious, however, preferred to go to a house of mourning instead of the house of a bride, as it is written [Eccl. vii. 2]: "It is better to go to the house of mourning than to go to the house of feasting; inasmuch as that is the end of all men, and let the living lay it to his heart," as whoever follows the bier, knows that this will happen also to him.

¹ We have learned in a Boraitha: R. Meir used to say: It is written [Eccl. vii. 2]: "It is better to go to the house of mourn-

CHAPTER XII.

A. ¹ In the ancient times one was very careful not to bring a bad message; and even when asked, as the Talmud prohibits it, he would give evasive replies. ² This is inferred from what R. Hyya told his servant—to bring his garments into the wash-house, that, after he had mourned a part of the day, on the remaining part he might do all he liked.

B. ¹ *Gemara* from Moed Katan.

ing than," etc., "and let the living lay it to his heart," which means, let the living lay to his heart matters connected with one's death—viz., when he laments over him, that he will also be lamented over; when he buries him, that he will also be buried; when carrying him, that he will also be carried; and when eulogizing him, that he will also be eulogized. According to others one who is modest, and troubles himself with burying the dead, will be elevated by Heaven, as it is written [Prov. xxv. 7]: "For better it is that it be said unto thee, Come up higher, than that thou shouldst be put lower in the presence of the prince, which thy own eyes have (often) seen."²

The rabbis taught: When the sons of R. Ishmael died, four elder sages came to console with him; viz., R. Tarphon, R. Jose the Galilean, R. Elazar b. Azariah, and R. Aqiba. Said R. Tarphon to the other three: "You must know that he (R. Ishmael) is very wise and he is well versed on Agada, and therefore none of you must intrude when the other will be speaking." Said R. Aqiba: "And I will be the last one." R. Ishmael began: "His sins have increased, his mournings have succeeded one another, and he has inconvenienced his instructors once and twice." R. Tarphon then arose and said: "It is written [Lev. x. 6]: 'But your brethren, *the whole house of Israel*, may bewail the burning,' etc. If this was ordered over the death of Nadob and Abihu, who have observed only one commandment, as it is written [ibid. ix. 9]: 'And the sons of Aaron brought the blood unto him,' etc., so much the more so over the death of the sons of R. Ishmael." R. Jose then followed and said: "It is written [I Kings, xiv. 13]: '*And all Israel* shall mourn for him, and bury him.' If so much was done for Abiyah the son of Jeroboam, who has performed one kind deed only, as it is written [ibid., ibid.]: 'Because there had been found in him some good thing,' so much the more so over the death of the sons of R. Ishmael." [What was the good thing? R. Zera and R. Hanina bar Papa: one says that he suspended his office and made a pilgrimage to Jerusalem on the feasts; the other says: he has abolished the guards which were established by his father to prevent the pilgrimage to Jerusalem.] R. Elazar b. Azariah then began: "It is written [Jerem. xxxiv. 5]: 'In peace shalt thou die; and as burnings were made for thy fathers,' etc., if so much

² We must leave this without any explanation, as there are no commentaries for this besides Eidlis in his "Hidushe-Agadoth," and it is too complicated to be translated here.

was done for Zedekiah the king of Judah, who performed only one meritorious thing in that he ordered to bring up Jeremiah from the pit filled with mire, so much the more so over the sons of R. Ishmael." Finally, R. Aqiba began: "It is written [Zech. xii. 11]: 'On that day will the lamentations be great in Jerusalem like the lamentation at Hadadrimmon in the valley of Megiddon.' [And R. Joseph said: If not the translation of Jonathan of this passage, namely: On that day will the lamentations be great in Jerusalem, like the lamentation for A'hab bar Omri, who was killed by Hadadrimmon bar Tabrimmon, and like the lamentations for Josiah bar Amon, who was killed by Pharaoh the Lame in the valley of Megiddon, I would not know its meaning.] If so much over A'hab the king of Israel, who has done only one good thing, as it is written [I Kings, xx. 35]: 'And the king was stayed up in his chariot against the Syrians' (to prevent the defeat of Israel), so much the more for the sons of R. Ishmael." Rabha said to Rabba bar Mari: Zedekiah was promised that he would die in peace, and still it is written [Jerem. xxxix. 7]: "And the eyes of Zedekiah did he blind?" (How was the promise to die in peace fulfilled?) He answered him: "So said R. Johanan: (It was fulfilled) that Nebuchadnezzar died in his time." Rabha further said to Rabba bar Mari: Josiah was promised [II Kings, xxii. 20]: "Therefore, behold, I will gather thee unto thy fathers, and thou shalt be gathered unto thy grave in peace." And still it is written [II Chron. xxxv. 23]: "And the archers shot the king Josiah?" And he answered him: "So said R. Johanan: (The promise was fulfilled in that) the Temple was not destroyed during his life-time."

* R. Johanan said: "The consolers are not permitted to speak consolation before the mourner engages in conversation, as it is written [Job, ii. 13]: "But no one spoke a word unto him," etc.; [ibid. iii. 1]: "After this time Job opened his mouth," etc.; and only [ibid. iv. 1]: "Then answered Eliphaz," etc. (These quotations are according to Na'hmanidus.) R. Abbuhu said: Whence do we know that the mourner takes his seat at the head of the consolers? It is written [ibid. xxix. 25]: "I chose their way for them, and sat as chief," etc., "as the mourners being comforted" (read נחמה). Mar Zutra said: "From the following passage [Amos, vi. 7]: 'And the noisy banquet of those who were

*B. * Gemara from Moed Katan.*

stretched out shall pass away?'⁴ R. Hama bar Hanina said: Whence do we know that a bridegroom takes his seat at the head of the guests? It is written [Isa. lxi. 10]: "As a bridegroom decketh himself with elegant attire." (The Hebrew reading: "Ke'hathan yechaehn pē'ar," "Hathan" meaning a bridegroom, and "yechaehn" having the same letters as "cohen," a priest), as a priest sits at the head, so also does a bridegroom. R. Hanina said: "The separation of the soul from the body is as difficult as the removal of a knotty rope from the mast." R. Johanan said: "It is as difficult as the removal of a knotty rope holding the masts of two ships together."

The bones and the veins must not be taken apart when gathering them; it must not be feared, however, that this will happen while gathering them. All bones one may handle while gathering, except that of his parents, which must be handled by others. Such is the decree of Rabbi Johanan b. Nuri; R. Aqiba, however, said: As the bones are not allowed to be gathered till the flesh is all destroyed, and the form is not recognized any longer, it does not matter even if they are his parents'.

C. The bones of two corpses may be gathered together, but he shall keep them separate in a casket; he shall put one's in one corner, and the other's in another. So is the decree of R. Aqiba. R. Johanan b. Nuri, however, said: There is not any need for keeping the bones separated, as the basket in which they will be buried will finally be rotten, and the bones will be mixed again; if, however, he desires that they shall be separate, he shall bury them in caskets of cedar.¹

⁴ The Hebrew text reads: "Vesor mirsah seru'him." The letter Samech has the same sound as the left-pointed Shin, and therefore "vesor" has the same meaning as if written with a left-pointed "Shin," viz., "a chief." "Mirsah" is given the same meaning of "Mirseah" [Jer. xvi. 5], a mourner—i.e., the mourner became chief of the seru'him, those who were stretched out (the comforters), by taking his seat at the head.

C. ¹ There is difficulty in understanding the meaning of R. Johanan b. Nuri, as there are many errors in the text, which were corrected by different commentators. What we understand is, that in their time they had different baskets or coffin-like boxes, *Aphikarsin*, in which bones were gathered and buried with them; and R. Aqiba maintains that although it is allowed to put together the bones of two bodies in one basket, they must nevertheless not be mixed together; and R. Johanan b. Nuri maintains that it is no use separating them, and advises what one shall do when he wishes them to be kept separate.

D. The bones may be sprinkled with wine or oil, according to R. Aqiba; with oil and not wine, because wine destroys them, according to Simeon b. Nanes; the sages, however, maintain that they may not be sprinkled with any of these, but cover with dust.

E. Said R. Eliezer b. Zadok: So my father commanded me: When I will die, you shall first bury me in a valley, then gather my bones, and put them in a cedar casket; but you shall not handle them yourself, and so I did. Johanan entered the grave and gathered (the bones) and spread over them a chest protector, and then I entered, rent my garments over them, and covered them with a sheet. I did to my father as he has done to his. It is not allowed for a man to wrap and tie up the corpse of a woman; a woman, however, may do so to a man.¹ The same is the case when a woman suffers in her intestines, a man must not examine nor attend her; a woman, however, is allowed to do so to a man.

F. Abba Saul b. Botnith said in his will to his sons: Bury me at the feet of my father, and take off the Tzitzith¹ from my *palium*.

¹*G.* With all relatives one is allowed to bathe, except with his father, father-in-law, his stepfather, the husband of his sister, and the instructor from whom he received his wisdom. R. Jehudah, however, said: If his father was old or sick he may enter the bath-house and bathe him, for it is in his honor.

A hearse is not used unless the head and the greater part of the corpse are there. R. Jehudah said: The backbone and the skull are considered as the greater part of the body.

H. It happened with the son of R. Hanina b. Teradion, who associated with bad company and became a robber and was executed, when, after three days, he was found all swollen, his remains were put in a cage and that in a hearse, and was brought

E. ¹ Because a man is more excitable than a woman.

F. ¹ Tzitzith—the fringes (see Numb. xv. 38)—and *Palium* in our times is called Tallith, in which the show-fringes are put in, and are worn during prayer.

G. ¹ Speaking above of men who must not see the body of a woman, the Mishna tells also that it is not customary for a son to see his father or his father-in-law, whom he must respect, naked. As to the husband of his sister, however, there must be another reason—lest he see some deformity in his body, and inform his sister of it.

in the city. They wanted to lament him for the sake of his parents, but the father did not let them do so; he instead exclaimed on him the following [Prov. v. 11-14]: "While thou moanest at thy end, when thy flesh and thy body are coming to their end, thou sayest: 'How have I hated correction, and how hath my heart rejected reproof, while I hearkened not to the voice of my instructors, and to my teachers I inclined not my ear; but little more was wanting and I had been in all (kinds of) unhappiness in the midst of the congregation and assembly.'" His mother also exclaimed over him the following passage [ibid. xvii. 25]: "A foolish son is a vexation to his father, and bitterness to her that hath borne him." His sister also exclaimed the following [ibid. xx. 17]: "Bread of falsehood is pleasant to a man, but afterward his mouth will be filled with gravel stones."

CHAPTER XIII.

A. One who gathers or guards the bones is exempt from reading Shema, prayer, and all the precepts commanded in the Torah, and if he desires to be rigorous with himself, he must not do so, for the honor of the dead. R. Johanan b. Nuri, however, said: He should step outside a distance of four ells and read. Ben Azai said: If they were with him in a boat he should remove them to another place and read. R. Itzhak said: Only from the bones of relatives he is exempt; from strangers, however, he is not. R. Simeon said: He is exempt only on week-days, but not on Sabbath. R. Nathan, however, said: He is exempt only when the bundle (of the bones) is on his shoulders, because the duty of guarding it is on him, but not of prayer.

B. One who removes bones or the Scriptures from one place to another, must not place them in a wagon, a boat, nor on a beast under his seat: however, in order to preserve them from thieves or robbers, he may.¹

C. It is not allowed to pass through a cemetery with the phylacteries on, nor the Scriptures in the hand, as it is considered disrespectful to the dead.¹

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B. ¹ Corrected from Berachoth.

C. ¹ The reason is explained in Berachoth, because the dead are exempt from all the commands given in the Law.

D. One finding a corpse in a grave must not move it, unless he is certain that the place was only borrowed for him. One finding bones on marshy ground, must put them in a grave. Such is the decree of R. Aqiba. The sages, however, say: He must not move them. One who finds bones in a grotto or a cavity must not move them. A corpse or his bones must not be moved from one place to another, even if they are equal in esteem, much less if the other place is lower; he may, however, do so from a lower to a higher place. However, if he moves them to a place on his estate, he is allowed to do so, even if the former place is more esteemed.¹

Two corpses must not be buried in one grave, nor a corpse with bones, and *vice versa*. R. Jehudah, however, said: If they used to sleep together when alive, they may be buried together.

E. A building over a grave which was vacated, no benefit may be derived from it; if, however, it was excavated in a rock, and also the grave itself, when it was vacated a benefit may be derived from it; nevertheless, it must not be used for low purposes, such as a cow-house, straw-barn, etc. A grave which was dug for a person who was yet alive may be sold; but if for one who was already dead, it may not. The same is the case with monumental stones.

No benefit may be derived from a vacated coffin. If it is made of stone or clay, it must be broken, and if of wood—burned. Boards of the cemetery must not be moved from their place.

CHAPTER XIV.

A. A cemetery must not be considered vilely; *e.g.*, no aqueduct may be drawn through it, nor a path made; no cattle must feed there, nor may one use it as a *compendiarius*, nor pick wood or grass therefrom. If he has picked he must derive no benefit from it, and if he picked them only to clean the grave, he must burn them on the same place.

B. Though inheritances are movable from place to place and changed from one family to another, with graves, however, it is different; they are not movable or changeable from one family to another. A new grave may be measured, divided, and sold, but

D. ¹ It means to say that the estate belonged to the deceased, as it is agreeable to one to be buried on his own grounds.

not an old one; there is, however, a new one which must be considered as old, and *vice versa*, namely: When there were in an old grave even ten corpses, but were buried without the permission of the owner, it must be considered as a new grave and may be measured, divided, and sold; if, however, it was with his permission, even if it was a miscarriage, it must be considered an old one, and nothing may be done with it.

C. No occupancy must be considered with the graves of the exiles; *e.g.*, in time of a pest or war, the graves are not secured to the corpses by occupancy.¹ R. Simeon b. Gamaliel said: Miscarriages do not acquire their graves, the same is the case with all who are buried without the permission of the owner. A woman who has inherited a grave, she and her offspring are to be buried in it. Such is the decree of R. Meir; R. Jehudah, however, said: She, but not her offspring; however, he owns that all her offspring who existed during her life, may be buried with her. If her father requires she should be buried in his grave, and her husband says in his, the father has the preference; if she has children, then the husband has the preference; if her will states that she shall be buried with her children, it should be done so. If the father says she should be buried with her husband, or *vice versa*, she is buried with her husband, because it is his duty to feed, redeem, and bury her, and he must provide all the necessities, such as a hearse, flutes, and mourners, and where an oration is held, he must provide also that. If he declines to do all that, it is done by the court on his account against his will.

D. There are three kinds of graves: One that is found,¹ one that is known, and one which injures the public. The first is permissible to vacate, and if it was vacated, the place is clean, and a benefit may be derived from it; the second is not permissible to vacate; if it was vacated, the place is unclean,² and no

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C. ¹The Hebrew term for occupancy is *Hasakah*, which means a surety—that is, if the property is in the possession of one a long time it is sure to be his, even if he has no documents for it.

D. ¹It means that if it was found that there was a corpse buried without the permission of the owner, the place, after it is vacated, is considered clean, because no precautionary measures were taken for such a one. ²A precautionary measure was taken to consider all graves unclean, even after their vacation, lest one use the ground when they are not yet vacated.

benefit may be derived from it; and the third is permissible to vacate; the place is clean,⁸ but no benefit may be derived from it.

E. A cemetery which surrounds the city on three sides, must be vacated; if on two sides, if they were opposite they can remain; if they were joined, they must be removed.¹ All graves may be removed for the necessity of the community. R. Aqiba, however, said: With the exception of those of a king and a prophet, as there was the grave of the prophetess Huldah, in Jerusalem, and it was never touched. His contemporaries rejoined: That is no proof, as there was a cavern from the grave to the brook Kidron, which drew off the uncleanness.²

F. One who sells the graves of his family, (it is considered as if) he did nothing. The same is the case if he sold the place of lamenting. The rabbis taught: One who sold his grave,¹ the way to it, or standing-place, and the house of lamenting, his family may come and reclaim them against his will, because it is a disgrace to the family that they should be sold to someone else.

G. The rabbis taught:¹ There must be not less than seven standings and sittings after the burial,² to signify the seven times "vanity" is mentioned in Ecclesiastes [i. 2]: "Vanity of vanities, saith Koheleth, vanity of vanities: all is vanity." Said R. A'ha the son of Rabha to R. Ashi: Explain me how they used to do,³ and he rejoined: As we have learned in the following Boraitha: R. Jehudah said: Formerly in Jehudah they have

D. ¹For the sake of the public, no precautionary measure is to be taken for this.

E. ¹Taken from Tract Nazir, Palestinian Talmud, as the Mishna here is very complicated, after all the different corrections of the commentaries. ²There is a law concerning defilement, that a hole of one span which reaches the air draws off the uncleanness. This will be explained in Tract Teharoth.

F. ¹It was the custom then that each family had cares for the purpose of burying there the members of the family. The standing place means where the consolers stood or sat after the burial, and it was near the grave, and there was also a place where the lamenters stood.

G. ¹Transferred from Baba Bathra, 100b. ²The custom was that when they returned from the burial they used to walk a few steps and then sit down and console the mourners or weep for the dead, and then rise and go on; and to repeat this seven times, so that they should remember the life of a human being is but vanity of vanities. ³As in our place it is not customary.

made not less than seven standings and sittings for a dead body, and the funeral director used to say: "Arise, dearests, arise!" and "Sit down, dearests, sit down!" Said the sages to him: If that was all, let them do so also on the Sabbath.⁴ The sister of Rama bar Papa was the wife of R. Ivjah, and she died. He made for her a standing and a sitting. Said R. Joseph: He has erred in two things. First, this do only the relatives of the second degree, who are not obliged to mourn, and he was one of the mourners; and, secondly, this is to be done only on the day of burial, and he did so on the day after. Said Abayi: He has also erred in this: It is usually done near the cemetery, and he did this in the city. Said Rabha: He erred also in this: It is only done where it is customary, and in his place it was not customary at all. An objection was raised: It is said above that the sages said to R. Jehudah: "If that was all, let them do also on the Sabbath." Now if this is to be done only in the cemetery, and on the first day, can this occur on Sabbath? The answer was: They meant to say, in a city which is near the cemetery, and when the consolors returned from the funeral which ended at twilight.

Whoever reminds a mourner of his dead after twelve months are over, is to be blamed for renewing his wound. Said R. Simeon b. Gamaliel: One whose wife died and has married again within a twelvemonth, one who wishes to talk to him about his dead, shall do so in the market, but not in his house.

All eatables may be brought to the house of a mourner—oval-shaped bread, meat, and fish; and if an assembly does that, also herbs and pulse. Rabban Simeon b. Gamaliel said: Where it is customary, even cooked food.

H. Ten goblets of wine have the sages ordered in the mourning house: three before eating, to give an appetite; three during the meal, to soften the food in the stomach, and four after the meal, for the four blessings contained in the after-meal benediction. Afterwards they have added four more: one for the sake of the sections of the city who have occupied themselves with the burial; one for the sake of the presidents of the congregations (for their advancing money for the sake of the burial of the poor); one for the Temple (to console for its destruction),

G. ⁴ If that was all, without lamentation, it could be done also on the Sabbath, if they returned from burial on the eve of Sabbath at sunset.

and one in memory of Rabban Gamaliel (who was the first to command to be buried in linen garments, as said above). When the sages have seen that they became drunk, they have restored the original number.

One who pronounces the meal benediction in the house of a mourner, what shall he say in the fourth blessing? "The good One who does good to all." R. Aqiba, however, said: "The truthful Judge, the Ruler of His creatures. O give thanks unto the Lord, for He is good; because unto eternity endureth His kindness."¹

H. ¹This passage is brought here at the conclusion of this tract, as it is usual to conclude each tract with a good expression.

END OF TRACT EBEL RABBATHI (GREAT MOURNING) AND THE
WHOLE SECTION OF FESTIVALS.

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